

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

DEC 12 2007

STATE OF ILLINOIS  
Pollution Control Board

WOODWORTH & SONS, INC. )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )

PCB 08-31  
(LUST Appeal - Ninety Day  
Extension)

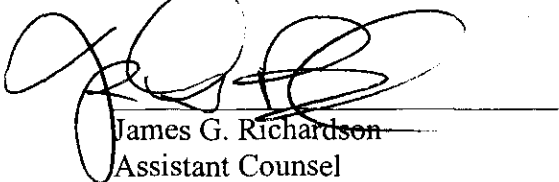
NOTICE

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Darin DeNeal  
United Science Industries, Inc.  
P.O. Box 360  
Woodlawn, Illinois 62898

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

  
James G. Richardson  
Assistant Counsel

Dated: December 11, 2007  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 12 2007

STATE OF ILLINOIS  
Pollution Control Board

WOODWORTH & SONS, INC. )  
Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 08-37  
(LUST Appeal – Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to March 13, 2008, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

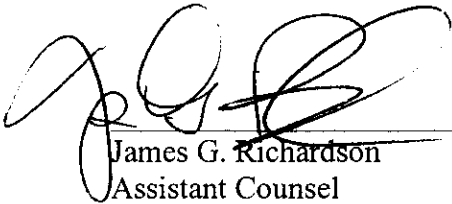
1. On November 7, 2007, the Illinois EPA issued a final decision to the Petitioner.
2. On December 4, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on November 9, 2007.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



---

James G. Richardson  
Assistant Counsel

Dated: December 11, 2007

1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

CERTIFICATE OF SERVICE

RECEIVED  
CLERK'S OFFICE

DEC 12 2007

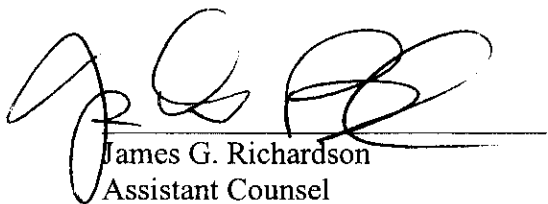
STATE OF ILLINOIS  
Pollution Control Board

I, the undersigned attorney at law, hereby certify that on December 11, 2007, I have mailed true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Darin DeNeal  
United Science Industries, Inc.  
P.O. Box 360  
Woodlawn, Illinois 62898

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

RECEIVED

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

NOV 07 2007

CERTIFIED MAIL

BY: BAL/WJZ

7007 0220 0000 0151 8089

NOV 07 2007

Woodworth & Sons, Inc.  
Attention: Jack Woodworth  
#2 Carlyle Plaza Drive  
Belleville, Illinois 62221

329/38 316,876.42 (\$318.26) = \$13,757.80  
NR 51.40  
Run 3067.16  
113/38 2308.38  
Applied ded 10,000.00  
\$ 4066.24

Re: LPC #0191005005 -- Champaign County  
Tolono/Woodworth & Sons, Inc.  
400 Woodworth Dr.  
Leaking UST Incident #930671  
Leaking UST FISCAL FILE

Verified by JH  
201 Taxlab # 90935 - 5211.00  
# 90661 - 4213.00

Dear Mr. Woodworth:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from August 1, 2006 to January 12, 2007. The amount requested was \$17,668.80.

The deductible amount to be assessed on this claim is \$10,000.00, which is being deducted from this payment. In addition to the deductible, there are costs from this request that are not being reimbursed. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On March 1, 2007, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$4,550.24 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings requests are received by the Agency.

This constitutes the Agency's final action with regard to the above invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) and Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Page 2

operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

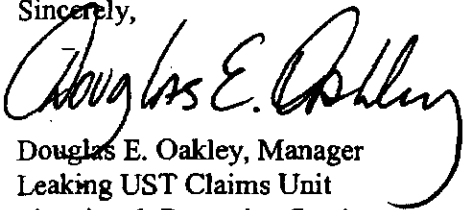
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
217/782-5544

**If you have any questions, please contact Richard Nykiel of my staff or Wayne Zuehlke of Cliff Wheeler's staff at 217/782-6762.**

Sincerely,



Douglas E. Oakley, Manager  
Leaking UST Claims Unit  
Planning & Reporting Section  
Bureau of Land

DEO:RN:bjh\07558.doc

Attachment

cc: United Science Industries, Inc.

Attachment A

Re: LPC #0191005005 -- Champaign County  
Tolono / Woodworth & Sons Inc.  
400 Woodworth Dr.  
LUST Incident No. 930671  
LUST Technical File

1. \$3,067.16 for costs for Relocation of above ground tanks, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Ac

# 014585  
Sub 1 HC  
Rem per  
DD/OS/WSZ  
11/14/07

1. Relocating above ground tanks exceed the minimum requirements necessary to comply with the act.

WSZA

Attachment A  
Accounting Deductions

Re: LPC #0191005005 -- Champaign County  
Tolono/Woodworth & Sons, Inc.  
400 Woodworth Dr.  
Leaking UST Incident No. 930671  
Leaking UST FISCAL FILE

Item #    Description of Deductions

Included in the Technical deductions are the following Accounting deductions in the amount of \$51.40.

1.    ~~\$51.40~~, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

United Science Industries, Inc.  
Invoice #015345 = Sample Shipping. No Receipt.

DEO:RN:bjh\07559.doc