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CLERK'S OFFICE

MAR 27 2006

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

| | | |
|------------------------|---|--------------------------------------|
| Kraft Foods, |) | |
| |) | |
| Petitioner, |) | |
| v. |) | PCB No. 06- 149 |
| ILLINOIS ENVIRONMENTAL |) | (LUST Appeal - Ninety Day Extension) |
| PROTECTION AGENCY, |) | |
| Respondent. |) | |

NOTICE

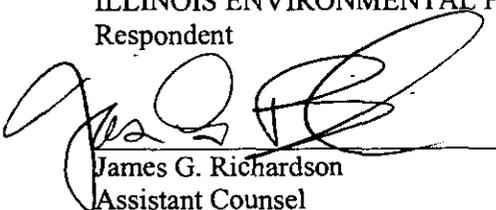
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Mr. Philip M. McAndrew
Director, Environmental Affairs
Kraft Foods
Three Lakes Drive
Northfield, IL 60093

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



James G. Richardson
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: April 22, 2005

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

Kraft Foods,)
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) Petitioner,)
) v.) PCB No. 06- 149
) ILLINOIS ENVIRONMENTAL) (LUST Appeal – Ninety Day Extension)
) PROTECTION AGENCY,)
) Respondent.)

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

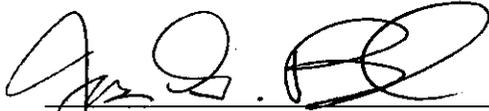
NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 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 July 10, 2006, 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 March 2, 2006, the Illinois EPA issued a final decision to the Petitioner.
2. On March 22, 2006, 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 join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. Upon information and belief the Petitioner did receive the final decision on March 7, 2006.
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,
Respondent



James G. Richardson
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: April 22, 2005

This filing submitted on recycled paper.



Kraft Foods

Philip M. McAndrew
Director
Environmental Affairs

March 21, 2006

Mr. William Ingersoll
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RECEIVED
Division of Legal Counsel

MAR 22 2006

Environmental Protection
Agency

RE: 90-Day Extension Request
LPC #1110605007 – McHenry County
Woodstock/Claussen Pickle Co
1300 Claussen Drive
LUST Incident #920042

Dear Mr. Ingersoll:

Kraft Foods Global, Inc. (Kraft) is requesting a 90-day extension for appealing the final decision on the reimbursement request for the abovementioned site. The extension will allow Kraft to file a petition for a hearing with the Illinois Pollution Control Board by May 31, 2006. The final decision was received on March 7, 2006 and a copy is attached.

If you have any questions or concerns, please contact Lisa Krogman at (224) 659-9103 or lisa.krogman@kraft.com.

Sincerely,

Philip M. McAndrew
Director, Environmental Affairs

Attachment



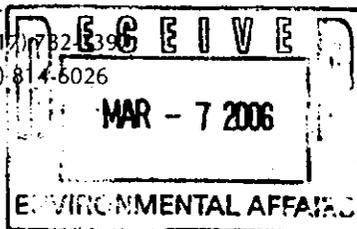
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-6396
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762



MAR 02 2006

CERTIFIED MAIL

7004 2510 0001 8592 0736

Kraft Foods North America, Inc.
Attn: Richard Pico
Three Lakes Drive
Northfield, IL 60093

Re: LPC #1110605007 -- McHenry County
Woodstock/Claussen Pickle Co
1300 Claussen Drive
LUST Incident #920042
LUST FISCAL FILE

Dear Mr. Pico:

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 January 7, 1992 to December 31, 2003. The amount requested was \$368,754.34.

The deductible amount to be assessed on this claim is \$15,000.00, 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. Some costs were deducted for both accounting reasons and technical reasons and appear on both the Accounting Attachment A and the Technical Attachment A. This explains the discrepancy between the total of the deductions listed on both attachments and the total amount deducted from this claim.

On July 22, 2005, 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 \$9,343.73 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

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

owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or 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:

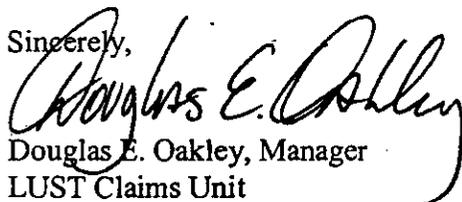
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Theresa Sitton of my staff or Sam Hale of the technical staff at 217/782-6762.

Sincerely,



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

DEO:TS:tih\063116.doc

Attachment A

cc: ATC Associates Inc.

Attachment A
Accounting Deductions

Re: LPC #1110605007 -- McHenry County
Woodstock/Claussen Pickle Co.
1300 Claussen Drive
LUST Incident No. 920042
LUST FISCAL FILE

Item # Description of Deductions

1. \$7,164.50, deduction for an adjustment due to planned tank removal costs (Section 22.18b(d)(4)(D) of the Environmental Protection Act).

Deduction is from Mankoff Equipment Inc. invoice #2605 \$7,164.50 breaking concrete for a planned tank pull.

2. \$331,944.00, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Deductions are from the following invoices, \$7,600.00 additional amount requested, no invoices were submitted, Mankoff Equipment Inc. invoice #2536 \$125,685.00 proof of payment is required for all costs prior to September 18, 1992, landfill or manifest invoices are also required, invoice #2605 \$22,365.00 proof of payment and invoices required, and \$100,439.25 proof of payment required, invoice #2681 \$1,710.00 proof of payment required, and \$42,248.10 invoices and proof of payment required, invoice #2685 \$6,306.52 manifest and proof of payment required, Warzyn invoice #001-03813 \$2,069.00 and \$109.20 proof of payment required, \$4,508.00 Rock & Soil drilling, invoice and proof of payment required, invoice #003-04060 \$1,185.00 proof of payment required, invoice #002-04196 \$933.00, \$65.00 proof of payment, and \$1,377.60 itemized breakdown of samples and proof of payment required, invoice #003-05018 \$1,757.00 proof of payment, invoice #004-05233 \$1,936.48 Rock & Soil drilling invoice is required, Prairie Environmental Specialist Inc. invoice #29201 \$5,580.00, \$444.00 and \$530.00 proof of payment is required, invoice #39205 \$4,140.00, \$300.00 and \$258.00 proof of payment, invoice #69222 \$336.00 Andros Associates and \$61.25 Federal Express invoices are required.

3. \$28.69, deduction for an adjustment in overnight mail charges (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Deductions are from the following ATC Associates Inc. invoices, invoice #1170762 \$4.94, invoice #1179882 \$13.95, and invoice #1250976 \$9.80 all shipping not to a lab.

4. \$450.00, deduction for costs which are not for Corrective Action activities (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).

Deduction is from the following ATC Associates Inc. invoice #1149464 \$450.00 FOIA requests, Radwan Tamr.

5. \$137.00, deduction for costs not eligible for reimbursement.

Deduction is from the following Warzyn invoices, invoice #001-03813 \$32.00, invoice #002-04196 \$35.00 and invoice #004-05233 \$70.00 can not have mileage and usage for the same vehicle.

6. Costs approved for payment needing pro-rated as agreed with technical staff.

TS:tih\063117.doc

Attachment A
Technical Deductions

Re: LPC #1110605007 -- McHenry County
Woodstock/Claussen Pickle Co.
1300 Claussen Drive
LUST Incident No. 920042
LUST FISCAL FILE

Item # Description of Deductions

1. \$101,854.75, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

2. \$101,854.75, deduction for costs associated with ineligible Tanks (Section 22.18b(a)(5) of the Environmental Protection Act).

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on **March 23, 2006**, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD**, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within **Springfield, Illinois**, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Mr. Philip M. McAndrew
Director, Environmental Affairs
Kraft Foods
Three Lakes Drive
Northfield, IL 60093

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
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