

JUL 20 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

CITY OF DES PLAINES (Former A&K)
Mini Mart)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 01-05
(LUST Appeal – Ninety Day Extension)

NOTICE

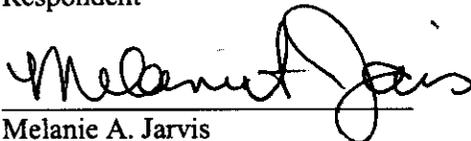
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Samuel A. La Susa
La Susa & La Susa P.C.
432 East Oakwood Drive
Barrington, IL 60010

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



Melanie A. Jarvis
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: July 18, 2006

JUL 20 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

CITY OF DES PLAINES (Former A&K)
Mini Mart))
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. ⁰⁷⁻⁰⁵ 06-
(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, Melanie A. Jarvis, 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 October 22, 2006, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

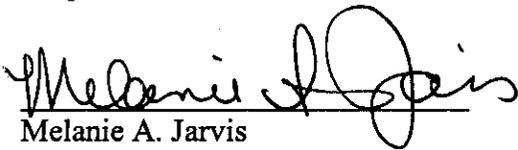
1. On June 8, 2006, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On July 13, 2006, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. Tracking information from the Certified Mail number on the final decision indicates the final decision was received on June 19, 2006. (Exhibit B)

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



Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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217/782-5544
217/782-9143 (TDD)
Dated: July 18, 2006

This filing submitted on recycled paper.



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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

JUN 08 2006

CERTIFIED MAIL #

7004 2510 0001 8594 2684

City of Des Plaines
Attention: Sam LaSusa
432 E. Oakwood Drive
Barrington, Illinois 60010

Re: LPC #0310635528 -- Cook County
Des Plaines/City of Des Plaines (Former A&K Mini Mart)
1350 Miner Street
Leaking UST Incident No. 20031138
Leaking UST FISCAL FILE

Dear Mr. LaSusa:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated August 30, 2004 and was received by the Agency on January 9, 2006. The application for payment covers the period from March 1, 2005 to December 15, 2005. The amount requested is \$6,284.81.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the billing submittal received by the Agency on February 17, 2004 for \$68,238.52. There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On January 9, 2006, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) 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

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

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

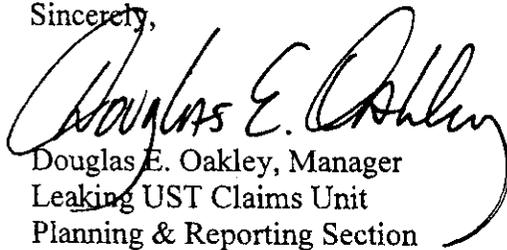
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 or require further assistance, please contact Susan Brock of my staff or Sam Hale of the technical staff at 217/782-6762.

Sincerely,



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

DEO:SB:bjh\062089.doc

cc: Marquette Partners, Inc.

Attachment A
Technical Deductions

Re: LPC #0310635528 -- Cook County
Des Plaines/City of Des Plaines
1350 Miner Street
Leaking UST Incident No. 20031138
Leaking UST FISCAL FILE

Item # Description of Deductions

1. \$6,284.81, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

SH:mls/062158.doc

Law Offices of

LA SUSA & LA SUSA, P.C.

**432 EAST OAKWOOD DRIVE
Barrington, Illinois, 60010
Telephone (847) 526-3640
Facsimile (847) 526-8290**

Samuel A. La Susa

July 13, 2006

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

Attention: Mr. Bill Ingersoll, Esq.

Re: LPC #0310635528 - Cook County
Des Plaines/ City of Des Plaines (Former A&K Mini Mart)
1350 Miner Street
Leaking UST Incident No. 20031138
Leaking UST FISCAL FILE
Amount requested: \$6,284.81

RECEIVED
Division of Legal Counsel
JUL 17 2006
Environmental Protection
Agency

Dear Mr. Ingersoll:

Please allow this letter to act as our written request for a 90 day extension of the period within which to file an appeal of the IEPA final decision denying the application for payment under the above-captioned LUST incident No. 20031138.

The final decision was contained in a Certified Letter dated June 8, 2006. A copy of the letter including Attachment A is attached hereto. However, the letter was picked up at the U.S. Postoffice in Barrington, Illinois on June 19th, 2006. The 35 day period started to run on June 19th, 2006 and will expire on July 24th, 2006. The 90 day period will expire on October 22, 2006.

EPS Environmental Services, Inc. is currently working with Mr. Sam Hale of the Technical staff to have a revised budget approved for the necessary work to delineate the site. It is my understanding that the work should be completed within said 90 day period.

In the event you have any questions with reference to the above, please call me.

Very truly yours,

La Susa & La Susa P.C.

Samuel A. La Susa

SLS/ms

Enclosure

cc: Sam Hale - Technical Staff - IEPA
EPS Environmental - Attn: Nicholas J. Cuzzone, PE
Marquette Partners, Inc. Attn: Ms Marilyn Markelz

Exhibit B



[Home](#) | [Help](#)

[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 7004 2510 0001 8594 2684
Status: **Delivered**

Your item was delivered at 4:58 pm on June 19, 2006 in BARRINGTON, IL 60010.

[Additional Details >](#)

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Exhibit B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 18, 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 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

Samuel A. La Susa
La Susa & La Susa P.C.
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