

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 18 2006

STATE OF ILLINOIS  
Pollution Control Board

FREY ENTERPRISES, INC. )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )

PCB 07- 19  
(LUST Appeal – Ninety Day  
Extension)

NOTICE

Dorothy Gunn  
Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Jim Kirkland  
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  
Special Assistant Attorney General

Dated: September 14, 2006  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FREY ENTERPRISES, INC. )  
Petitioner, )  
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v. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 07-19  
(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, 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 December 21, 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:

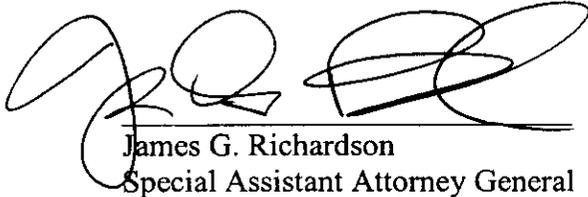
1. On August 16, 2006, the Illinois EPA issued a final decision to the Petitioner concerning a request for payment of \$1,109.60.
2. On August 31, 2006, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to 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 August 18, 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



James G. Richardson  
Special Assistant Attorney General

Dated: September 14, 2006

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**

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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

CERTIFIED MAIL #

7004 2510 0001 8587 5012

AUG 16 2006

AUG 18 REC'D

Frey Enterprises, Inc.  
Attn: Joe Frey  
c/o Southwest Bank/Commercial Lending  
Jennifer Vescogni-Acct. #0032713725  
#2 Carlyle Plaza Drive  
Belleville, Illinois 62221

Re: LPC #1630355027 -- St. Clair County  
Dupo/Frey Enterprises, Inc.  
308 North Main  
Leaking UST Incident No. 990897  
Leaking UST FISCAL FILE

Dear Mr. Frey:

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 May 6, 2006 and was received by the Agency on June 13, 2006. The application for payment covers the period from February 1, 2006 to April 15, 2006. The amount requested is \$1,109.00.

The deductible amount for this claim is \$15,000.00, which was previously deducted from the Invoice Voucher dated April 30, 2004. The application for payment is being returned with this letter. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On June 13, 2006, the Agency received your 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 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:

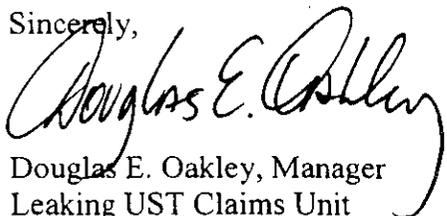
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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 Chris Covert 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:m\061467.doc

Attachment

cc: United Science Industries

ATTACHMENT A

Re: LPC #1630355027 -- St. Clair County  
Dupo/Frey Enterprises, Inc.  
308 North Main  
Leaking UST Incident No. 990897  
Leaking UST FISCAL FILE

The enclosed billing(s) were submitted for review utilizing the Agency Budget/Billing forms dated February 1999. The Budget associated with the billing(s) was approved utilizing the Agency Budget/Billing forms dated March 1, 2006. Please re-submit your billing(s) utilizing the Agency Budget/Billing forms dated March 1, 2006. (Section 57.8(a)(6)(B) of the Act and 35 IAC Section 732.601(a))

For these costs to be considered for reimbursement, the costs will need to be resubmitted utilizing the new Budget and Billing Forms (March 1, 2006), under the Free Product Removal Budget approved June 23, 2006 for \$28,693.25.

SB:mls\061468.doc

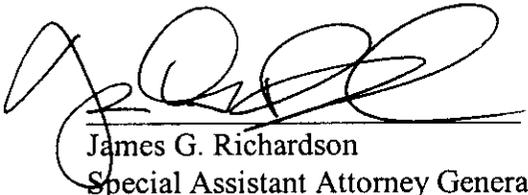
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 14, 2006 I served 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:

Dorothy Gunn  
Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Jim Kirkland  
United Science Industries, Inc.  
P.O. Box 360  
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