

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 03 2007

STATE OF ILLINOIS  
Pollution Control Board

AUBURN REALTY COMPANY, INC. )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )  
 )

PCB 07- 54  
(LUST Appeal – Ninety Day  
Extension)

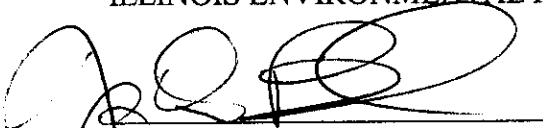
NOTICE

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

Robert J. Pulfrey  
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: December 29, 2006  
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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 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 Respondent. )

PCB No. 07- 54  
(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 April 4, 2007, 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 16, 2006, the Illinois EPA issued a final decision to the Petitioner.
2. On December 12, 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 November 30, 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: December 29, 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**

180-11-15P



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  
NOV 16 2006

RECEIVED

CERTIFIED MAIL

7004 2510 0001 8593 6263

NOV 20 2006

Auburn Realty  
Attention: Annette Stufflebeam  
Post Office Box 49  
Auburn Illinois 62615

BY: *[Signature]*

Re: LPC #0210455002 -- Christian County  
Palmer/Auburn Realty  
Hwy. 48 & 5<sup>th</sup> St.  
Leaking UST Incident No. 20010264  
Leaking UST Technical File

Dear Ms. Stufflebeam:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated August 8, 2006, was received by the Illinois EPA on August 17, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the plan is approved. The activities proposed in the plan are appropriate to demonstrate compliance with Title XVI of the Act. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

Pursuant to Sections 57.7(b)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires that a Corrective Action Completion Report that achieves compliance with applicable remediation objectives be submitted within 30 days after completion of the plan to:

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

Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Please note that, if within four years after the approval of this plan, compliance with the applicable remediation objectives has not been achieved and a Corrective Action Completion Report has not been submitted, the Illinois EPA requires the submission of a status report pursuant to Section 57.7(b)(6) of the Act.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or need further assistance, please contact Jim Ransdell at 217/557-6938.

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:JSR

Attachment: Attachment A

c: United Science Industries  
BOL File

## **SECTION 2**

\$18,670.35 for corrective action costs for the total budget (see below for deductions) that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 734.630(dd).

1. The Agency is allowing a total of forty (40) days for the ET&D and backfill of 19,500 cubic yards of soil. A deduction of 132 hours from Senior Environmental Technician, 44 hours from the Senior Project Manager, and 32 hours from the Scientist II for a total deduction of \$15,145.55. Twenty-eight (28) days or 280 hours were allotted for the initial ET&D/Backfill (see November 3, 2006 Corrective Action Plan/Budget), hence 12 days or 120 hours remain. Personnel were pro-rated accordingly.
2. A total deduction of \$2,204.80 was deducted from the Equipment Costs for the PID and the Utility Vehicle to 12 days usage.
3. With the 2,622 cubic yards of remaining soil to be excavated an allowance of 5 days were allowed for Motel and Per Diem for a deduction of \$1,320.00.

TAH:JSR

Attachment A

Re: LPC # 0210455002 -- Christian County  
Palmer/Auburn Realty  
Hwy. 48 & 5<sup>th</sup> St.  
Leaking UST Incident No. 20010264  
Leaking UST Technical File

**SECTION 1**

The budget was previously approved for:

\$13,779.75	Investigation Costs
\$27,090.00	Analysis Costs
\$79,635.00	Personnel Costs
\$6,560.00	Equipment Costs
\$1,110,761.80	Field Purchases and Other Costs
\$206.64	Handling Charges

As a result of review of the budget at-hand and the Illinois EPA's modification(s) in Section 2 of this attachment, the following amounts are approved:

\$3,408.00	Investigation Costs
\$0.00	Analysis Costs
\$16,805.67	Personnel Costs
\$2,477.19	Equipment Costs
\$135,076.51	Field Purchases and Other Costs

Therefore, the total cumulative budget is approved for:

\$17,187.75 ✓	Investigation Costs
\$27,090.00 ✓	Analysis Costs
\$96,440.67 ✓	Personnel Costs
\$9,037.19 ✓	Equipment Costs
\$1,245,838.31 ✓	Field Purchases and Other Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

## Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) 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 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, IL 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  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544



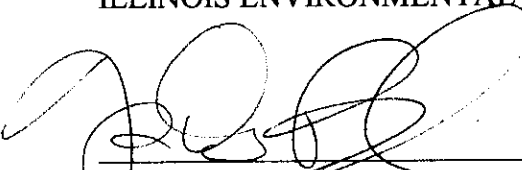
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 29, 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

Robert J. Pulfrey  
United Science Industries, Inc.  
P.O. Box 360  
Woodlawn, Illinois 62898

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue East  
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