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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 26 2007

STATE OF ILLINOIS
Pollution Control Board

RUSS TAYLOR,)
Petitioner,)
)
v.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 07-80
(LUST Appeal - Ninety Day
Extension)

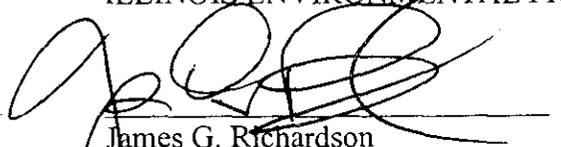
NOTICE

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: February 22, 2007
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

FEB 26 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RUSS TAYLOR,)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Respondent.)

80
 PCB No. 07-
 (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 May 23, 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:

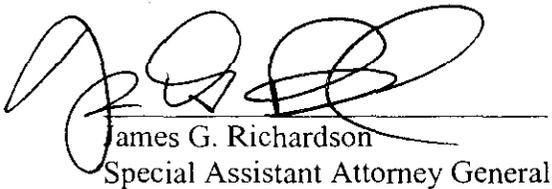
1. On January 10, 2007, the Illinois EPA issued a final decision to the Petitioner.
2. On January 29, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on January 18, 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
Special Assistant Attorney General

Dated: February 22, 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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1801029 BP

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

JAN 10 2007

RECEIVED

7004 2510 0001 8586 7871

JAN 12 2007

Mahomet Hen House
Attn: Ms. Jacqueline Taylor
P. O. Box 110
Mahomet, IL 61853

BY: _____

Re: LPC #0190455025 -- Champaign County
Mahomet/ Taylor, Russ
Route 47 & Eastwood Drive
LUST Incident No. 20010722
LUST Technical File

Dear Ms Taylor:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated December 5, 2006, was received by the Illinois EPA on December 6, 2006. Supplemental information was received by electronic mail on January 2, 2007. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

All future correspondence must be submitted to:

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.

Page 2

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 Dave Myers at 217/785-7491.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Henninger', with a horizontal line extending to the right.

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

TAH:DM:DMHPCAPam2BUDmod.doc

Attachment: Attachment A
Appeal Rights

c: United Science Industries, Inc.
Division File

Attachment A

Re: LPC #0190455025 -- Champaign County
Mahomet/ Taylor, Russ
Route 47 & Eastwood Drive
LUST Incident No. 20010722
LUST Technical File

SECTION 1

The budget was previously approved for:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$27,600.00	Personnel Costs
\$180.00	Equipment Costs
\$4381.00	Field Purchases and Other Costs
\$1.38	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:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$3993.37	Personnel Costs
\$60.00	Equipment Costs
\$5178.00	Field Purchases and Other Costs
\$0.00	Handling Charges

Therefore, the total cumulative budget is approved for:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$31,593.37	Personnel Costs
\$240.00	Equipment Costs
\$9559.00	Field Purchases and Other Costs
\$1.38	Handling Charges

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) 732.607.

SECTION 2

1. \$5748.76 for corrective action costs for personnel costs associated with development of institutional controls 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 732.606(hh).

Sufficient amounts were previously approved in Agency review letters dated August 15, 2005 and March 5, 2004. In addition, the request for additional personnel hours associated with institutional controls lacks supporting documentation pursuant to 35 Ill. Adm. Code 732.606(gg).

2. \$534.48 for corrective action costs for personnel costs associated with measurements for asphalt replacement 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 732.606(hh).

Measurements for asphalt replacement could have been taken during any visit to the field during early action or the investigation. These costs, therefore, also exceed the minimum requirements pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

3. \$267.26 for corrective action costs for personnel costs associated with billing package review by the Professional Engineer 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 732.606(hh).

Costs for three billing packages have been previously approved in Agency letters dated August 15, 2005 and March 5, 2004. This budget allows for only one of the three proposed billing packages.

4. \$452.24 for corrective action costs for personnel costs associated with billing package review by the Account Technician 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 732.606(hh).

Costs for three billing packages have been previously approved in Agency letters dated August 15, 2005 and March 5, 2004. This budget allows for only one of the three proposed billing packages.

5. \$60.00 for corrective action costs for equipment costs associated with measurements for asphalt replacement 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 732.606(hh).

Measurements for asphalt replacement could have been taken during any visit to the field during early action or the investigation. These costs, therefore, also exceed the minimum requirements pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

dm:DM\HPCAPam2BUDmodA.doc

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)(D) 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

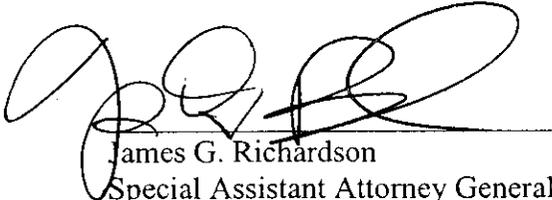
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 22, 2007 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
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Springfield, Illinois 62794-9276
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