

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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MAY 09 2007

STATE OF ILLINOIS  
Pollution Control Board

CITY OF GRANITE CITY, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 07- 110  
(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

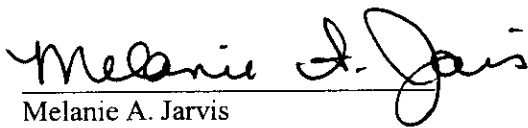
Douglas L. Abeln  
Schreiber Yonley & Associates  
16252 Westwoods Business Park Drive  
Ellisville, MO 63021

Mark F. Milward, R.G.  
Schreiber Yonley & Associates  
16252 Westwoods Business Park Drive  
Ellisville, MO 63021

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: May 7, 2007

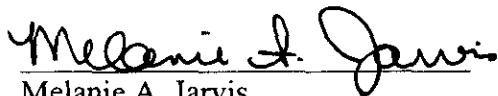


3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

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,  
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: May 7, 2007

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

APR 13 2007

~~MAR 14 2007~~

CERTIFIED MAIL

7004 2510 0001 8622 9838

City of Granite City  
Attn: Douglas L. Abeln  
c/o Schreiber Yonley & Associates  
217 Wolfner Dr.  
Fenton, Missouri 63026

Re: LPC #1190405068 -- Madison County  
Granite City/City of Granite City  
2300 Madison Avenue  
Leaking UST Incident #911147  
Leaking UST FISCAL FILE

Dear Mr. Abeln:

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 March 4, 2002 to September 16, 2005. The amount requested was \$56,848.04.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated May 19, 1994. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On March 27, 2006, 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 \$37,987.40 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

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

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:

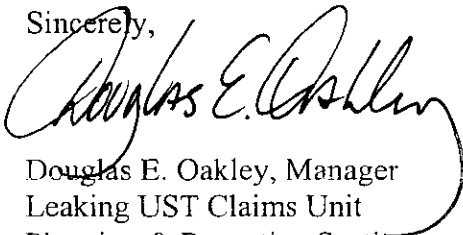
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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 Brian Bauer of the technical staff at 217/782-6762.**

Sincerely,



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

DEO:TS:m1s\072978.doc

Attachment

cc: Schreiber Yonley & Associates

Attachment A  
Accounting Deductions

Re: LPC #1190405068 -- Madison County  
Granite City/City of Granite City  
2300 Madison Avenue  
Leaking UST Incident #911147  
Leaking UST FISCAL FILE

Item #      Description of Deductions

1.            \$21.38, deduction for an adjustment in Handling Charges of greater than the allowed Sliding Scale (Section 22.18b(i)(2) of the Environmental Protection Act).  
  
              Handling charges cut to the sliding scale for the reimbursement claim.
2.            \$245.55, 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).  
  
              \$233.75 Schreiber, Yonley & Associates billing period March 4, 2002-January 29, 2003 Project Verification Development, and \$11.80 billing period July 14, 2004-December 22, 2004 FOIA request.
3.            \$165.20, deduction for costs associated with seeking reimbursement from the Underground Storage Tank Fund (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).  
  
              Schreiber, Yonley & Associates \$165.20 billing period July 14, 2004-December 22, 2004 reimbursement.
4.            \$212.40, deduction for costs submitted for budget.  
  
              Schreiber, Yonley & Associates billing period December 1, 2003-January 30, 2004 budgets are not required for 731 "Old Program" and therefore, are not eligible for reimbursement.

TS:mls\072979.doc

Attachment A  
Technical Deductions

Re: LPC #1190405068 -- Madison County  
Granite City / Granite City Fire Department  
2300 Madison Avenue  
LUST Incident No. 911147  
LUST FISCAL FILE

Item #      Description of Deductions

1.      \$389.40, 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).
2.      \$330.40, deduction for costs associated with seeking reimbursement from the Underground Storage Tank Fund (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).
3.      \$17,796.31, deduction for costs that lack supporting technical documentation as the owner or operator failed to demonstrate that the costs are for corrective action performed in accordance with the plans approved by the Agency (Section 22.18b(d)(4)(F) of the Environmental Protection Act).

Technical documentation has not been submitted to the IEPA since the report dated June 7, 2004 therefore, costs incurred after this report lack supporting technical documentation.

BPB\ .







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# Track & Confirm

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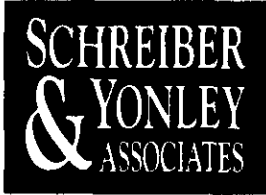
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ENVIRONMENTAL ENGINEERS

16252 Westwoods Business Park Drive  
Ellisville, Missouri 63021  
636/256-7200 • Fax 636/256-7202  
www.perma-fix.com/sya

May 1, 2007

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

**RECEIVED**  
Division of Legal Counsel

MAY 03 2007

**Environmental Protection  
Agency**

RE: Petition For Illinois Storage Tank Fund Appeal 90-Day Extension  
LPC #1190405068 – Madison County  
Granite City/City of Granite City  
LUST Incident #911147

Dear Mr. Ingersoll,

On behalf of the City of Granite City, Illinois, Schreiber, Yonley & Associates hereby requests a 90-day extension to file an Illinois Storage Tank Fund appeal for the above-referenced site. Based on the Illinois Environmental Protection Agency's final decision, contained in their April 13, 2007 correspondence, \$37,987.40 was approved for reimbursement out of \$56,848.04 that was originally requested. The City of Granite City and Schreiber, Yonley & Associates are contesting the IEPA's decision to deny costs that we believed were legitimately incurred and legally reimbursable. If you have questions, or desire further information, please contact the undersigned at (636) 256-7200.

Sincerely,

SCHREIBER, YONLEY & ASSOCIATES

Mark F. Milward, R.G.  
Senior Engineer

MFM:bah  
Attachment: IEPA April 13, 2007 Letter  
X:\GCFH\020116\Reimb appeal deadline request.doc



## CERTIFICATE OF SERVICE

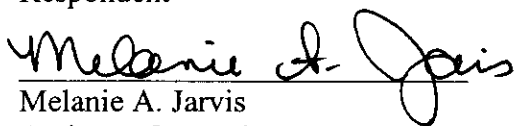
I, the undersigned attorney at law, hereby certify that on May 7, 2007, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box 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

Douglas L. Abeln  
Schreiber Yonley & Associates  
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Mark F. Milward, R.G.  
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