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JUN 12 2007

**STATE OF ILLINOIS
Pollution Control Board**

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ANNE OR FRED HOOD,)
)
) Petitioner,)
)
) v.) PCB No. 07- **140**
) ILLINOIS ENVIRONMENTAL) (LUST Appeal – Ninety Day Extension)
) PROTECTION AGENCY,)
) Respondent.)

NOTICE

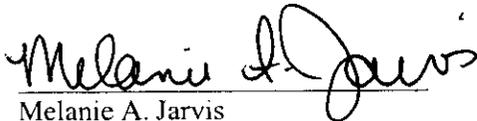
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carolyn S. Hesse
Barnes & Thornburg, LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833

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



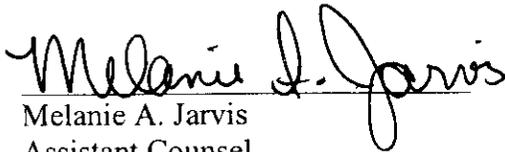
Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: June 8, 2007

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: June 8, 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) 814-5026

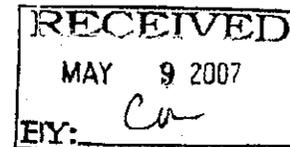
217/782-6762 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

CERTIFIED MAIL #

MAY 08 2007

7004 2510 0001 8623 6287

Fred E. Hood
Attention: CW³M Company, Inc.
P.O. Box 571
Carlinville, Illinois 62626



Re: LPC #1170405017 -- Macoupin County
Gillespie/Hood, Anne or Fred
400 Springfield Road
Leaking UST Incident No. 991589
Leaking UST FISCAL FILE

Dear Mr. Hood:

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 November 17, 2006 and was received by the Agency on December 28, 2006. The application for payment covers the period from June 1, 2005 to August 31, 2006. The amount requested is \$13,909.53.

The deductible amount for this claim is \$15,000.00, which was previously deducted from the billing submittal received by the Agency on February 14, 2000 for \$102,885.87. 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 December 28, 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 for \$3,647.60 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 application 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) 693-5461
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5600
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

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Exhibit A

Page 2

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:

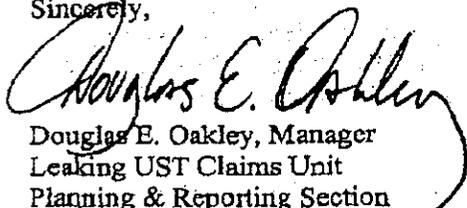
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 at 217/782-6762.

Sincerely,

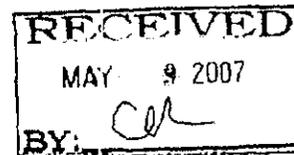


Douglas E. Oakley, Manager
Leaking UST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:SB:bjh\0724111.doc

Attachment

cc: CW³M Company



Attachment A
Accounting Deductions

Re: LPC #1170405017 -- Macoupin County
Gillespie/Hood, Anne or Fred
400 Springfield Road
Leaking UST Incident No. 991589
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$9,325.63, deduction for corrective action costs for personnel costs 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).

Deduction for costs for personnel costs that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan. 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 732.505(c).

The total amount approved in the HP budget for Reimbursement Claim Preparation for personnel costs is \$9,400.00. Approximately \$7,600.00 has already been reimbursed by personnel costs for UST Fund Reimbursement Claim Preparation in previous HP claims.

A deduction of \$9,325.63 is being made for personnel costs associated with a UST Fund Reimbursement Claim Preparation. The costs are unreasonable and inconsistent with the technical plan.

2. \$936.30, deduction for corrective action costs for copies 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).

Deduction for costs for copies that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan. 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 732.505(c).

The amount of \$936.30 is being requested for 9,363 copies for UST Fund Reimbursement Claim. This is unreasonable and inconsistent with the technical plan.

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There are approximately 65 pages in this claim. The Agency only requires an original of the reimbursement requests.

The total number of copies approved in the HP budget for Reimbursement Claim Preparation is 1,500. These copies have already been reimbursed for UST Reimbursement Claim Preparation in previous HP claims. A deduction of \$936.30 is being made for UST Fund Reimbursement Claim copies.

\$10,261.93 Total Accounting Deductions

DEO:SB:bjh\0724112.doc

BARNES & THORNBURG LLP

Carolyn S. Hesse
(312) 214-8301
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One North Wacker Drive
Chicago, IL 60606-2833 U.S.A.
(312) 357-1313
Fax (312) 759-5646

www.btlaw.com

June 7, 2008

VIA FACSIMILE & FEDERAL EXPRESS

Mr. William Ingersoll
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: LPC #1170405017 - Macoupin County
Gillespie / Hood, Anne or Fred
400 Springfield Road
LUST Incident #991589

Dear Bill:

On May 8, 2007, the Agency issued a letter with respect to the above referenced LUST Incident. While this letter was received by the Hood's consultant on May 9, 2007, it is my understanding that the letter was received by Mr. Hood on May 19, 2007. Thus, the appropriate deadline for filing the appeal is June 25, 2007. A copy of the letter and the United State Postal Service Track and Confirm printout are attached.

The consultant for the Hoods, CW³M, has submitted an amended budget and believes that, based upon discussions with you and others at the Illinois Environmental Protection Agency and for other reasons, that we will be able to resolve the issues raised in the IEPA letter. However, we believe that we will not be able to resolve these issues by the deadline for filing an appeal of these issues to the Illinois Pollution Control Board. Thus, this is a request for a 90 day extension pursuant to the Illinois Environmental Protection Act, Section 4-0(a)(1) and 35 IAC 105.406 to allow us the needed time to continue these discussions and to try to resolve the issues.

Earlier today we discussed this request for a time extension and agreed to such a time extension. If for any reason the Agency will not seek the 90 day extension, please notify me no

Exhibit B

Mr. William Ingersoll
June 7, 2007
Page 2

later than the close of business on June 12, 2007, so that I may file the appropriate appeals to the Board. If you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,

BARNES & THORNBURG



Carolyn S. Hesse

CSH:jmr
Enclosure

cc: William Sinnott
Carol L. Rowe

406163



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Exhibit C

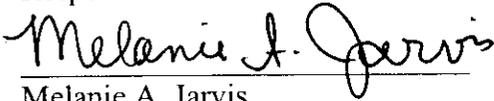
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 8, 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

Carolyn S. Hesse
Barnes & Thornburg, LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
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