

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 23 2010
STATE OF ILLINOIS
Pollution Control Board

STICKNEY AUTO & TRUCK)
COMPANY, INC.,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

11-13
PCB 10-
(LUST Appeal – Ninety Day
Extension)

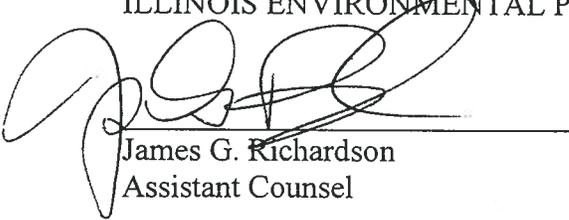
NOTICE

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Daniel J. Horvath
Resource Consulting, Inc.
P.O. Box 123
Geneva, Illinois 60134

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
Assistant Counsel

Dated: September 22, 2010
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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STATE OF ILLINOIS
Pollution Control Board

STICKNEY AUTO & TRUCK)
COMPANY, INC.,)
Petitioner,)
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v.)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 10-11-13
(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, Assistant Counsel, 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 January 2, 2011, 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:

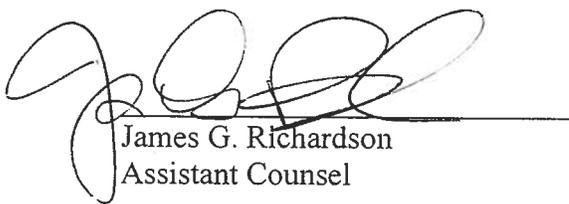
1. On August 27, 2010, the Illinois EPA issued a final decision to the Petitioner.
 2. On September 15, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend 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 30, 2010.

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
Assistant Counsel

Dated: September 22, 2010

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

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-3829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7007 0220 0000 0150 7984

AUG 27 2010

Stickney Auto & Truck Company, Inc.
Attn: John Palys
6827 West Pershing Road
Stickney, Illinois 60402

Re: LPC #0313005012 -- Cook County
Stickney/Stickney Auto & Truck Company, Inc.
6827 West Pershing Road
Leaking UST Incident No. 923167
Leaking UST Technical File

Dear Mr. Palys:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated December 28, 2009, was received by the Illinois EPA on April 30, 2010. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

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 are 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 57.7(c), 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.

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.

Please be advised that, pursuant to Public Act 96-0908, effective June 8, 2010, all releases of petroleum from USTs are subject to Title XVI of the Act, as amended by Public Act 92-

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

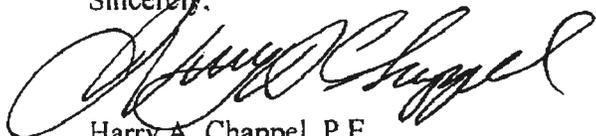
Page 2

0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Ill. Adm. Code 734. The regulations at 35 Ill. Adm. Code 732 no longer exist, and the only releases subject to 35 Ill. Adm. Code 731 are those from hazardous substance USTs.

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 Lizz Schwartzkopf at 217/557-8763.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:LS

Attachment: Attachment A

c: Resource Consulting, Inc.
Leaking UST Claims Unit
BOL File

Attachment A

Re: LPC #0313005012 -- Cook County
 Stickney/Stickney Auto & Truck Company, Inc.
 6827 West Pershing Road
 Leaking UST Incident No. 923167
 Leaking UST Technical File

SECTION 1

The budget was previously approved for:

\$4,184.49	Drilling and Monitoring Well Costs
\$786.33	Analytical Costs
\$16,306.30	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$1,653.75	Paving, Demolition, and Well Abandonment Costs
\$13,650.00	Consulting Personnel Costs
\$2,720.00	Consultant's Materials Costs

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$0.00	Drilling and Monitoring Well Costs
\$173.52	Analytical Costs
\$0.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$0.00	Consulting Personnel Costs
\$5,157.00	Consultant's Materials 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 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

Therefore, the total cumulative budget is approved for:

\$4,184.49	Drilling and Monitoring Well Costs
\$959.85	Analytical Costs
\$16,306.30	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$1,653.75	Paving, Demolition, and Well Abandonment Costs
\$13,650.00	Consulting Personnel Costs
\$7,877.00	Consultant's Materials Costs

SECTION 2

1. \$35,130.00 for costs for Personnel Costs, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In General, all of the costs exceed the minimum requirements. Specifically,

Sr. project management, reporting, data analysis and review – these cost are considered part of the original Pilot Study Budget and were previously approved. (lines 1 and 2 of the Personnel Costs Form)

Costs for corrections to an un-approvable plan are considered to exceed the minimum requirements and are not reimbursable. (line 3)

System design changes – Per the Amendment, only the power source was changed. The Amendment states that “an identical performance system was mobilized to the site which was powered by liquid propane fuel;...”. An identical system should not require extensive rework of the plan. (line 4)

SVE performance evaluation, modeling, and technical update – These items exceed the minimum requirements. Evaluation and modeling are considered part of the previously approved budget and were previously approved. A Technical Update exceeds the minimum requirements and is not required. This information would be supplied with the final CAP/CACR. (line 5)

Oversee field work and SVE system, SVE system maintenance – Costs for this activity were approved in the Pilot Study Budget. (Lines 6 and 7)

Drafting/Cartography – these costs are considered part of either the Pilot Study Preparation - previously approved and assumed to be included in the preparation costs or would be part of the costs for the Final CAP/CACR.

Administrative Assistant Costs – these costs were previously approved in the Pilot Study Budget.

Note: If no additional corrective action will be conducted, an additional CAP is not required. In this instance, a Corrective Action Completion Report should be submitted.

HAC:LS

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

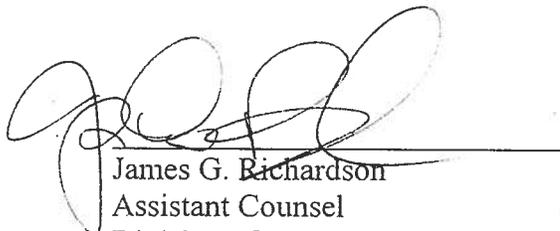
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 22, 2010 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:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Daniel J. Horvath
Resource Consulting, Inc.
P.O. Box 123
Geneva, Illinois 60134

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Assistant Counsel
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