

RECEIVED  
CLERK'S OFFICE

SEP 29 2010

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

SK SINGH, LLC,	)	
	)	
	)	Petitioner,
	)	
v.	)	
	)	PCB No. 2011- 16
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,	)	
	)	
	)	Respondent.

NOTICE

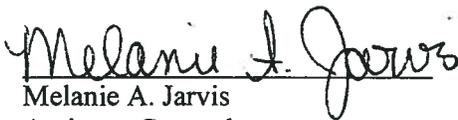
John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Patrick D. Shaw  
Mohan, Alewelt, Prillaman & Adami  
1 North Old Capitol Plaza,  
Suite 325  
Springfield, IL 62701-1323

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  
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: September 29, 2010

RECEIVED  
CLERK'S OFFICE  
SEP 29 2010  
STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

SK SINGH, LLC, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB No. 2011- 16  
 ) (LUST Appeal – Ninety Day Extension)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, 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 4, 2011, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

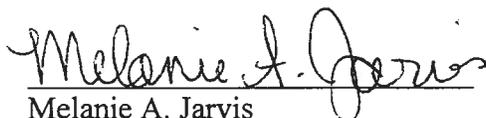
1. On August 31, 2010, the Illinois EPA issued a final decision to the Petitioner based upon information dated **April 26, 2010**. (Exhibit A)
2. On September 27, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. Tracking information from the Certified Mail number on the final decision indicates the final decision was received on September 1, 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,  
Respondent



Melanie A. Jarvis  
Assistant Counsel  
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: September 29, 2010

This filing submitted on recycled paper.

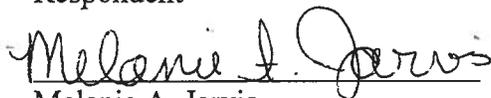
**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on September 29, 2010, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, via the Board's COOL system and 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:

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Patrick D. Shaw  
Mohan, Alewelt, Prillaman & Adami  
1 North Old Capitol Plaza,  
Suite 325  
Springfield, IL 62701-1323

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



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



MOHAN, ALEWELT, PRILLAMAN & ADAMI

LAWYERS

SUITE 325

1 NORTH OLD CAPITOL PLAZA

SPRINGFIELD, ILLINOIS 62701-1323

www.mohanlaw.com

JAMES T. MOHAN

1927-2004

EDWARD J. ALEWELT

RETIRED

TEL (217) 528-2517

FAX (217) 528-2553

E-MAIL info@mohanlaw.com

FRED C. PRILLAMAN  
PAUL E. ADAMI  
CHERYL S. NEAL  
PATRICK D. SHAW  
JOEL A. BENOIT\*

\*ALSO ADMITTED IN MISSOURI

September 27, 2010

RECEIVED  
Division of Legal Counsel  
September 27, 2010  
Environmental Protection Agency

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

Re: LPC #1671205444 – Sangamon County  
SK Singh, LLC  
817 S. Dirksen Parkway  
Incident Number: 94-2280  
Request for Re-review of Incident Claims 942280-58558 and 942280-58559

Dear Mr. Ingersoll:

Pursuant to Section 40(a)(1), I am requesting a 90-day extension of the period of time to file appeals in the above-referenced matters. There are two appeals dated August 31, 2010, for the site and accordingly the conservative estimate of the decision deadline is next Tuesday, October 5, 2010. This sounds like a matter that might potentially be resolved by a re-review. I am enclosing a letter from CW3M Company dated September 2, 2010, clarifying what appears to us to be a misunderstanding of the filing. This letter was not sent to Brian Bauer, or anybody else with the Illinois Environmental Protection Agency, since we believed that the legal division might be necessary to facilitate the re-review of these decisions.

I am also enclosing copies of the Agency decision letter, and other information previously submitted by the consultants in this matter. Please let me know if you have any questions or if I can be of assistance.

Very truly yours,

MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:

Patrick D. Shaw

PDS/crk  
Enclosures

cc: Melanie Jarvis (w/enclosures)  
Carol Rowe (w/o enclosures)



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
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

**AUG 31 2010**

CERTIFIED MAIL #

7008 1830 0001 4712 6442

S.K. Singh LLC  
Attn: CWM Company  
PO Box 571  
Carlinville, IL. 62626

Re: LPC #1671205444 -- Sangamon County  
Springfield / S K Singh LLC  
817 South Dirksen Parkway  
Incident-Claim No.: 942280 -- 58558  
Queue Date: May 4, 2010  
Leaking UST Fiscal File

Dear Mr. Singh:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated April 26, 2010 and was received by the Illinois EPA on May 4, 2010. The application for payment covers the period from September 1, 2009 to January 31, 2010. The amount requested is \$1,018,178.55.

On May 4, 2010, the Illinois EPA received your complete application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$972,767.03 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA 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 Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount for this claim is \$10,000.00, which was previously withheld from your payment(s). Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in

---

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760	Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Elgin • 595 S. 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 S. First St., Champaign, IL 61820 • (217) 278-5800
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120	Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

## 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

Attachment A  
Deductions

Re: LPC 1671205444 -- Sangamon County  
Green Oil Co. / Springfield  
817 South Dirksen Parkway  
Incident-Claim No.: 942280 -- 58558  
Queue Date: May 4, 2010  
Leaking UST FISCAL FILE

Citations in this attachment 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).

Item # Description of Deductions

1. \$40,411.52, deduction for the total "other 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 are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

These costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

These costs exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).

In addition these costs lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The budget was approved for the removal and backfill of 13,547 cubic yards of soil, the requests for reimbursement document the removal of 12,948.27 cubic yards of soil. The costs associated with 12,948.27 yards appears to exceed the \$60.00 and \$21.00 rates for excavation, transportation, and disposal and backfilling respectfully.

2. \$5,000.00, deduction for costs associated with the destruction or the dismantling and reassembly of above grade structures that exceed the \$10,000.00 per site limit. Such

costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.840(c).