

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

APR 07 2011

STATE OF ILLINOIS
Pollution Control Board

CHEVRON ENVIRONMENTAL,)
MANAGEMENT COMPANY)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 11- 65
(LUST Appeal - Ninety Day Extension)

ORIGINAL

NOTICE

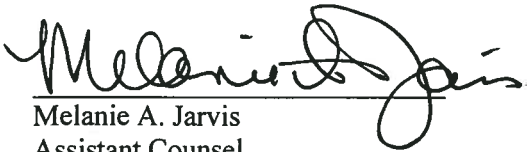
John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

John R. Frary
Chevron Environmental Management Co.
Marketing Business Unit
4800 Fournace Place
Bellaire, TX 77401

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: April 5, 2011

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STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
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CHEVRON ENVIRONMENTAL,)
MANAGEMENT COMPANY)
Petitioner,)
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ORIGINAL

**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 July 11, 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 March 30, 2011, 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. The request states that the appeal must be filed no later than April 11, 2011.

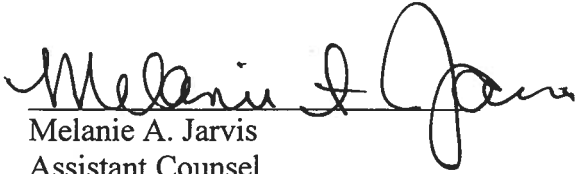
2. This appeal is from the second of two Illinois EPA decisions dated March 3, 2011 with a queue date of December 23, 2010.

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

A handwritten signature in black ink, appearing to read "Melanie A. Jarvis", is written over a horizontal line.

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: April 5, 2011

This filing submitted on recycled paper.

RECEIVED
CLERK'S OFFICE

APR 07 2011

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

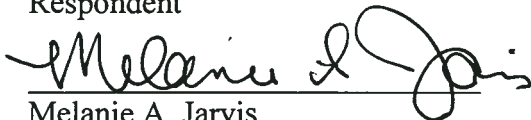
I, the undersigned attorney at law, hereby certify that on April 5, 2010, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

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

John R. Frary
Chevron Environmental Management Co.
Marketing Business Unit
4800 Fournace Place
Bellaire, TX 77401

ORIGINAL

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)



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Division of Legal Counsel

APR 05 2011

Environmental Protection
Agency

**Chevron Environmental
Management Company**
Marketing Business Unit
4800 Fournace Place
Bellaire, Texas 77401
Tel: (713)432-2645
Fax (866)420-0335

March 30, 2011

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

Re: 90-Day Extension Request Queue Date December 23, 2010

To Whom It May Concern:

Chevron Environmental Management Company (Chevron) is submitting this correspondence requesting a 90 day extension for the below site.

LPC 0434825055
Medinah / Texaco
22 West Irving Park Road
Incident-Claim No. 913428-59638
Queue Date: December 23, 2010
Claim Amount: \$73,314.01

This extension will allow us the additional time needed to file an appeal in reference to your letter dated March 3, 2011. A response will be filed by June 1, 2011.

Should you have any questions, please contact me or Kelley Baker with Antea Group at 770-825-1230.

Sincerely,


John R. Frary
Project Manager

cc: Kelley Baker, Antea
Project File



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

JOHN FRARY

MAR 07 2011

217/782-6762

MAR 03 2011

#212040

CERTIFIED MAIL #

7009 2820 0001 7488 0439

Chevron Environmental Management Company
Attn: John Frary
4800 Fournace Place, BOB, E540B, PO Box 430
Bellaire, TX. 77404

Re: LPC #0434825055 -- DuPage County
Medinah / Texaco Service Station
22 West Irving Park Road
Incident-Claim No.: 913428 -- 59638
Queue Date: December 23, 2010
Leaking UST FISCAL FILE

Dear Mr. Frary:

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 October 27, 2009 to September 3, 2010. The amount requested was \$73,314.01.

On December 23, 2010, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date 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.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated November 30, 2001. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

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 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

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 997-7760

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 Mail 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

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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 Catherine S. Elston of my staff at 217-785-9351 or Brian Bauer of Hernando Albarracin's staff at 217-782-3335.

Sincerely,



John Sherrill, Manager
Financial Management Unit
Bureau of Land

JS:CSE

ATTACHMENT

c: Science Applications International Corporation
Leaking UST Claims Unit
Cathy Elston
Brian Bauer

ATTACHMENT A
Accounting Deductions

Re: LPC #0434825055 -- DuPage County
Medinah / Texaco Service Station
22 West Irving Park Road
Incident-Claim No.: 913428 -- 59638
Queue Date: December 23, 2010
Leaking UST FISCAL FILE

Item # Description of Deductions

- I. \$73,314.01, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Pursuant to Section 22.18b and Section 57.8 of the Act if an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility/deductible final determination letter issued in accordance with Section 57.9 of the Act, an application for payment may be submitted to the Illinois EPA. A complete application for payment must contain a copy of the OSFM eligibility and deductibility determination. An eligibility and deductibility determination for last incident number 913428 was issued to Texaco Refining and Marketing, Inc. not Chevron Environmental Management Company for which payment has been requested.

In addition, Chevron Environmental Management Company does not meet the definition of Owner or Operator in Section 57.2 or 22.(e)(1)(B) of the Act therefore, all costs incurred regarding this incident are not eligible for reimbursement from the Fund to Chevron Environmental Management Company.

All claims submitted for payment must have a Request for Taxpayer Identification Number and Certification (IRS form W-9) dated October 2007 or newer. You can obtain a blank W-9 from the United States Department of the Treasury, Internal Revenue Service or at their website: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>.

CSE