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BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

JUN 9 2003

	•
Petitioner,) Pollution Control B	ioa ra
v.) PCB No. 03- 27	
ILLINOIS ENVIRONMENTAL (LUST – 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 Ronald W. Schrack, P.E. Schrack Environmental Consulting, Inc. 1415 West 22nd Street Tower Floor Oak Brook, IL 60523

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

John L Kim (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 4, 2003

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BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

JUN 9 2003

GRAHAM OIL COMPANY,)	STATE OF ILLINOIS Pollution Control Board
Petitioner,)	- 9
v.)	PCB No. 03- 227
ILLINOIS ENVIRONMENTAL)	(LUST – Ninety Day Extension)
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, John J. Kim, Assistant Counsel and Special Assistant Attorney General, 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 September 2, 2003, or any other date not more than a total of one hundred twenty-five (125) days from the date of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

- 1. On April 30, 2003, the Illinois EPA issued a final decision to the Petitioner regarding a request for reimbursement from the Underground Storage Tank Fund. (Exhibit A)
- 2. On May 29, 2003, 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 Petitioner did not represent when the final decision was received. (Exhibit B)
- 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

John J.Kim

Assistant Counsel

Special Assistant Attorney General

Division of Legal Counsel

1021 North Grand Avenue, East

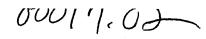
P.O. Box 19276

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Dated: June 4, 2003





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

APR 3 0 2003

Graham Enterprises, Inc. Attention: Eugene Graham Post Office Box 777 446 North Morris Street Mundelein, IL 60060-0777

Re:

LPC #0312883006 -- Cook County

Skokie/Graham Oil Co. 5343 Touhy Avenue LUST Incident #920289 LUST FISCAL FILE

Dear Mr. Graham:

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 February 26, 2002 to December 4, 2002. The amount requested was \$23,377.77.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated October 6, 1993. 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 February 13, 2003, 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 \$21,296.97 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 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 Bill Richards of my staff or Tom Henninger at 217/782-6762.

Sincerely,

Douglas E. Oakley, Manager

LUST Claims Unit

Planning & Reporting Section

Bureau of Land

DEO:WWR:jk\032462.doc

Attachment⁻

cc: Schrack Environmental Consulting, Inc.

Attachment A Accounting and Technical Deductions

Re: LPC #0312883006 -- Cook County

Skokie/Graham Oil Co. 5343 Touhy Avenue LUST Incident #920289 LUST FISCAL FILE

Item # Description of Deductions

Accounting -

1. \$631.97, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Mileage exceeds reasonability by \$206.97.

Reduced Support Vehicle (1) by \$425.00 because it was not used for full days by personnel.

Technical -

2. \$1,448.83, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Need to itemize explain why so high.

DEO:WWR:jk\032462.doc



Environmental Site Assessments and Remediation Management Services

May 29, 2003

Mr. John Kim
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794 - 9276

RE: LPC # 0312883006 -- Cook County

Skokie/Graham Oil Co. 5343 Touhy Avenue

LUST Incident Number: 920289

Dear Mr. Kim:

This correspondence is being submitted to request a 90 day extension to resolve the issues associated with the LUST reimbursement request filed for the above referenced property. A copy of the April 30, 2003 determination letter received from the IEPA for the subject site is provided as **Attachment A.**

SECI, the consultant and agent for the owner of the subject property, submitted a correspondence to Mr. Thomas Henninger of the LUST Section responding to the deductions made in the aforementioned determination letter. A copy of the May 5, 2003 response letter submitted by SECI is provided in **Attachment B**.

The property owner would prefer to resolve this issue without filing an appeal with the Illinois Pollution Control Board. If you have any questions concerning this correspondence, please feel free to contact me at 630 - 243 - 1777. Thank you for your assistance with this matter.

Sincerely,

Ronald W. Schrack, P.E.

President PN: 0017.02

CC: Mr. Eugene W. Graham - Graham Oil Company





Phone: (630) 243-1777 Fax: (630) 243-1888

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 4, 2003, 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 Mail 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 Ronald W. Schrack, P.E. Schrack Environmental Consulting, Inc. 1415 West 22nd Street Tower Floor Oak Brook, IL 60523

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent

John L Kim

Assistant Counsel

Special Assistant Attorney General

Division of Legal Counsel

1021 North Grand Avenue, East

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