BEFORE THE POLLUTION CONTROL BOARDRECEIVED OF THE STATE OF ILLINOIS CLERK'S OFFICE

JUN 1 7 2003
STATE OF ILLINOIS PCB No. 03- 33 Pollution Control Board
(LUST Appeal - Ninety Day Extension)

NOTICE

Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601 R. Todd Weegens, P.E. Fehr-Graham & Associates 221 East Main Street Suite 200 Freeport, IL 61032

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 J(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 12, 2003

RECEIVED CLERK'S OFFICE

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

JUN 17 2003

GAS FOR LESS (VISTA MARKETING GROUP),)	STATE OF ILLINOIS Pollution Control Board
Petitioner, v.)	PCB No. 03- 232
ILLINOIS ENVIRONMENTAL)	(LUST Appeal - Ninety Day Extension)
PROTECTION AGENCY, Respondent.)	•
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 10, 2003, or any other date not more than a total of one hundred twenty-five (125) days from May 8, 2003, the earliest date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

- 1. On May 7, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
- 2. On June 4, 2003, the Illinois EPA received a written request from Petitioner 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 has since represented that the final decision was received no earlier than May 8, 2003. (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 y. 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 12, 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

MAY 0 7 2003

Vista Marketing Group, Ltd. Attn: William Williams, President Post Office Box 6206 Rockford, Illinois 61125

LPC #2010305517 -- Winnebago County Re:

Rockford/Gas for Less (Vista Marketing Group)

320 North Mulford Road LUST Incident No. 20020728

LUST FISCAL FILE

Dear Mr. Williams:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST 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 April 7, 2003 and was received by the Agency on April 14, 2003. The application for payment covers the period from August 3, 2002 to February 14, 2003. The amount requested is \$11,780.25.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated March 14, 2003. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On April 14, 2003, 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 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 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 Thomas Henninger at 217/782-6762.

Sincerely,

Douglas E. Oakley, Manager

LUST Claims Unit

Planning & Reporting Section

Bureau of Land

DEO:LH:ct\0324312.doc

Attachment

cc: Fehr-Graham & Associates

Attachment A Technical Deductions

Re: LPC #2010305517 -- Winnebago County

Rockford/Gas for Less (Vista Marketing Group)

320 North Mulford Road LUST Incident No. 20020728

LUST Fiscal File

Citations in this attachment are from and the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

- 1. None of the costs incurred from August 8, 2002 to February 14, 2003 are eligible for reimbursement. Early Action activities must be performed within the Illinois EPA-approved extension dates. (35 Ill. Adm. Code 732.202(g))
- 2. Costs incurred after completion of early action activities in accordance with 35 Ill. Adm. Code 732.Subpart B by owners or operators choosing, pursuant to Section 732.300(b), to conduct remediation sufficient to satisfy the remediation objectives (35 Ill. Adm. Code 732.606(z)).

A deduction of \$11,780.25 was made on the costs for work done beyond the Early Action extension date of August 7, 2002.

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Quentin H. Davis, P.E. Hans A. Anderson, P.E. R. Todd Weegens, P.E. Mick W. Gronewold, P.E. Ken R. Thompson

Civil • Surveying • EHS • Municipal

221 E. Main Street • Suite 200 • Freeport, IL 61032 E-mail: fga@fehr-graham.com

Ph: 815/235-7643 • Fax: 815/235-4632 Web: www.fehr-graham.com

June 4, 2003

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

JUN 0 6 2003
Environmental Protection
Agency

Re:

LPC #2010305517 - Winnebago County

320 North Mulford Road, Rockford/Gas For Less (Vista Marketing Group)

LUST Incident No. 20020728

Dear Mr. Kim:

On behalf of our client, Vista Marketing Group, we respectfully request a 90-day extension to the initial 35-day appeal period regarding the above captioned LUST reimbursement matter. I have also attached the IEPA findings letter dated May 7, 2003, of which we intend to appeal.

We appreciate your attention to this matter and trust that the information provided is sufficient for your office to grant the extension; however, please do not hesitate to contact us should you need additional information.

Sincerely,

R. Todd Weegens, P.E.

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Professional Engineer

RTW:mll

I:\Documents\SEC 2002\42359\T42359a - IEPA LUST Extension Letter.doc

cc:

Chip Williams, Vista Marketing Group

Thomas Henninger, IEPA LUST Technical Unit

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 12, 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 R. Todd Weegens, P.E. Fehr-Graham & Associates 221 East Main Street Suite 200 Freeport, IL 61032

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent

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