

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 09 2013

STATE OF ILLINOIS
Pollution Control Board

JASWINDER SADHU,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 14- *26*
(LUST Appeal – Ninety Day
Extension)



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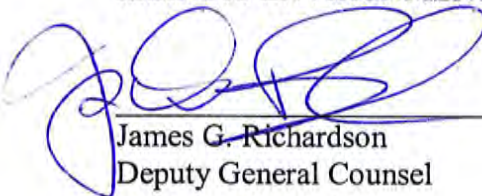
NOTICE

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

Jeff Wienhoff, P.E.
Marlin Environmental, Inc.
3901 Wood Duck Drive, Suite F
Springfield, Illinois 62711

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
Deputy General Counsel

Dated: October 4, 2013
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JASWINDER SADHU,)
Petitioner,)
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v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 14- 26
(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, Deputy General 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 12, 2014, 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 September 6, 2013, the Illinois EPA issued a final decision to the Petitioner (date on final decision letter is apparently incorrect according to United States Postal Service tracking information.)
2. On October 2, 2013, 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.

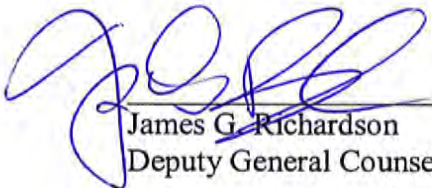
Upon information and belief the Petitioner did receive the final decision on or about September 9, 2013.

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
Deputy General Counsel

Dated: October 4, 2013

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)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

SEP 09 2013

CERTIFIED MAIL #

7011 1150 0001 0863 1485

Jaswinder Sadhu
Attn: Marlin Environmental, Inc
3935 Commerce Drive
St. Charles, IL. 60174

Re: LPC #0970855026 – Lake County
Lake Zurich / Lake Zurich Marathon
1125 South Old Rand Road
Incident-Claim No.: 20130265 -- 63244
Queue Date: June 12, 2013
Leaking UST Fiscal File

Dear Mr. Sadhu:

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 June 11, 2013 and was received by the Illinois EPA on June 12, 2013. The application for payment covers the period from March 19, 2013 to June 11, 2013. The amount requested is \$74,152.40.

On June 12, 2013, the Illinois EPA received your complete application for payment for this claim. As a result of the Illinois EPA'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 Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

A portion of the \$50,000.00 deductible, \$37,048.05, was withheld from your payment, leaving a balance of \$12,951.95 to be met from future submittals. 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 accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Moll St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309) 693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 614-6026

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There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.


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 require further assistance, please contact Catherine S. Elston of my staff at 217-785-9351.

Sincerely,



Hernando A. Albarracin, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:CSE 

ATTACHMENT

c: Leaking UST Claims Unit
Cathy Elston

Attachment A
Accounting Deductions

Re: LPC #0970855026 -- Lake County
Lake Zurich / Lake Zurich Marathon
1125 South Old Rand Road
Incident-Claim No.: 20120265 -- 63244
Queue Date: June 12, 2013
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. \$17,329.21, deduction for costs associated with the repair of existing USTs, and repair of piping. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(I). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they will 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.

Remediation and disposal costs are associated with the pipe replacement or UST repair.

2. \$5,613.55, deduction for costs associated with the repair of existing USTs, and repair of piping. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(I). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they will 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.

Concrete replacement costs are associated with the pipe replacement or UST repair.

3. \$10,658.70, deduction for costs associated with the repair of existing USTs, and repair of piping. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(I). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they will 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.

Consulting personnel costs associated with the UST repair for the following costs:
Morin, senior project manager for 20 hours at \$117.00 per hour = \$2,340.00 with the task of prep & travel to and from site.

Morin, senior project manager for 54 hours at \$117.00 per hour = \$6,318.00 with the task of EA pumpouts.

Wolfe, project manager for 8 hours at \$105.30 per hour = \$842.20 with the task of prep and travel to and from site.

Wolfe, project manager for 11 hours at \$105.30 per hour = \$1,158.30 with the task of piping replacement and repairs oversight.

4. \$3,016.00, deduction for costs associated with the repair of existing USTs, and repair of piping. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(1). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they will 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.

Consultant's material costs were reduced to two days of drilling for field vehicle and water level indicator.

5. \$486.89, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

Handling charges cannot be paid on the ineligible invoice for soil disposal from Advanced Disposal.

cse

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

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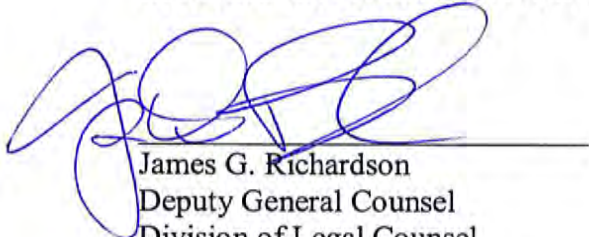
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 4, 2013 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
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Jeff Wienhoff, P.E.
Marlin Environmental, Inc.
3901 Wood Duck Drive, Suite F
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