

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

QIK-N-EZ	)	
Petitioner,	)	
	)	
v.	)	PCB 24-
	)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	


**NOTICE**

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Qik-N-EZ  
c/o: Green Wave Consulting, LLC  
Attn: Jeff Wienhoff  
Senior Professional Engineer  
4440 Ash Grove Drive, Suite A  
Springfield, IL 62711  
[jeffw@greenwavecon.com](mailto:jeffw@greenwavecon.com)

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



Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)

Dated: January 29, 2024

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

QIK-N-EZ	)	
Petitioner,	)	
	)	
v.	)	PCB 24-
	)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
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 May 13, 2024, 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 or about January 3, 2024, the Illinois EPA issued a final decision to the Petitioner.
2. On January 27, 2024, 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, Petitioner received the final decision on or about January 9, 2024.

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



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Melanie A Jarvis  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
866/273-5488 (TDD)  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: January 29, 2024

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on January 29, 2024, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

*Electronic Service*

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Qik-N-EZ  
c/o: Green Wave Consulting, LLC  
Attn: Jeff Wienhoff  
Senior Professional Engineer  
4440 Ash Grove Drive, Suite A  
Springfield, IL 62711  
[jeffw@greenwavecon.com](mailto:jeffw@greenwavecon.com)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
866/273-5488 (TDD)  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)



January 27, 2024  
Via e-mail: Melanie.Jarvis@illinois.gov

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

**Re: LPC#1671205520 – Sangamon County  
Springfield / Qik-N-EZ  
2800 North Peoria Road  
Leaking UST Incident No. 902733, 942157, 961540, 991895, 20201063**

Dear Ms. Jarvis:

On behalf of Chronister Oil Company, the owner/operator of the above-reference site, Green Wave Consulting, LLC (GWC) is requesting a 90-day extension of the appeal period for the attached reimbursement decision letter. The letter was received by Chronister Oil Company via certified mail on January 9, 2024. We are currently having discussions with the LUST Section about ways to resolve this situation without going to full appeal necessitating the extension request at this time.

Should you have any questions or require additional information, please do not hesitate to contact Jeff Wienhoff at (217) 726-7569 x 250 or jeffw@greenwavecon.com.

Sincerely,

**GREEN WAVE CONSULTING, LLC**

Jeff Wienhoff  
Senior Professional Engineer

Cc: Mr. Brian Bauer, Illinois EPA  
Mr. Damon Cranford, Chronister Oil Company  
Ms. Amy Ridley, Chronister Oil Company  
Project File



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL #

7020 1290 0002 1666 4981

JAN 03 2024

Chronister Oil Company  
Attn: Amy Ridley  
2023 North Republic Street  
Springfield, IL 62702

Re: 1671205520 -- Sangamon County  
Springfield / Qik-N-EZ  
2800 North Peoria Road  
Incident-Claim No.: 20201063 -- 74044  
Queue Date: July 7, 2023  
Leaking UST Fiscal File

Dear Ms. Ridley:

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 Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated July 7, 2023 and was received by the Illinois EPA on July 7, 2023. The application for payment covers the period from December 1, 2020 to July 31, 2022. The amount requested is \$109,770.86.

On July 7, 2023, the Illinois EPA received your 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.

The deductible amount for this claim is \$5,000.00, 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 accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

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.

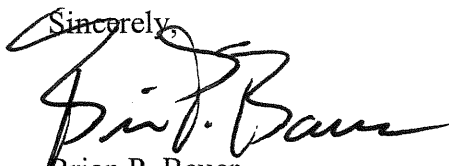
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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 Nicole Howland of my staff at (217) 524-0435 or at [Nicole.Howland@illinois.gov](mailto:Nicole.Howland@illinois.gov).

Sincerely,



Brian P. Bauer  
Interim Section Manager  
Leaking Underground Storage Tank Section  
Bureau of Land

Attachments: Attachment A  
Appeal Rights

c: Green Wave Consulting, LLC  
Leaking UST Claims Unit

Attachment A  
Accounting Deductions

Re: 1671205520 -- Sangamon County  
Springfield / Qik-N-EZ  
2800 North Peoria Road  
Incident-Claim No.: 20201063 -- 74044  
Queue Date: July 7, 2023  
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. Pursuant to Section 57.8(a)(6)(F) of the Act, the application for payment from the UST Fund is incomplete because it did not include a certification from the owner or operator that the corrective action was (i) performed under a project labor agreement that meets the requirements of Section 25 of the Project Labor Agreements Act and (ii) implemented in a manner consistent with the terms and conditions of the Project Labor Agreements Act and in full compliance with all statutes, regulations, and Executive Orders as required under that Act and the Prevailing Wage Act.

In addition, deduction for costs associated with duplicate billings. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 734.630(o). Furthermore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are not reasonable.

Additionally, deduction for costs of corrective action incurred before providing notification of the release of petroleum to Illinois Emergency Management Agency (IEMA) in accordance with 35 Ill. Adm. Code 734.210. Such costs are ineligible for payment from the Fund pursuant to Section 57.8(k) of the Act and 35 Ill. Adm. Code 734.630(n).

The required PLA certification was not submitted in this reimbursement package. In addition, there are requests for costs that have been previously paid, as well as for costs that were incurred prior to the IEMA date of December 9, 2020.



### 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 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:

Clerk of the Board  
Illinois Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, IL 60605  
(312) 814-3461

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544