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NOV 08 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

GATEWAY FS, INC.,)	
)	
Petitioner,)	
v.)	PCB No. 05- <i>84</i>
ILLINOIS ENVIRONMENTAL)	(LUST Appeal - 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

Karen S. Bartling, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

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: November 5, 2004

NOV 08 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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Pollution Control Board

GATEWAY FS, INC.,)	
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v.)	PCB No. 05- 84
ILLINOIS ENVIRONMENTAL)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
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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 February 7, 2005, 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. The 125th day is February 6, 2005, a Sunday, and the next business day is February 7, 2005. In support thereof, the Illinois EPA respectfully states as follows:

1. On October 1, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

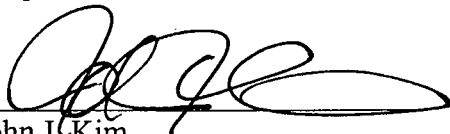
2. On October 6, 2004, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner’s request included information that represented that the final decision was received on October 4, 2004. (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
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: November 5, 2004



1894240 - P.D.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

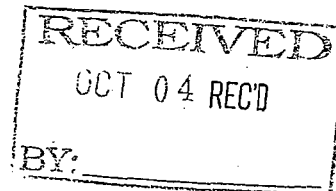
217/782-6762

CERTIFIED MAIL

OCT 01 2004

7002 3150 0000 1113 8879

Gateway FS, Inc.
221 East Pine Street
Red Bud, IL 62278



Re: LPC #1570405003 - Randolph County
Prairie Du Rocher/Gateway FS, Inc.
"C" Avenue
LUST Incident Nos. 20000027 and 20000698
LUST Technical File

Dear Mr. Birchler:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amendment to the High Priority Corrective Action Plan Budget submitted for the above-referenced incident. The Illinois EPA received this amendment, dated August 4, 2004, on August 5, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The amendment to the High Priority Corrective Action Plan Budget is rejected for the reason listed in Attachment A (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-6000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-6000
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 993-7200

EXHIBIT

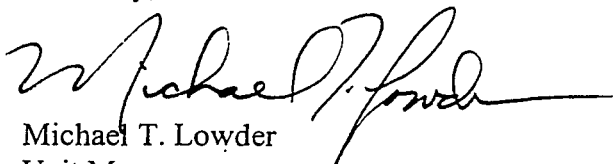
A

W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
University St., Peoria, IL 61614 - (309) 693-5463
2125 South First Street, Champaign, IL 61820 - (217) 278-5800
2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
(618) 993-7200

Page 2

If you have any questions or need further assistance, please contact Trent Benanti at 217/524-4649.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Lowder". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects\Gateway FS, Inc\Letter7a.doc

Attachments: Attachment A
Appeal Rights

c: United Science Industries, Inc.
Division File

Attachment A

Re: LPC #1570405003 – Randolph County
Prairie Du Rocher/Gateway FS, Inc.
“C” Avenue
LUST Incident Nos. 20000027 and 20000698
LUST Technical File

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

1. In accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), any action by the Illinois EPA to disapprove or modify a plan or budget submitted pursuant to Title XVI of the Act shall be provided to the owner or operator in writing within 120 days of receipt.

The investigation costs, analysis costs, personnel costs, equipment costs, field purchases, other costs and handling charges are identical to those presented in the original High Priority Corrective Action Plan Budget (with a few exceptions). As such, the Illinois EPA previously notified the owner or operator of its final action regarding these costs.

In accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f), the Illinois EPA's action to reject or require modification of the High Priority Corrective Action Plan or High Priority Corrective Action Plan Budget, or the rejection of any High Priority Corrective Action Plan or High Priority Corrective Action Plan Budget by operation of law, was subject to appeal to the Illinois Pollution Control Board within 35 days after the Illinois EPA's final action.

If the owner or operator will seek reimbursement for any additional costs that may be incurred as a result of the Illinois EPA's modifications to the High Priority Corrective Action Plan, an amended High Priority Corrective Action Plan Budget must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter (Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e)). The amended budget must include only the costs over the previous budget.

MTL:TLB:H:\Projects\Gateway FS, Inc\7aa.doc

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)(D) 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



P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

October 6, 2004

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62792-9276

RECEIVED
Division of Legal Counsel

OCT 11 2004

Environmental Protection
Agency

**Re: LPC# 1570405003-Randolph County
Prairie Du Rocher – Gateway FS, Inc.
“C” Avenue
LUST Incident No. 20000027 & 20000698
ATTN: John Kim**

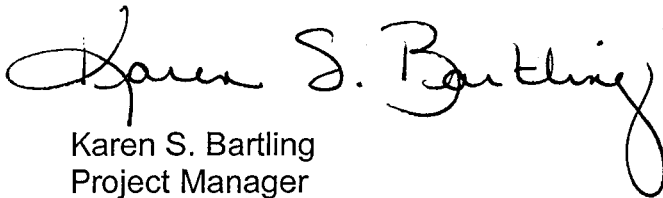
Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, Gateway FS, Inc. is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included.

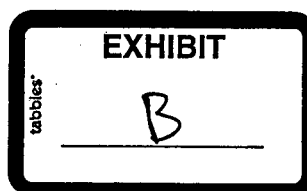
I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 165.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.


Karen S. Bartling
Project Manager

Enclosures




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 5, 2004, 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

Karen S. Bartling, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
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Division of Legal Counsel
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Springfield, Illinois 62794-9276
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