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CLERK'S OFFICE**APR 21 2005**STATE OF ILLINOIS
Pollution Control Board

April 19, 2005

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

PLB05-187

RE: Request for 90 Day Extension
LPC #0670555003 – Hancock County
Plymouth/Southeastern Comm. Unit School Dist. #337
IL Rt. 61
LUST Incident No. 992285

Dear Ms. Gunn:

Klingner & Associates, P.C., on behalf of Southeastern Community Unit School District No. 337 (Petitioner), requests that the Illinois Pollution Control Board (Board) grant an extension of the thirty-five (35) day period for petitioning a hearing to July 18, 2005. The final decision was received by Petitioner on March 15, 2005. A copy of the final decision is attached.

The Illinois EPA, by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, joins in this request. A copy of the original request sent to Mr. Kim is also attached.

If you have any questions please contact me or Mr. Kim (217-782-5544).

Very truly yours,

KLINGNER & ASSOCIATES, P.C.


Lance Schuette, P.E.

LLS/km/P:\99FILES\99311\REIMBURSEMENT\CORRECTIVE ACTION 1\IEPA041905LET.DOC

C: Mike Owen, Southeastern Community Unit School District No. 337
Sam Hale III, Illinois EPA, Bureau of Land - #24, LUST Section, 1021 North
Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276
John Kim, Illinois EPA, Division of Legal Counsel, 1021 North Grand Avenue East,
Springfield, IL 62794-9276

Enclosure: Illinois EPA Correspondence
Copy of Original Request

April 7, 2005

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

RE: Request for 90 Day Extension
LPC #0670555003 – Hancock County
Plymouth/Southeastern Comm. Unit School Dist. #37
IL Rt. 61
LUST Incident No. 992285

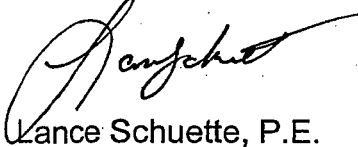
Dear Mr. Kim:

Klingner & Associates, P.C., on behalf of Southeastern Community Unit School District No. 337, requests a 90-day extension for a potential appeal of a decision received by the consultant on March 15, 2005 from the Illinois Environmental Protection Agency concerning the above referenced site. A copy of the correspondence is included as an attachment.

As always, if you have any questions please do not hesitate to contact us.

Very truly yours,

KLINGNER & ASSOCIATES, P.C.



Lance Schuette, P.E.

LLS/AE/J/P:199FILES\99311\REIMBURSEMENT\CORRECTIVE ACTION 1\EPA040605LET.DOC

C: Mike Owen, Southeastern Community Unit School District No. 337
Sam Hale III, Illinois EPA

Enclosure: Illinois EPA Correspondence

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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 #

7002 3150 0000 1252 4251

3/15/05

Southeastern Community Unit School District No. 337

Attn: Mike Owen

P.O. Box 247

Bowen, Illinois 62316

Re: LPC #0670555003 -- Hancock County
Plymouth/Southeastern Comm. Unit School Dist. #37
IL Rt. 61
LUST Incident No. 992285
LUST FISCAL FILE

Dear Mr. Owen:

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 October 19, 2004 and was received by the Agency on October 26, 2004. The application for payment covers the period from August 1, 2002 to October 10, 2004. The amount requested is \$69,883.42.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the billing submittal received by the Agency on June 1, 2001 for \$13,391.61. 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.

On January 17, 2005, 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,

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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:

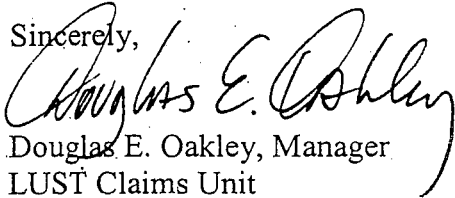
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Sam Hale III of the technical section at 217/782-6762.

Sincerely,



Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:NW:mls\052985.doc

Attachment

cc: Klingner & Associates

Attachment A
Technical Deductions

Re: LPC #0670555003 -- Hancock County
Plymouth/Southeastern Comm. School Dist. #337
IL Rt. 61
LUST Incident No. 992285
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 for \$69,883.42.

1. Deduction for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).
2. Deduction for costs related to activities, materials, or services not necessary to stop, minimize, eliminate, or clean up a release of petroleum or its effects in accordance with the minimum requirements of the Act and regulations (35 Ill. Adm. Code 732.606(y)). These costs are not corrective action costs. "Corrective action" means an activity associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act and 35 Ill. Adm. Code 732.505(c)).
3. Deduction for costs for investigative activities and related services or materials for developing a High Priority corrective action plan that are unnecessary or inconsistent with generally accepted practices or unreasonable costs for justifiable activities, materials, or services (35 Ill. Adm. Code 732.606(cc)). These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)) and/or are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)).
4. Deduction for costs exceeding those contained in a budget plan or amended plan approved by the Illinois EPA or by operation of law (35 Ill. Adm. Code 732.606(m)).
5. Deduction for costs associated with Corrective Action. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

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APR 19 05
MAILED FROM QUINCY IL 62301

PL 605-187

Engineers / Architects
616 North 24th Street
Quincy, Illinois 62301

KLINGNER
& ASSOCIATES, P. C.

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