

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

OCT 21 2003

STATE OF ILLINOIS
Pollution Control Board

BRIARWOOD COUNTRY CLUB,)
Petitioner,)
v.) PCB No. 04- 70
ILLINOIS ENVIRONMENTAL) (LUST Fund - 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

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: October 16, 2003

OCT 21 2003

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

BRIARWOOD COUNTRY CLUB,)	
Petitioner,)	
v.)	PCB No. 04- 70
ILLINOIS ENVIRONMENTAL)	(LUST Fund – Ninety Day Extension)
PROTECTION 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, 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 January 14, 2004, or any other date not more than a total of one hundred twenty-five (125) days from the date of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On September 11, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On October 9, 2003, 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 did not represent when the final decision was received. (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
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Dated: October 16, 2003

This filing submitted on recycled paper.



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

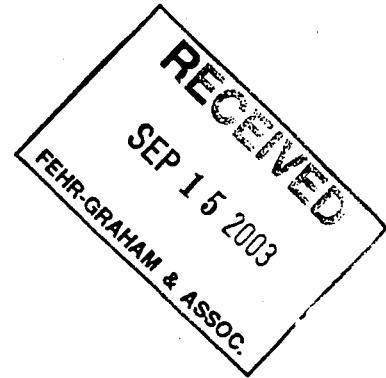
ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

SEP 11 2003

Briarwood Country Club
Attn: Paul Voykin, Superintendent
355 Deerfield Road
Deerfield, Illinois 60015



Re: LPC #0974345091 -- Lake County
Deerfield/Briarwood Country Club
217 Wailegam Road
LUST Incident No. 20021760
LUST FISCAL FILE

Dear Mr. Voykin:

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 July 30, 2003 and was received by the Agency on August 5, 2003. The application for payment covers the period from December 9, 2002 to May 30, 2003. The amount requested is \$26,439.92.

The deductible amount to be assessed on this claim is \$10,000.00, which is being deducted from this payment. In addition to the deductible, 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 August 5, 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 for \$6,861.30 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this application 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LANDS - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463 • CHAMPAIGN - 1217 E. 27th St., Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62734 - (618) 346-5120

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

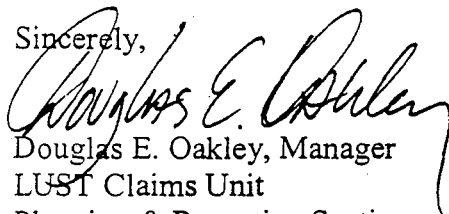
For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

This letter rescinds the Agency letter dated September 5, 2003.

If you have any questions or require further assistance, please contact Lieura Hackman of my staff at 217/782-6762.

Sincerely,


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

DEO:LH:ct\031122.doc

cc: Fehr-Graham & Associates

Attachment A
Accounting Deductions

Re: LPC #0974345091 -- Lake County
Deerfield/Briarwood Country Club
217 Wailegam Road
LUST Incident No. 20021760
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. \$5,709.15, deduction for costs which are unreasonable as submitted. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh))

A deduction in the amount of \$14.50 was made on the amount requested for the Project Manager.

A deduction in the amount of \$1,200.00 was made on the amount requested for mobilization on the Stemstrom invoice.

A deduction in the amount of \$3,770.85 was made on the amount requested for load, haul and disposal of contaminated soil.

A deduction in the amount of \$718.80 was made on the amount requested for backfill.

A deduction in the amount of \$5.00 was made on the amount requested for FOIA.

2. \$0.08, adjustment in the handling charges due to the deduction(s) of ineligible costs (Section 57.8(f) of the Act and 35 Ill. Adm. Code 732.607).

This deduction was made for handling charges associated with the ineligible cost of \$5.00.

3. \$25.64, deduction for handling charges in the billing(s) exceed the handling charges set forth in Section 57.8(f) of the Act. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(f) of the Act and 35 Ill. Adm. Code 732.607):

Subcontract or Field Purchase Cost	Eligible Handling Charges as a Percentage of Cost
\$0-\$5,000	12%
\$5,001-\$15,000	\$600 + 10% of amount over \$5,000
\$15,001-\$50,000	\$1600 + 8% of amount over \$15,000
\$50,001-\$100,000	\$4400 + 5% of amount over \$50,000
\$100,001-\$1,000,000	\$6900 + 2% of amount over \$100,000

A deduction in the amount of \$0.52 was made on the Field Purchases form dated December 1, 2002 – December 31, 2002.

A deduction in the amount of \$4.60 was made on the Subcontractors form dated January 1, 2003 – January 31, 2003.

A deduction in the amount of \$20.52 was made on the Subcontractors form dated April 1, 2003 – April 30, 2003.

4. \$3,843.75

None of the costs incurred from May 1, 2003 to May 31, 2003 are eligible for reimbursement. To be considered for reimbursement, early action activities must be performed within 45 days after initial notification to the Illinois Emergency Management Agency of a release. The costs in question were not incurred within the time allowed for such reimbursement. (35 Ill. Adm. Code 732.202(g))

A deduction in the amount of \$2,500.00 was made on the Edwin H. Meyers & Sons invoice.

A deduction in the amount of \$1,343.75 was made on the amount requested for Personnel Costs.

DEO:LH:jk\031253.doc



FEHR-GRAHAM & ASSOCIATES
Engineering and Science Consultants

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

Celebrating our 30th Year
1973 - 2003

October 9, 2003

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

Re: LPC #20021760 – Lake County
Deerfield / Briarwood Country Club
217 Waukegan Road
LUST Incident No. 20021760

Dear Mr. Kim:

On behalf of our client, Briarwood Country Club, 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 September 11, 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.
Principal

RTW:mll

I:\Documents\SEC 2002\42541\T42541a - IEPA LUST Extension Letter.doc

cc: Paul Voykin, Briarwood Country Club
Lieura Hackman, IEPA LUST Technical Unit

RECEIVED
Division of Legal Counsel
OCT 14 2003
Environmental Protection
Agency

B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 16, 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
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