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CLERK'S OFFICE

MAY 19 2004

STATE OF ILLINOIS  
Pollution Control Board

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

AUBURN REALTY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB No. 04- 202  
 ) (LUST Appeal - Ninety Day Extension)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

**NOTICE**

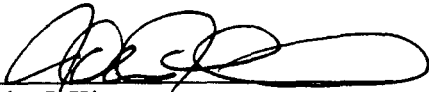
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Bob Pulfrey, 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: May 17, 2004

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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AUBURN REALTY, )  
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 ILLINOIS ENVIRONMENTAL )  
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STATE OF ILLINOIS  
Pollution Control Board

PCB No. 04- 202  
(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, 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 August 16, 2004, 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 125<sup>th</sup> day is August 15, 2004, a Sunday. The next business day is August 16, 2004. In support thereof, the Illinois EPA respectfully states as follows:

1. On April 9, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On May 10, 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 represented that the final decision was received on April 12, 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: May 17, 2004

This filing submitted on recycled paper.

180014



# 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

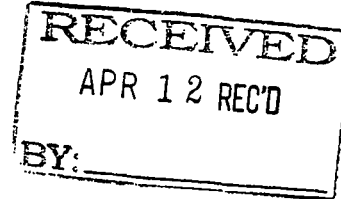
217/782-6762

**CERTIFIED MAIL**

7001 2510 0002 5280 7307

APR 09 2004

Central Illinois Supply  
Attention: Annette Stufflebeam  
Post Office Box 49  
Auburn, IL 62615



Re: LPC #0210455002 -- Christian County  
Palmer/Auburn Realty  
Highway 48 & 5th Street  
LUST Incident No. 20010264  
LUST Technical File

Dear Ms. Stufflebeam:

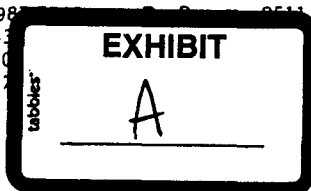
The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated November 19, 2003, was received by the Illinois EPA on December 12, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the High Priority Corrective Action Plan is rejected for the following reason(s):

1. You have failed to provide feasibility of the application of sodium persulfate to the floor of the excavation.
2. You have failed to provide determination and explanations of molar calculations, formulas, ratios and abbreviations used in your sodium persulfate requirements for groundwater contamination.
3. You have failed to justify sodium persulfate amounts used to treat the contaminated soil and/or groundwater.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the associated budget is rejected for the reasons listed in Attachment A.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 998-3300  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3300  
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463  
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 278-5800  
 MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 993-7200  
 PEORIA - 25 South First Street, Champaign, IL 61820 - (217) 278-5800  
 COLLINSVILLE - 109 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
 DES PLAINES - 5511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000



Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised High Priority Corrective Action Plan, and budget if applicable, within 90 days of the date of this letter to:

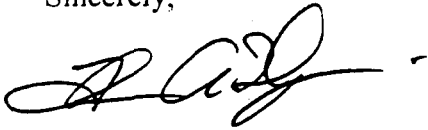
Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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.

If you have any questions or need further information, please contact Jim Ransdell at 27/557-6938.

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:JSR:jk\042662.doc

Attachment: Attachment A  
Appeal Rights

c: USI  
Division File

## 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

Attachment A

Re: LPC #0210455002 -- Christian County  
Palmer/Auburn Realty  
Highway 48 & 5th Street  
LUST Incident No. 20010264  
LUST Technical File

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

1. The Illinois EPA has not approved the plan with which the budget is associated. Therefore, the Illinois EPA cannot determine whether 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 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)). It also cannot be determined whether the costs are corrective action costs. "Corrective action" means an activity associated with compliance with the provision of Section 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). In addition, it cannot be determined whether these costs are reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.505(c) 732.606(hh)).

TAH:JSR:jk\042662.doc



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](mailto:unitedscience@unitedscience.com)

May 10, 2004

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

**RECEIVED**  
Division of Legal Counsel  
MAY 11 2004  
Environmental Protection  
Agency

**Re: LPC# 0210455002—Christian County  
Palmer/Auburn Realty  
Highway 48 & 5<sup>th</sup> Street  
LUST Incident No. 20010264**

Dear Mr. John Kim:

United Science Industries, Inc. (USI), on behalf of our client, Ms. Stufflebeam, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence dated April 09, 2004. A copy of the correspondence is attached.

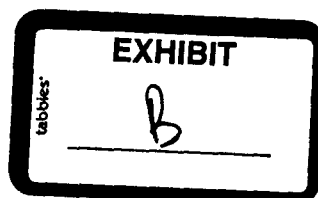
I appreciate your time and consideration in this matter. If you have any questions or comments concerning the above, please contact me at (618) 735-2411.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Bob Pulfrey  
Project Manager

Enclosures :






## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 17, 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

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
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Assistant Counsel  
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