

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 19 2004

STATE OF ILLINOIS
Pollution Control Board

2 F, INC.,)
)
) Petitioner,)
) v.)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
))
) Respondent.)
)
) PCB No. 04-203
) (LUST Appeal – Ninety Day Extension)

NOTICE


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

Rachel Morgan, 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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STATE OF ILLINOIS
Pollution Control Board

2 F, INC.,)
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 v.)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Respondent.)

PCB No. 04-203
(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 125th 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 April 22, 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.

R.



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

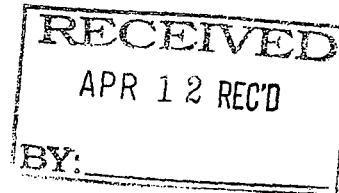
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1257 0517

APR 09 2004

2 F, Inc.
Attn: Ron Emery c/o Chuck Fitzpatrick
1011 West Popular
Harrisburg, Illinois 62946



Re: LPC 1650205059 -- Williamson County
Harrisburg/2 F, Inc.
1011 West Popular
LUST Incident No. 20000432
LUST Technical File

Dear Mr. Emery:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Response (response) to the Illinois EPA Rejection Letter dated June 20, 2003. This response dated December 10, 2003, was received December 11, 2003, and reviewed in conjunction with the High Priority Corrective Action Plan (plan) received by the Illinois EPA on February 20, 2003 for the above-referenced incident. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

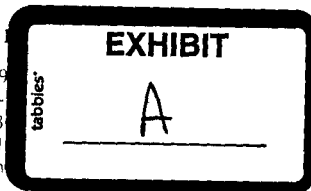
Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is modified. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

1. The proposed area of excavation is reduced to and average depth of 6 feet. The volume of soil approved for excavation is 767 tons (1150 cy). Please note that the previously excavated area is not included in the area to be excavated.
2. The installation of replacement wells in the excavated area is not approved.
3. Groundwater monitoring is required six months after the completion of the excavation to determine the status of the groundwater contamination. Monitoring should be conducted only on the wells previously exceeding groundwater remediation objectives.

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

Due to the changes made to the plan in the [redacted] citations made by the Illinois EPA, the

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 9
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (3
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217)
MARION - 2309 W. Main



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

budget for the High Priority Corrective Action Plan as previously submitted remains rejected as noted in the June 20, 2003 Illinois EPA rejection letter. In addition, costs for activities in excess of those necessary to meet the minimum requirements are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)).

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). However, submittal of a budget reflecting the changes and modifications to the plan is required.

NOTE: This letter does not constitute Illinois EPA approval of any costs incurred during the completion of activities proposed in the plan.

All future correspondence must be submitted to:

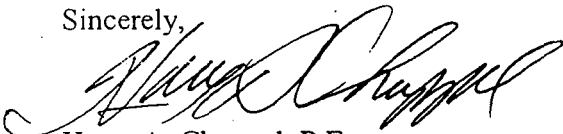
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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.

If you have any questions or need further assistance, please contact Lizz Schwartzkopf at 217/557-8763.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:LS

Attachment: Appeal Rights

c: United Science Industries
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



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

April 22, 2004

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

**Re: LPC# 1650205059 – Saline Co.
Harrisburg/2F Inc.
1011 West Poplar
LUST Incident No. 2000-0432
ATTN: John Kim**

Dear Mr. Kim,

United Science Industries, Inc. (USI), on behalf of our client, 2F 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. 172.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Rachel Morgan
Project Manager

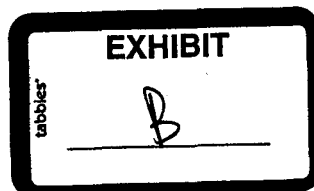
Enclosures

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DIVISION OF Legal Counsel

APR 26 2004

Environmental Protection
Agency



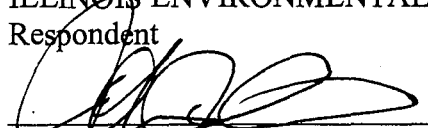
CERTIFICATE OF SERVICE

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

Rachel Morgan, 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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