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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

BOYE NEEDLE FACILITY,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04- 128
132
(LUST Fund – 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

Eric Termuehlen, P.E.
Pioneer Engineering & Environmental Services
700 North Sacramento Boulevard
Suite 101
Chicago, IL 60612

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 C. 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: January 23, 2004

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

JAN 26 2004

**STATE OF ILLINOIS
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BOYE NEEDLE FACILITY,)
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PCB No. 04- 132
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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 April 22, 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. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 18, 2003, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)
2. On January 16, 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 has confirmed in a subsequent conversation that the final decision was received on or after December 19, 2003. (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 T. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
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P.O. Box 19276
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217/782-5544
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Dated: January 23, 2004



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

DEC 18 2003

WEWS, L.P.

Attention: Rocco Martino

70 West Madison Street, Suite 5710

Chicago, IL 60602

Re: LPC #0316005567 -- Cook County
Chicago/Boye Needle Facility
4343-4357 North Ravenswood
LUST Incident Number 20010347
LUST FISCAL FILE

Dear Mr. Martino:

On July 21, 2003, the Agency sent you a letter regarding the site referenced above. Upon further review, an additional voucher for \$3,267.00 will be prepared for submission to the Comptroller's Office for payment as funds become available.

An underground storage tank owner or operator may appeal this decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision may, within 35 days after the notification of the final Agency decision, petition for a hearing before the Board; however, the 35-day period may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the 35-day initial appeal period.

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

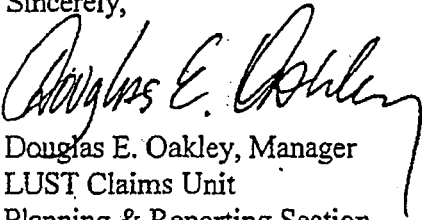
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For information regarding the filing of an extension, please contact:

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, please contact Jason Donnelly of Harry Chappel's staff or myself at 217/782-6762.

Sincerely,



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

DEO:LH:jk030157.doc

Attachment

cc: Pioneer Engineering and Environmental Services, Inc.

Attachment A
Technical Deductions

Re: LPC #031605567 – Cook County
Chicago/William Wright Ltd., Partnership
4343 North Ravenwood
LUST Incident No. 20010347
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. \$42,852.00, 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))

The above deduction is associated with Field Technician and Project Engineer costs that were unreasonable for operation and maintenance (O&M) of the free product recovery system.

HAC:JD\010347-billing.pack#4.A



700 North Sacramento Boulevard, Suite 101 • Chicago, Illinois 60612
312.587.1021 • Fax: 312.587.8210
www.pioneerenvironmental.com

January 16, 2004

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JAN 20 2004

STATE OF ILLINOIS
Pollution Control Board

PLB04-128

Illinois Environmental Protection Agency
Bureau of Land #24 - RAPAU
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Attn.: Lieura Hackman, RAPAU
Jason Donnelly, LUST Technical

Re: LPC #0316005567 -- Cook County
Chicago / Boye Needle Facility
4343 North Ravenswood
LUST Incident No. 20010347

Dear Ms. Hackman and Mr. Donnelly:

This letter serves as an official notice for a 90 day extension to the Agency and the Illinois Pollution Control Board (Board) in response to an Agency letter, dated December 18, 2003, regarding the reimbursement of early action corrective action costs at the above captioned subject property. We are in the process of reviewing the Agency's response and intend to file an appeal with the Board within 90 days of the Agency decision. A copy of the Agency decision letter is attached for your reference as Attachment A.

Sincerely,
PIONEER ENGINEERING &
ENVIRONMENTAL SERVICES, INC.

A handwritten signature in black ink, appearing to read "Eric Termuehlen", is written over the typed name.

Eric Termuehlen, P.E.
Senior Project Manager

[Attachments]

cc: Dorothy Gunn, Illinois Pollution Control Board (w/Attach.)
Rocco Martino, WEWS, L.P. (w/Attach.)
Sean Bezark, Esq., Greenberg Traurig, LLP (w/Attach.)


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 23, 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

Eric Termuehlen, P.E.
Pioneer Engineering & Environmental Services
700 North Sacramento Boulevard
Suite 101
Chicago, IL 60612

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
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