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MAR 23 2004

STATE OF ILLINOIS
Pollution Control Board

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

RED CARPET CAR WASH,)	
Petitioner,)	
v.)	PCB No. 04- 166
ILLINOIS ENVIRONMENTAL)	(LUST - Ninety Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

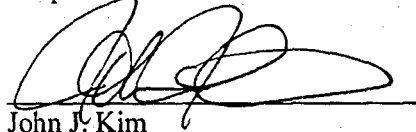
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Richard S. Pletz, P.G.
MACTEC Engineering and Consulting
8901 North Industrial Road
Peoria, IL 61615-1509

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: March 19, 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RED CARPET CAR WASH,)	
	Petitioner,)
	v.)
ILLINOIS ENVIRONMENTAL)	PCB No. 04- 166
PROTECTION AGENCY,)	(LUST – Ninety Day Extension)
	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 June 17, 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 February 11, 2004, the Illinois EPA issued a final decision to the Petitioner regarding a request for reimbursement from the Underground Storage Tank Fund. (Exhibit A)
2. On March 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 the final decision was received on February 13, 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
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Dated: March 19, 2004

This filing submitted on recycled paper.



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

FEB 11 2004

National City Bank of Michigan/Illinois
Attn: Greg Strickfaden
301 SW Adams Street, P.O. Box 749
Peoria, Illinois 61652

Re: LPC #1150150005 -- Macon County
Decatur/Red Carpet Car Wash
2780 North Main Street
LUST Incident #891469
LUST FISCAL FILE

Dear Mr. Strickfaden:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from December 1, 2001 to November 30, 2002. The amount requested was \$36,147.50.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated June 22, 1999. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On June 9, 2003, the Agency received your complete request 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 invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) 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, 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

A

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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:

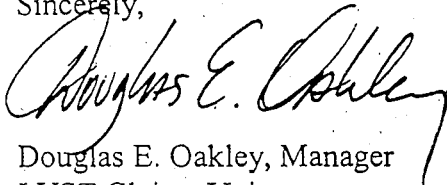
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact: ^{Kevin Mably}

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 Kevin Mably of my staff, or Mohammed Rahman of Mike Lowder's staff, at 217/782-6762.

Sincerely,



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

DEO:KLM:ct\043293.doc

Attachments

cc: MACTEC Engineering and Consulting, Inc.

Attachment A
Accounting Deductions

Re: LPC #1150150005 -- Macon County
Decatur/Red Carpet Car Wash
2780 North Main Street
LUST Incident No. 891469
LUST FISCAL FILE

Item # Description of Deductions

Included in the Technical Deductions are the following Accounting Deductions of \$3,116.36.
They are as follows:

- 1: \$3,116.36, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section.22.18b(d)(4)(C) of the Environmental Protection Act).

\$3,116.36	Harding ESE	\$30.00	Personnel
		\$3.85	Mileage
		\$3.41	Prior balance – IL Power
		\$0.41	Handling on denied cost – IL Power
		\$44.00	Equipment – Bodine
		\$3,034.69	Soil disposal and backfill - Bodine

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Attachment A
Technical Deductions

Re: LPC #1150150005 -- Macon County
Decatur/Red Carpet Car Wash
2780 North Main Street
LUST Incident No. 891469
LUST FISCAL FILE

Item # Description of Deductions

1. \$36,147.50, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act). Invoice No. 849622 of Magnatrol dated August 23, 2002; Invoice No. 013438 of Municipal Sales, Inc. dated December 21, 2001; Invoice No. 010687 of Water Resources, Inc. dated October 25, 2002; and the costs for Compactor Plate and Concrete Cone in Invoice No. 011203 of Bodine Environmental Services dated November 19, 2002 require further explanation regarding what these costs are for.

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Division of Legal Counsel

MAR 15 2004

Environmental Protection
Agency

March 10, 2004

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

**RE: LPC No. 115015005 – Macon County
Decatur/Red Carpet Car Wash
2780 North Main Street
LUST Incident No. 891469
MACTEC Project No. 530175**

The following letter has been prepared on behalf of our client in response to the Agency's letter dated February 11, 2004. At this time, we request a 90-day extension to the Agency's final decision dated February 11, 2004 that was received February 13, 2004.

Sincerely,

MACTEC Engineering and Consulting, Inc.

A handwritten signature in cursive script that reads "Richard S. Pletz".

Richard S. Pletz, PG
Project Manager

B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 19, 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

Richard S. Pletz, P.G.
MACTEC Engineering and Consulting
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