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MAY 17 2004

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

**STATE OF ILLINOIS  
Pollution Control Board**

CLARK OIL STATION #271, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 04- 200  
(LUST Fund – Ninety Day Extension)

**NOTICE**

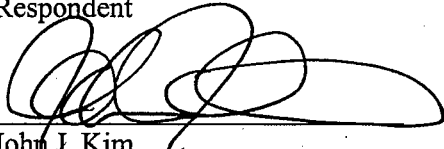
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Craig Gocker, President  
Environmental Management &  
Technologies, Inc.  
2012 West College Avenue  
Suite 208  
Normal, IL 61761

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 13, 2004

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

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CLARK OIL STATION #271,	)	
Petitioner,	)	
v.	)	PCB No. 04- 200
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 August 11, 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 April 5, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On April 20, 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 8, 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  
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217/782-5544  
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Dated: May 13, 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

APR 05 2004

The Premcor Refining Group Inc.  
Attention: Tim Mauntel  
8182 Maryland Avenue, Suite 600  
St. Louis, MO 63105

*rec'd  
April 8, 2004  
aj*

Re: LPC #1190405083 -- Madison County  
Granite City/Clark Oil #271  
2005 Madison Avenue  
LUST Incident #922207  
LUST FISCAL FILE

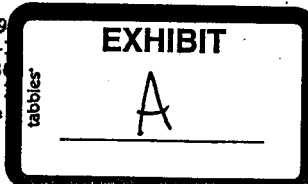
Dear Mr. Mauntel:

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 October 1, 1992 to July 31, 2003. The amount requested was \$140,681.52.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated November 23, 1994. 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 October 17, 2003, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$79,352.72 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 claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings 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



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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:

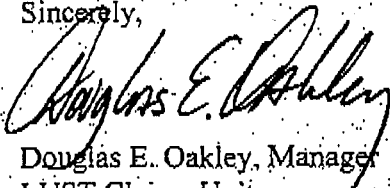
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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

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 at 217/782-6762.**

Sincerely,



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

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Attachment

cc: Environmental Management & Technologies, Inc.

Attachment A  
Accounting Deductions

Re: LPC #1190405083 -- Madison County  
Granite City/Clark Oil #271  
2005 Madison Avenue  
LUST Incident #922207  
LUST FISCAL FILE

Item #      Description of Deductions

1.	\$9,810.86, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).		
	Schreiber Grana & Yonley-Invoice #11930	\$2,027.50	Need itemized breakdown-personnel
	#11930	\$11.15	Need receipt-Travel exp.
	#11930	\$315.00	Need itemized breakdown-equipment
	#12025	\$3,752.50	Need itemized breakdown-personnel
	#12025	\$104.37	Need receipt-outside services
	#12025	\$103.00	Need itemized breakdown-stock items
	#12835	\$1.49	Need receipt-tolls
	#13613	\$32.11	Need applicable receipts and itemized breakdown
	#14041	\$26.60	Need itemized breakdown and backup-stock items
	#14840	\$5.90	Need itemized breakdown and backup-stock items
	#15255	\$5.90	Need itemized breakdown and backup-stock items
	#15702	\$54.10	Need itemized breakdown and backup-stock items

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#90057	\$47.65	Need itemized breakdown and backup-mileage, telephone, faxes, copies, postage
#90057	\$3.10	Need itemized breakdown- communications
#16906	\$18.00	Need itemized breakdown- communications
#17051	\$7.40	Need itemized breakdown- communications
#17065	\$66.40	Need itemized breakdown- communications
#17151	\$5.85	Need itemized breakdown- communications
#17165	\$10.40	Need itemized breakdown- communications
#17257	\$42.50	Need type of work done-personnel
#17257	\$1.70	Need itemized breakdown- communications
#17878	\$12.60	Need itemized breakdown- communications
#17878	\$82.50	Need itemized breakdown-bailers
#17878	\$7.50	Need itemized breakdown-gloves
#19664	\$4.20	Need itemized breakdown- communications
#19379	\$26.60	Need itemized breakdown- communications
#19379	\$3.62	Need receipts-meals

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#19960	\$5.70	Need itemized breakdown- communications
#20588	\$12.70	Need itemized breakdown- communications
#20635	\$32.60	Need itemized breakdown- communications
#20635	\$82.50	Need itemized breakdown-bailers
#21759	\$11.00	Need itemized breakdown- communications
#22508	\$19.50	Need itemized breakdown- communications
#22508	\$22.80	Need itemized breakdown-mileage
#22698	\$42.45	Need itemized breakdown- communications
#22850	\$3.95	Need itemized breakdown- communications
#23428	\$7.85	Need itemized breakdown- communications
#24060	\$10.75	Need itemized breakdown- communications
#24300	\$30.10	Need itemized breakdown- communications
#24645	\$7.20	Need itemized breakdown- communications
#24970	\$8.10	Need itemized breakdown- communications



Page 4

#25299	\$19.70	Need itemized breakdown- communications
#25471	\$18.60	Need itemized breakdown- communications
#25634	\$15.90	Need itemized breakdown- communications
#25959	\$24.40	Need itemized breakdown-mileage
#25959	\$131.00	Need itemized breakdown- communications
#25959	\$127.40	Need receipts-field purchases
#25959	\$24.40	Need itemized breakdown-mileage
#25959	\$48.50	Need itemized breakdown- communications
#26111	\$81.02	Need receipts-field purchases
#26273	\$69.20	Need itemized breakdown- communications
#26273	\$87.63	Need receipts-field purchases
#26449	\$19.50	Need itemized breakdown- communications
#26614	\$22.90	Need itemized breakdown- communications
#27128	\$20.40	Need itemized breakdown- communications
#27336	\$78.20	Need itemized breakdown- communications
#27336	\$22.40	Need itemized breakdown-mileage

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#27336	\$79.50	Need receipts-field purchases
#27550	\$3.42	Need receipts-field purchases
#27996	\$32.00	Need itemized breakdown-mileage
#27996	\$9.50	Need itemized breakdown-gloves
#28200	\$95.47	Need receipts-subcontractors
#29769	\$5.00	Need itemized breakdown-gloves
#29769	\$52.50	Need itemized breakdown-bailers
EMT-Invoice #1967	\$504.00	Need itemized breakdown-mileage
Commonwealth-Invoice #9411039	\$1,141.48	Need more information and legible invoice

2. \$51,517.94. deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Commonwealth Construction-Invoice#10-0	\$23,402.50	Paid in prior claim
#11-01292	\$8,843.75	Paid in prior claim
Chain of Rocks RFD-Invoice dated 9-18-92	\$14,926.50	Paid in prior claim
Specialized Essays-Invoice #47854	\$6.00	Samples
Regenesis Bio-Invoice #95533-IN	\$143.06	Requested amount overstated
ESI-Invoice #22168	\$240.00	Duplicate invoice
Schreiber Grana & Yonley-Invoice #12131	\$56.25	Meetings
#12512	\$17.50	Meetings
#12512	\$105.00	Spreadsheet
#12835	\$291.25	FOIA Request
#12940	\$472.50	FOIA Request
#12940	\$40.00	Stock items
#13103	\$310.00	FOIA Request
#13613	\$515.00	FOIA Request
#14041	\$15.00	Meetings
#14041	\$40.00	FOIA Request
#12075	\$40.00	Stock items
#17878	\$20.00	Stock items
#19739	\$6.50	Stock items

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#20635	\$40.00	Stock items
#22698	\$536.25	Budget-Personnel
#22850	\$98.75	Budget-Personnel
#22850	\$7.48	Budget-Field purchases
#25471	\$17.50	Meetings
#25959	\$17.50	Personnel
#25959	\$108.00	Stock items
#26273	\$8.75	FOIA-Personnel
#27550	\$88.40	Meetings
#27796	\$165.10	Meetings
#27796	\$66.30	Budget-Personnel
#27996	\$12.60	Personnel
#27996	\$40.00	Stock items
#28815	\$44.20	Meetings
#29444	\$132.60	Meetings
#29769	\$40.00	Stock items
#29769	\$42.50	Per diem
EMT-Invoice #1854	4.64	Stock items
#1888	\$19.56	Stock items
#1915	\$7.00	Stock items
Burlington Environmental-Invoice #138207	\$195.00	Equipment
Heritage Env. Services-Invoice #438978	\$30.00	Stopover Charges
Schreiber Grana & Yonley-Invoice #12075	\$70.00	Project startup
#17065	\$175.00	Literature review
#17151	\$35.00	QA/QC review
MRK Environmental-Invoice #010269-1	\$25.00	Mob/Demob

\$61,328.80 Total Accounting Deductions

DEO:KM:jk\0427511.doc

# ENVIRONMENTAL MANAGEMENT & TECHNOLOGIES, INC.

## FACSIMILE COVER LETTER

### CONFIDENTIAL

**DATE:** April 20, 2004  
**TIME:** 2:14 PM  
**TOTAL PAGES:** 17  
**COMPANY:** IEPA - Division of Legal Counsel  
**ATTN:** Mr. John Kim  
**FAX#:** 217.782.9807  
**FROM:** Craig Gocker

#### COMMENTS / SPECIAL INSTRUCTIONS:

John,

As discussed earlier, attached are two (2) extension requests to the 35-day appeal period regarding reimbursement decisions. We need additional time to acquire backup information from a previous consultant to submit to IEPA-Fiscal for reconsideration of the denied costs. Please verify that you received both extension requests via email addressed to "cgocker@emtusa.com". Thank you for your attention to this matter.

Craig

---

2012 W. College Avenue, Suite 208 • Normal, Illinois 61761  
Phone: (309) 454-1717 • Fax: (309) 454-2711

#### PRIVILEGE AND CONFIDENTIALITY NOTICE

*This message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged and/or confidential. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (309) 454-1717 and return the original message to us at the address above via the U.S. Postal Service. Thank you.*

EXHIBIT

B

tabbles

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MAY 17 2004

STATE OF ILLINOIS  
Pollution Control Board


**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on May 13, 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 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

Craig Gocker, President  
Environmental Management &  
Technologies, Inc.  
2012 West College Avenue  
Suite 208  
Normal, IL 61761

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