





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: January 9, 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

**CERTIFIED MAIL**

**7002 3150 0000 1227 3043**

**DEC 05 2003**

Drake Towers Apartments, Inc  
 Attn: Susan Gincarlo  
 179 E. Lake Shore Drive  
 Chicago, Illinois 60611

Re: LPC #0316085233 -- Cook County  
 Chicago/Drake Towers  
 179 East Lake Shore Drive  
 LUST Incident No. 942871  
 LUST Technical File

Dear Ms: Gincarlo:

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 July 28, 2003, was received by the Illinois EPA on September 8, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

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 High Priority Corrective Action Plan and the associated budget is rejected for the following reason(s):

*The plan and budget were submitted after the issuance of a No Further Remediation Letter. Pursuant to 35 Ill. Adm. Code 732.405(d), any High Priority or Low Priority plan or budget shall be submitted to the Illinois EPA for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of 35 Ill. Adm. Code 732 prior to the issuance of a No Further Remediation Letter.*

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

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If you have any questions or need further information, please contact Dawn Ingold at 217/785-8378.

Sincerely,



Hernando A. Albarracin  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

c: Shaw Environmental, Inc.  
Appeal Rights  
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

Shaw Environmental, Inc.

100 South Wacker Drive, Suite 1130  
Chicago, IL 60606  
312.499.3500  
Fax: 312.499.3505



**Shaw**™ Shaw Environmental, Inc.

January 7, 2004

Mr. John Kim  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

**RE: 90-Day Extension to File Appeal  
LPC #0316085322 – Cook County  
Chicago/Drake Tower Apartments, Inc.  
179 East Lake Shore Drive  
LUST Incident No. 942871**

Dear Mr. Kim:

On behalf of Drake Tower Apartments, Inc., Shaw Environmental is requesting an extension for filing a written petition for an appeal hearing in regard to the December 5, 2003 rejection of a High Priority Corrective Action Plan and budget for the above-referenced facility for a period of 90 days from original due date of January 9, 2004. Enclosed is a copy of the final decision from the Illinois EPA dated December 5, 2003 for your reference.

We are requesting this extension in order to determine if it is in the best interest of Drake Tower Apartments to appeal the final decision issued on December 5, 2003. It is anticipated that the petition for a hearing with the Illinois Pollution Control Board will be filed by March 31, 2004.

If you have questions concerning this request, please contact me at (312) 499-3507.

Sincerely,

**SHAW ENVIRONMENTAL**

Steve Boom  
Project Manager

cc: Sue Giancarlo, Drake Towers Apartments


**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on January 9, 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

Steve Boom, Project Manager  
Shaw Environmental, Inc.  
100 South Wacker Drive  
Suite 1130  
Chicago, IL 60606

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  
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