

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

APR 26 2005

STATE OF ILLINOIS  
Pollution Control Board

ROAD RANGER, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 05- 188  
(LUST Appeal - Ninety Day Extension)

NOTICE

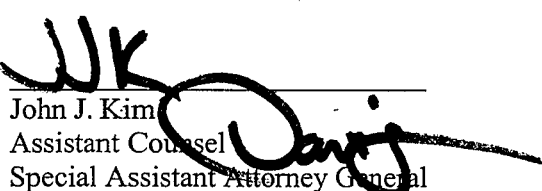
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Douglas E. Liniger, L.P.G., Project Coordinator  
Andrews Environmental Engineering, Inc.  
3535 Mayflower Blvd.  
Springfield, Illinois 62707

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: April 22, 2005

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BEFORE THE POLLUTION CONTROL BOARD  
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ROAD RANGER, )  
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ILLINOIS ENVIRONMENTAL )  
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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 July 21, 2005, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On March 17, 2005, the Illinois EPA issued a final decision to the Petitioner.  
(Exhibit A)
2. On April 18, 2005, 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. Upon information and belief the Petitioner did receive the information on March 18, 2005. (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.

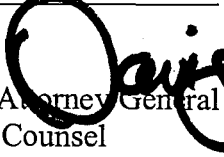
WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

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: April 22, 2005





## 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 #

MAR 17 2005

7002 3150 0000 1249 6343

Rangar Enterprises, Inc.  
 Attn: Richard McMahon  
 Post Office Box 4745  
 Rockford, Illinois 61110

Re: LPC #1150155494 -- Macon County  
 Decatur/Road Rangar Enterprises  
 1685 South Baltimore Avenue  
 LUST Incident No. 20010249  
 LUST FISCAL FILE

Dear Mr. McMahon:

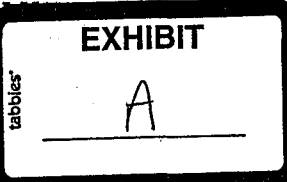
The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated November 22, 2004 and was received by the Agency on December 9, 2004. The application for payment covers the period from July 1, 2002 to May 23, 2004. The amount requested is \$34,343.53.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated January 24, 2002. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On December 9, 2004, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$12,984.35 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 application 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 application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 998-1100  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-1100  
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463  
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397  
 MARION - 2309 W. Main



V. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
 City St., Peoria, IL 61614 - (309) 693-5463  
 25 South First Street, Champaign, IL 61820 - (217) 278-5800  
 9 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
 18) 993-7200

Page 2

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 applicant 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:

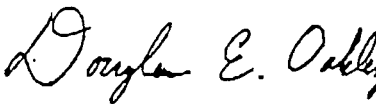
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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 or require further assistance, please contact Catherine S. Elston of my staff at 217/782-6762.

Sincerely,

 *Dmr.*

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

DEO:CSE:ct\05029011.doc

Attachment

cc: Andrews Environmental Engineering

Attachment A  
Accounting Deductions

Re: LPC #1150155494 -- Macon County  
Decatur/Road Ranger Enterprises  
1685 South Baltimore Avenue  
LUST Incident No. 20010249  
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. \$21,078.18, deduction for costs associated with duplicate billings. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o))  
  
Costs on Andrews Environmental Invoice #12941 previously paid on July 14, 2003 final decision letter - \$2,973.58  
  
Costs on Andrews Environmental Invoice #14521 previously paid on November 3, 2003 final decision letter - \$2,798.75  
  
Costs on Andrews Environmental Invoice #14772 previously paid on November 3, 2003 final decision letter - \$1,089.00  
  
Costs on Andrews Environmental Invoice #14979 previously paid on November 3, 2003 final decision letter - \$8,080.68  
  
Costs on Andrews Environmental Invoice #15132 previously paid on November 3, 2003 final decision letter - \$6,136.17
2. \$281.00, deduction for costs associated with High Priority site activities. The billings submitted exceed the approved budget amounts. The Illinois EPA is unable to approve billings that exceed the approved budget amounts. (Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 732.601(f))  
  
Personnel Costs exceeded the approved budget.



ANDREWS ENVIRONMENTAL ENGINEERING INC. 3535 Mayflower Blvd., Springfield, Illinois 62707/(217) 787-2334

April 18, 2005

**RECEIVED**  
Division of Legal Counsel

APR 20 2005

Environmental Protection  
Agency

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue  
P.O. Box 19276  
Springfield, IL 62794-9276

re: LPC #1150155494 – Macon County  
Decatur/Road Ranger  
1685 South Baltimore Avenue  
LUST Incident No. 20010249  
LUST Technical File

Dear Sir or Madam:

On behalf of Ranger Enterprises, Inc., Andrews Environmental Engineering, Inc. is requesting an extension to the 35-day appeal period. It is requested that the extension be until May 17, 2005. Our response to the March 17, 2005 Illinois Environmental Protection Agency (Illinois EPA) is nearly complete. However, due to the necessity to complete a thorough review of the documentation in question, we are concerned about the potential of the Illinois EPA receiving our response and request for a second evaluation of our previous submittal after the 35-day appeal period has expired.

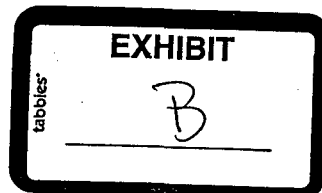
We appreciate your cooperation in this matter. Should you have questions or comments, please feel free to contact me.

Sincerely,

  
Douglas E. Liniger, L.P.G.  
Project Coordinator

DEL:del:sjb

cc: Ms. Pat Layman, Illinois EPA




## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 22, 2005, 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

Douglas E. Liniger, L.P.G., Project Manager  
Andrews Environmental Engineering, Inc.  
3535 Mayflower Blvd.  
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