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STATE OF ILLINOIS
Pollution Control Board

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

F.A. STEIN OIL COMPANY,)
Petitioner,)
v.) PCB No. 07- 141
ILLINOIS ENVIRONMENTAL) (LUST Appeal – 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, Melanie A. Jarvis, 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 September 9, 2007, 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:

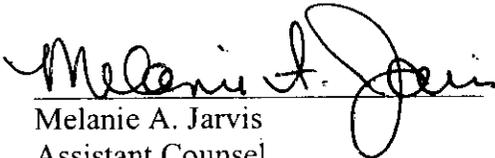
1. On May 4, 2007, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On June 4, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. (Exhibit B) Tracking information from the Certified Mail number on the final decision indicates the final decision was received on May 7, 2007. (Exhibit C)

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



Melanie A. Jarvis
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: June 7, 2007



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

217/782-6762 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

CERTIFIED MAIL #

7004 2510 0001 8623 9219

MAY 04 2007

F.A. Stein Oil Company
Attention: Norma Lee James/Environmental Management, Inc.
1154 N. Bradfordton Road
Springfield, Illinois 62711

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JUN 06 2007

Re: LPC #1630455313 -- St. Clair County
East St. Louis/F.A. Stein Oil Company
1702 State Street
Leaking UST Incident No. 20060090
Leaking UST FISCAL FILE

EPA/BOL

Dear Ms. James:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced Leaking UST 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 17, 2006 and was received by the Agency on November 21, 2006. The application for payment covers the period from February 10, 2006 to October 10, 2006. The amount requested is \$39,248.80.

The deductible amount to be assessed on this claim is \$10,000.00, which is being deducted from this payment. In addition to the deductible, there are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On November 21, 2006, the Agency received your application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$28,098.80 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(j) 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Exhibit A

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:

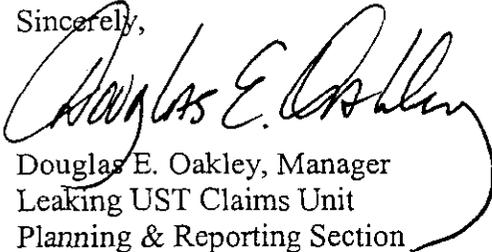
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Niki Weller of my staff at 217/782-6762.

Sincerely,



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

DEO:NW:bjh\072453.doc

Attachment

cc: Environmental Management, Inc.

Attachment A
Accounting Deductions

Re: LPC # 1630455313 – St. Clair County
East St. Louis/F.A. Stein Oil Company
1702 State Street
Leaking UST Incident No. 20060090
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$40.00, deduction for costs for investigation costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).
2. \$1,110.00, deduction for handling charges for subcontractor costs that have been billed directly to the owner or operator. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(hh). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

The costs for Environmental Control Systems, LLC. Invoice 1139 appears to be billed direct to the owner/operator and are not eligible for handling charges.

DEO:NW:bjh\072454.doc

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ENVIRONMENTAL MANAGEMENT, INC.

Corporate Office

1154 N. Bradfordton Rd. • Springfield, IL 62711
217/726-9468 • 217/726-9472 (Fax)
Email: mkeebler@envmgt.com

St. Louis Office

12237 Rainhollow Dr. • St. Louis, MO 63043
314/650-8268

June 4, 2007

Mr. Bill Ingersoll
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Re: LPC #1630455313 – St. Clair County
East St. Louis / F.A. Stein Oil Company
1702 State Street
LUST Incident #20060090

RECEIVED
Division of Legal Counsel

JUN 07 2007

Environmental Protection
Agency

Dear Mr. Ingersoll:

On behalf of our client, F.A. Stein Oil Company, Environmental Management, Inc. (EMI) requests a 90-day extension to file an appeal with the Illinois Pollution Control Board. The Agency's final decision in this matter was received on May 4, 2007. A copy of this decision is included with this submittal. The granting of an extension may allow for the resolution to the matter, thus, preventing the filing of an appeal to the Illinois Pollution Control Board.

Should you have any questions or require anything further, please contact me at (217) 726-9468. Thank you.

Sincerely,

Michael R. Keebler, P.E.
President
Environmental Management, Inc.

Enclosure

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Exhibit B



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Search Results

Label/Receipt Number: 7004 2510 0001 8623 9219
Status: **Delivered**

Your item was delivered at 3:22 PM on May 7, 2007 in SPRINGFIELD, IL 62711.

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Exhibit C

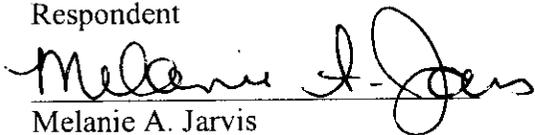
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 7, 2007, 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

Michael R. Keebler, P.E.
President
Environmental Management, Inc
1154 N. Bradforton Rd.
Springfield, IL 62711

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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