

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

NOV 30 2009

STATE OF ILLINOIS  
Pollution Control Board

PARADIGM PROPERTIES, INC., )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )

PCB 10- 39  
(LUST Appeal – Ninety Day  
Extension)

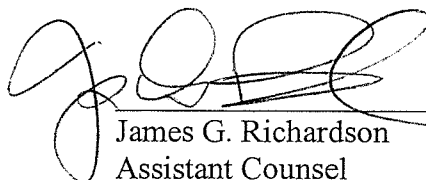
NOTICE

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Michael Keebler  
Environmental Management Inc.  
1154 North Bradforton Road  
Springfield, Illinois 62711

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

  
James G. Richardson  
Assistant Counsel

Dated: November 24, 2009  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PARADIGM PROPERTIES, INC., )  
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PROTECTION AGENCY, )  
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PCB No. 10- 39  
(LUST Appeal – Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel, 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 March 9, 2010, 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 November 3, 2009, the Illinois EPA issued a final decision to the Petitioner.
2. On November 18, 2009, 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 to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on November 4, 2009.

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



James G. Richardson  
Assistant Counsel

Dated: November 24, 2009

1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

NOV 03 2009

CERTIFIED MAIL #

7008 1830 0001 4720 7073

Paradigm Properties, Inc.  
c/o Environmental Management, Inc.  
1154 North Bradfordton Road  
Springfield, Illinois 62711

Re: LPC 0290105114—Coles County  
Charleston/ Paradigm Properties, Inc.  
1102 Madison Street  
Incident-Claim No.: 20090183—57514  
Queue Date: October 1, 2009  
Leaking UST FISCAL FILE

Dear Sir or Madam:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code 734.Subpart F. This application for payment is dated September 29, 2009 and was received by the Illinois EPA on October 1, 2009. It covers the period from June 1, 2009 to September 18, 2009. The amount requested is \$21,171.45.

As a result of the Illinois EPA's review of the application for payment, a voucher for \$3,364.81 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received the application for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

Costs that are not approved for payment and the reasons the costs are not approved are listed in Attachment A

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land — Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

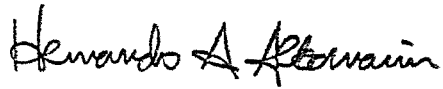
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Page 2

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

If you have any questions or require further assistance, please contact Brad Dilbaitis of my staff at (217) 785-8378 or via email at [Bradley.Dilbaitis@illinois.gov](mailto:Bradley.Dilbaitis@illinois.gov).

Sincerely,

A handwritten signature in black ink that reads "Hernando A. Albarracin". The signature is written in a cursive style with a large initial 'H'.

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

HAA:BJD

Attachment: Attachment A  
Appeal Rights

c: Leaking UST Claims Unit

Attachment A  
Accounting Deductions

Re: LPC 0290105114—Coles County  
Charleston/ Paradigm Properties, Inc.  
1102 Madison Street  
Incident-Claim No.: 20090183—57514  
Queue Date: October 1, 2009  
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. \$15,303.56, deduction for costs incurred as a result of the destruction of, or damage to, any equipment, fixtures, structures, utilities, or other items during corrective action activities, except as otherwise provided in 35 Ill. Adm. Code 734.625(a)(16) or (17). Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(pp). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not site investigation or corrective action costs..

Based on information in the Illinois EPA's possession, all costs associated with the one 10,000 gallon and two 6,000 gallon gasoline USTs listed as Tank 1, Tank 2 and Tank 3 will not be paid as the release from these USTs was the result of contractor error during removal activities for the USTs . The following amounts were deducted from the approved total:

- a. \$3,227.15 from Drilling and Monitoring Well Costs
  - b. \$4,120.72 from Analytical Costs
  - c. \$7,360.72 from Consulting Personnel Costs
  - d. \$594.97 from Consultant's Materials Costs
2. \$1,590.48, deduction for costs that require an apportionment of costs pursuant to 35 Ill. Adm. Code 734.640. Pursuant to Section 57.8(m) of the Act, the Illinois EPA may apportion payment of costs for plans submitted under Section 57.7 of the Act if:
    - a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
    - b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

The Office of the State Fire Marshal Eligibility and Deductibility letter for incident #20090183 lists five eligible USTs:

Tank 1	10,000 gallon gasoline UST
Tank 2	6,000 gallon gasoline UST
Tank 3	6,000 gallon gasoline UST
Tank 5	550 gallon gasoline UST
Tank 6	300 gallon kerosene UST

The reimbursement claim states that the release was caused by these five USTs and another 6,000 gallon gasoline UST which was removed on April 21, 2009, listed as Tank 7 by the Office of the State Fire Marshal. Costs associated with the USTs listed above as Tank 1, Tank 2 and Tank 3 will not be paid by the Illinois EPA. Applicable costs were apportioned at 66.67 percent, based on Tank 5, Tank 6 and the 6,000 gallon gasoline UST not declared eligible in the OSFM Eligibility and Deductibility Letter (Tank 7). The following amounts were deducted from the approved total:

- a. \$335.40 from Drilling and Monitoring Well Costs
  - b. \$428.26 from Analytical Costs
  - c. \$764.99 from Consulting Personnel Costs
  - d. \$61.83 from Consultant's Materials Costs
3. \$32.00, deduction for site investigation or corrective action costs for copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The Consultant's Materials Costs requested 400 copies for copies of the Stage 1 Site Investigation Plan and Budget and the reimbursement package. Because the Stage 1 Site Investigation Plan and Budget consists of the signed certification on the 45-Day Report, no costs associated with the preparation of the Stage 1 Site Investigation Plan and Budget will be approved for payment. The reimbursement claim is 34 pages in length. A total of 80 copies at \$0.10 per copy were approved for a total cost of \$8.00.

4. \$880.60 was deducted from the requested handling charges. The application for payment includes handling charges that are greater than those allowed pursuant to 35 Illinois Administrative Code 734.635.

bjd

## 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 57.8(i) 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 request for 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

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

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



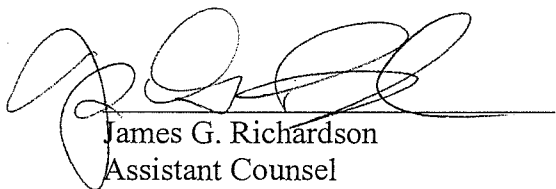
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 24, 2009 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Michael Keebler  
Environmental Management, Inc.  
1154 North Bradforton Road  
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