

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 22 2010

STATE OF ILLINOIS
Pollution Control Board

METROPOLITAN PIER & EXPOSITION)
AUTHORITY,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 10- 73
(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

Patricia M. Bryan
URS Corporation
100 South Wacker Drive, Suite 500
Chicago, Illinois 60606

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: March 19, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

METROPOLITAN PIER & EXPOSITION)
AUTHORITY,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 10- **73**
(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 June 27, 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:

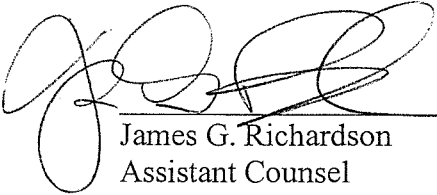
1. On February 18, 2010, the Illinois EPA issued a final decision to the Petitioner.
2. On March 17, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on February 22, 2010.

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: March 19, 2010

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

FEB 18 2010

CERTIFIED MAIL #

7008 1630 0001 4716 7186

Metropolitan Pier and Exposition Authority
Tim McHugh
301 E. Cermak
Chicago, Illinois 60616

Re: LPC #0316335065 -- Cook County
Chicago / Brinks, Inc.
234 E. 24th Street
Leaking UST Incident No. 980841
Claim No. 57713
Leaking UST Fiscal File

Dear Mr. McHugh:

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) in effect prior to June 24, 2002, and 35 Illinois Administrative Code 732.Subpart F. This application for payment is dated November 18, 2009 and was received by the Illinois EPA on November 23, 2009. It covers the period from March 1, 2004 to December 9, 2005. The amount requested is \$389,224.57.

As a result of the Illinois EPA's review of the application for payment, a voucher cannot be prepared for submission to the Comptroller's Office 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.

Following are costs that are not approved for payment and the reasons the costs are not approved:

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 967-7760
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 • 3009 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

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1. The No Further Remediation Letter for the above-referenced incident was issued on January 23, 2008. The application for payment for \$389,224.57 was received by the Illinois EPA on November 23, 2009, more than one year after said date. It covers the billing period from March 1, 2004 to December 9, 2005.

Pursuant to 35 Ill. Adm. Code 732.601(j), all applications for payment of corrective action costs must be submitted no later than one year after the date the Illinois EPA issues a No Further Remediation Letter pursuant to Subpart G of 35 Ill. Adm. Code 732. For releases for which the Illinois EPA issued a No Further Remediation Letter prior to March 1, 2006, all applications for payment must be submitted no later than March 1, 2007. Pursuant to 35 Ill. Adm. Code 732.606(rr), these costs are ineligible for payment from the UST Fund.

2. In addition, \$385.00 of the above amount was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an amount greater than the amount approved in the budget. The line-item amount for Investigation Costs was reduced to that approved in the budget.
3. In addition, \$237,426.99 of the above amount for costs that require an apportionment of costs pursuant to 35 Ill. Adm. Code 732.608. 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.

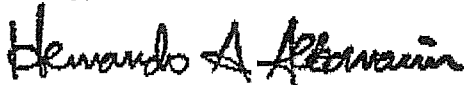
This is your notification that payment of costs is being apportioned based on the total gallons eligible for payment from the UST Fund.

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 require further assistance, please contact Brian Bauer of my staff at 217/782-3335.

Sincerely,



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


HAA:BB

c: URS Corporation – Patricia Bryan
Leaking UST Claims Unit
Brian Bauer

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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 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

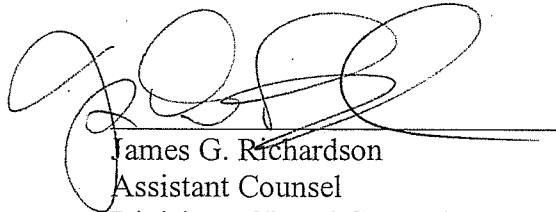
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 19, 2010 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

Patricia M. Bryan
URS Corporation
100 South Wacker Drive, Suite 500
Chicago, Illinois 60606

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Assistant Counsel
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