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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 21 2014

STATE OF ILLINOIS
Pollution Control Board

GREENFIELD & GREENFIELD)
GOLD DUST, LLC,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 14- 109
(LUST Appeal – Ninety Day
Extension)

NOTICE

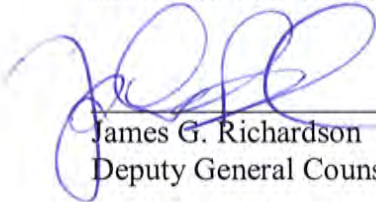
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John Therriault
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

William D. Ingersoll
Brown, Hay & Stephens, LLP
P.O. Box 2459
Springfield, Illinois 62705

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
Deputy General Counsel

Dated: February 19, 2014
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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GREENFIELD & GREENFIELD)
GOLD DUST, LLC,)
Petitioner,)
)
v.) PCB No. 14- 109
) (LUST Appeal – Ninety Day Extension)
ILLINOIS ENVIRONMENTAL)
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, James G. Richardson, Deputy General 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 May 21, 2014, 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:

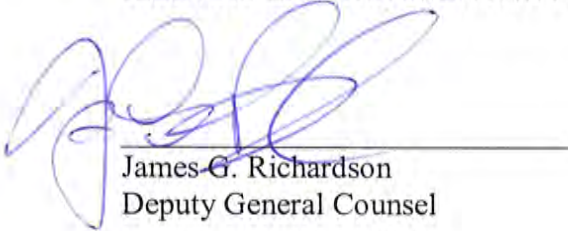
1. On January 14, 2014, the Illinois EPA issued a final decision to the Petitioner.
2. On February 19, 2014, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about January 16, 2014.

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
Deputy General Counsel

Dated: February 19, 2014

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) 783-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

217/524-3300

JAN 14 2014

CERTIFIED MAIL #

7032 0470 0001 2973 5196

Greenfield & Greenfield Gold Dust, LLC
Attn: Mark Jackson
455 East Pershing Road
Decatur, IL 62526

Re: LPC #0290255175 -- Coles County
Mattoon / Greenfield & Greenfield Gold Dust, LLC
600 East Charleston Avenue
Incident-Claim No.: 20130017 -- 63705
Queue Date: October 10, 2013
Leaking UST Fiscal File

Dear Mr. Jackson:

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 (35 Ill. Adm. Code) 734.Subpart F.

This information is dated October 24, 2013 and was received by the Illinois EPA on October 10, 2013. The application for payment covers the period from January 1, 2013 to August 22, 2013. The amount requested is \$84,412.29.

On October 10, 2013, the Illinois EPA received your complete application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$26,967.93 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA 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 Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the

4202 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State, Elgin, IL 60120 (847) 206-3131
2125 E. First St., Champaign, IL 61820 (217) 278-5901
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
5407 N. University St., Arden Hills, Peoria, IL 61614 (309) 693-5442
2309 W. Main St., Suite 116, Mokena, IL 60459 (618) 993-7200
100 W. Randolph, Suite 10-200, Chicago, IL 60601 (312) 814-6026

Page 2

Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

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.

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 Catherine S. Elston of my staff at 217-785-9351.

Sincerely,



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

HAA:CSE

ATTACHMENT

c: Rapps Engineering & Applied Science, Inc.
Leaking UST Claims Unit
Cathy Elston

Attachment A
Accounting Deductions

Re: LPC #0290255175 -- Coles County
Mattoon / Greenfield & Greenfield Gold Dust, LLC
600 East Charleston Avenue
Incident-Claim No.: 20130017 -- 63705
Queue Date: October 10, 2013
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. \$1,578.31, deduction for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. The costs associated with overburden removal and return are included in the UST removal rate, for which a maximum rate has been applied. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Overburden removal and return costs are part of the subpart H rate for UST removal.

2. \$2,500.00, deduction for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. The costs associated with non-consulting personnel are included in the excavation, transportation and disposal rate in addition to the UST removal rate, for which a maximum rate has been applied. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Midwest Petroleum Service costs for mobilization/demobilization of personnel, equipment trailer, air compressor, excavator and tractor are included in the subpart H rate for the excavation, transportation, and disposal and the UST removal.

3. \$687.33, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

Handling charges on ineligible non-consulting costs for Midwest Petroleum Services.

4. \$42,678.72, deduction for costs for concrete paving, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

The maximum amount of concrete replacement allowed would be 605 square feet but reimbursement was requested for 8,957 square feet.

5. \$5,000.00, deduction for costs for canopy removal, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Prior approval from the Agency was not requested in writing for the canopy removal pursuant to 35 Ill. Adm. Code 734.625(a)(17).

The canopy removal costs exceed the minimum requirements and did not have prior approval from the Agency in writing.

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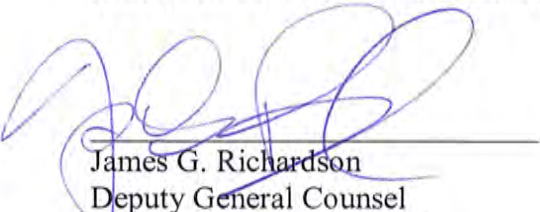
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 19, 2014 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
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

William D. Ingersoll
Brown, Hay & Stephens, LLP
P.O. Box 2459
Springfield, Illinois 62705

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Division of Legal Counsel
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