

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ABP PROPERTIES, LLC,)	
Petitioner,)	
)	
v.)	PCB 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

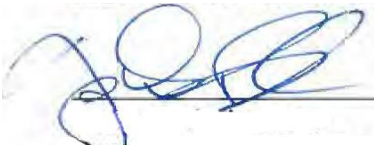
NOTICE

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

Patrick D. Shaw
Attorney at Law
80 Bellerive Road
Springfield, Illinois 62704

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 17, 2021
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

ABP Properties, LLC,)	
Petitioner,)	
)	
v.)	PCB No. 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL)	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, 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, 2021, 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:

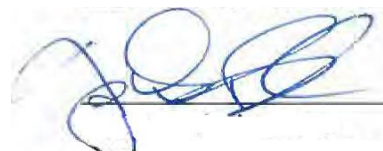
1. On or about January 8, 2021, the Illinois EPA issued a final decision to the Petitioner.
2. On February 16, 2021, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about January 16, 2021.

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

A handwritten signature in blue ink, appearing to read 'JR', is written over a horizontal line.

James G. Richardson
Deputy General Counsel

Dated: February 17, 2021

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

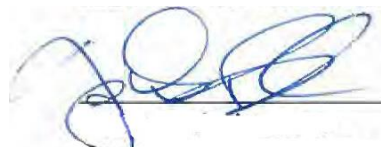
I, the undersigned attorney at law, hereby certify that on February 17, 2021 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the method(s) and to the persons identified below:

Electronic Service

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

Patrick D. Shaw
Attorney at Law
80 Bellerive Road
Springfield, Illinois 62704

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

A handwritten signature in blue ink, appearing to read 'J. Richardson', is written over a horizontal line.

James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL #

7017 2680 0001 0209 5761

JAN 08 2021

ABP Properties, LLC
c/o CWM Company
P.O. Box 571
Carlinville, IL 62626

Re: LPC #1990555286 -- Williamson County
Marion / Lake of Egypt Supermarket
12124 Lake of Egypt Road
Incident-Claim No.: 20180357 -- 71448
Queue Date: September 10, 2020
Leaking UST Fiscal File

Dear Mr. Bhardwaj:

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 (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F. This application for payment is dated August 31, 2020 and was received by the Illinois EPA on September 10, 2020. It covers the period from April 1, 2020 to July 31, 2020. The amount requested is \$10,986.16.

Pursuant to Section 57.8 of the Act, if an owner or operator is eligible to access the UST Fund pursuant to an eligibility and deductible final determination issued by the Illinois Office of the State Fire Marshal (OSFM) in accordance with Section 57.9 of the Act, an application for payment may be submitted to the Illinois EPA. In addition, pursuant to Section 57.8(a)(6)(C) of the Act and 35 Ill. Adm. Code 734.605(b)(3), a complete application for payment must contain a copy of the OSFM eligibility and deductible determination. An eligibility and deductible determination does not appear to have been issued for the above-referenced incident nor was one submitted with the application for payment.

The Illinois EPA has determined that the application for payment is denied and a voucher cannot be prepared for submission to the Comptroller's Office for payment. This constitutes the Illinois EPA's final action with regard to the above application for payment.

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

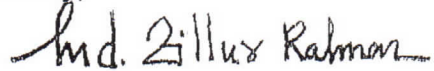
If you have any questions or require further assistance, please contact Pat Barber of my staff at (217) 785-0030.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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Sincerely,



Mohammed Z. Rahman, Manager
Leaking Underground Storage Tank Section
Bureau of Land



Attachment

c: ABP Properties, LLC
Leaking UST Claims Unit

Attachment A
Accounting Deductions

Re: LPC #1990555286 -- Williamson County
Marion / Lake of Egypt Supermarket
12124 Lake of Egypt Road
Incident-Claim No.: 20180357 -- 71448
Queue Date: September 10, 2020
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$10,986.16, deduction for costs for Consulting Personnel Costs, Consultant's Material Costs and Handling Charges, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Also, included in the above costs \$477.01, deduction for costs for Consulting Personnel 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).

The costs in this claim are for preparation of a CACR. To date the IEPA has not received this document.

Also, of the requested amount for Consulting Personnel costs 33.75 hours for Engineer III were requested. 32 hours were approved for Sr. Project Manager deducted (\$225.61). Requested 4.00 hours Sr. Professional Engineer 3.5 hours previously used approved 2.50 hours deducted \$251.40.

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 57.7(c)(4) 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 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:

Clerk of the Board
Illinois Pollution Control Board
James R. Thompson 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
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544