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MAY 10 2010

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

WEBEL FEEDS,)	
)	
Petitioner,)	
v.)	PCB No. 10- 99
ILLINOIS ENVIRONMENTAL)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORIGINAL

NOTICE

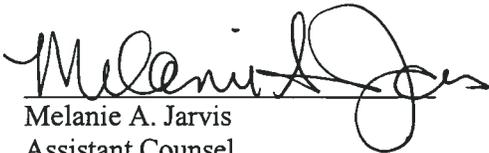
John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Jeryl L. Olson
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
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: May 6, 2010

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

WEBEL FEEDS,)
)
 Petitioner,)
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 v.) PCB No. 10- 97
) (LUST Appeal – Ninety Day Extension)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD

ORIGINAL

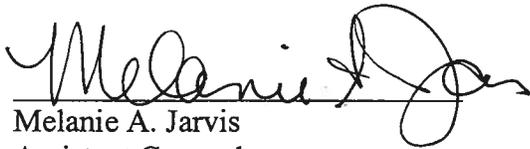
NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to August 10, 2010, 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 5, 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 join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The request states that the appeal must be filed no later than May 10, 2010.
2. The Petitioner states that the Illinois EPA’s April 2, 2010 final decision was received by them on April 5, 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,
Respondent

A handwritten signature in black ink, appearing to read "Melanie A. Jarvis", written over a horizontal line.

Melanie A. Jarvis
Assistant Counsel
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: May 6, 2010

This filing submitted on recycled paper.

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MAY 10 2010

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

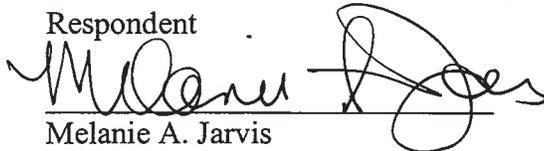
I, the undersigned attorney at law, hereby certify that on May 6, 2010, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Jeryl L. Olson
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603

ORIGINAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
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217/782-5544
217/782-9143 (TDD)

Writer's direct phone
(312) 460-5802

Writer's e-mail
jolson@seyfarth.com

May 5, 2010

VIA E-MAIL & U.S. MAIL

William D. Ingersoll, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
Springfield, IL 62794-9276

**Re: LPC #1490755017-- Pike County
Pittsfield/Webel Feeds
LUST Incident No. 921798
Request for 90 Day Extension for Filing Appeal of the Final Decision of the
Agency on April 2, 2010**

Dear Bill:

On April 5, 2010, Tate & Lyle (the Company taking responsibility for completing remediation associated with the Pittsfield/Webel site referenced above) received a final decision of IEPA, dated April 2, 2010, rejecting the Amended Corrective Action Plan Budget submitted by the Company on December 21, 2009. Tate & Lyle believes the issues raised in the denial can be resolved without appeal, however counsel for IEPA and Tate & Lyle have been unable to meet to clarify the issues, and the appeal deadline is May 10, 2010.

Tate & Lyle respectfully requests a 90 day extension for the period of time to file an appeal in this matter, so that the Company has sufficient time to discuss with counsel and technical personnel for IEPA the basis for the denial to determine whether the matter can be resolved without appeal, or whether an appeal of the Agency's final decision is necessary.



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

CERTIFIED MAIL

APR 02 2010

7008 1830 0001 4715 9600

PM Ag Products, Inc.
Attention: Don Moster
2200 East Eldorado Street
Decatur, Illinois 62525

Re: LPC #1490755017 -- Pike County
Pittsfield / Webel Feeds
Rural Route 3
Leaking UST Incident No. 921798
Leaking UST Technical File

Dear Mr. Moster:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated December 21, 2009, was received by the Illinois EPA on December 23, 2009. Citations in this letter 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).

The budget is rejected for the reason(s) listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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

Attachment A

Re: LPC #1490755017 -- Pike County
Pittsfield / Webel Feeds
Rural Route 3
Leaking UST Incident No. 921798
Leaking UST Technical 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).

1. Pursuant to Sections 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b), the associated budget is rejected for the following reason:

The Illinois EPA has not approved the plan with which the budget is associated. Until such time as the plan is approved, a determination regarding the associated budget— i.e., a determination as to whether costs associated with materials, activities, and services are reasonable; whether costs are consistent with the associated technical plan; whether costs will be incurred in the performance of corrective action activities; whether costs will not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and whether costs exceed the maximum payment amounts set forth in Subpart H of 35 Ill. Adm. Code 734—cannot be made (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)). An amended corrective action plan (plan) associated with these additional activities has not been approved by the Illinois EPA. The review letter dated September 28, 2008, approved the removal of 500 cubic yards of saturated soils. Reimbursement for excavation activities beyond the previous amount cannot be approved until an approvable plan is submitted demonstrating that the additional corrective action activities were necessary and are not in excess of the minimum requirements necessary to comply with the Act.

Please note the following must also be addressed prior to approval of further corrective action activities:

- *Pre-excavation groundwater sampling results have not been provided.*
- *Documentation has not been submitted for the excavation activities completed in December 2008 along with the reasoning for expansion of the excavation area beyond 500 cubic yards.*
- *Documentation for the re-installation of MW-2 has not been provided. This should include the location of the replacement well along with whether the well was placed in native soil or directly back into the excavated area.*