

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

DEC 1 2003

BRAUN OIL COMPANY,)
)
Petitioner,)
)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 04- 86
(LUST Appeal - Ninety Day Extension)

STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Holly Payne, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

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



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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: November 26, 2003

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STATE OF ILLINOIS
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REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD

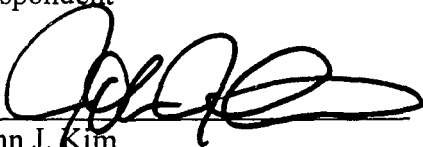
NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. 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 February 24, 2004, or any other date not more than a total of one hundred twenty-five (125) days from October 22, 2003, the date of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On October 22, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On November 14, 2003, 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 Petitioner did not represent when the final decision was received. (Exhibit B)
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



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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: November 26, 2003

This filing submitted on recycled paper.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

OCT 22 2003

Braun Oil Company
Attention: Mr. Carl Braun
312 Druscilla Lane
Waterloo, Illinois 62298

Re: LPC #1570605017 - Randolph County
 Sparta/ Braun Oil Company
 910 North Market Street
 LUST Incident No. 923096
 LUST Technical File

Dear Mr. Braun:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This information was dated September 15, 2003 and was received by the Illinois EPA on September 16, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (Ill. Adm. Code).

The plan is rejected for the following reasons(s):

1. The plan failed to address both the soil and groundwater contamination. The Agency is requesting a plan that would address soil contamination both on and off-site. The Agency notes the proposed groundwater use ordinance will be used to address the groundwater contamination if approved by the Agency.

ROCKFORD - 4302 North Main Street, Rockford, IL 61109 - (815) 398-7200
 ELGIN - 595 South State, Elgin, IL 60120 - (815) 398-7200
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62794 - (217) 278-5800
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200
 JEFFERSONVILLE - 1000 N. Main St., Jeffersonville, IL 62234 - (618) 346-5120
 ST. LOUIS - 1000 N. Main St., St. Louis, IL 60016 - (847) 294-4000

A


Pursuant to 35 Ill. Adm. Code 731.166, a revised Corrective Action Plan must be submitted within 120 days of the date of this letter 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 at the beginning of this letter.

If you have any questions or need further assistance, please contact James R. Malcom, III at 217/524-9140.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC: jrm

cc: USI
Division File