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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

JAN - 9 2004

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

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

PCB No. 04- 118
(LUST - Ninety Day Extension)

NOTICE

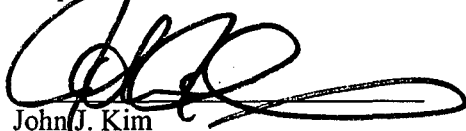
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Allan Green
Midwest Environmental Consulting
& Remediation Services, Inc.
22200 Illinois Route 9
P.O. Box 614
Tremont, IL 61568-0614

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: January 7, 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

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(LUST - 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, 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 April 6, 2004, or any other date not more than a total of one hundred twenty-five (125) days from the date of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 3, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On December 24, 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
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Dated: January 7, 2004



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

CERTIFIED MAIL
7002 3150 0000 1227 2619

DEC 03 2003

AJ Oil Company
Attn: Arlan Johnson
12312 West Farmington Road
Hanna City, Illinois 61536

Re: LPC #1430105004 -- Peoria County
Bellevue/AJ Oil Company
5723 West Plank Road
LUST Incident No. 913105 (941771)
LUST Technical File

Dear Mr. Johnson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Site Investigation Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated September 29, 2003, was received by the Illinois EPA on October 8, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is approved. The site investigation activities proposed in the plan are appropriate to develop a High Priority Corrective Action Plan that demonstrates compliance with Title XVI of the Act and 35 Ill. Adm. Code 732. Please note that the activities proposed in the plan are for investigative purposes only. Final approval for corrective action activities is contingent upon the submittal of a High Priority Corrective Action Plan that documents the results of the proposed investigation and satisfies the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404.

In addition, the budget for the High Priority Site Investigation Corrective Action Plan is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

NOTE: Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be reimbursable.

Pursuant to 35 Ill. Adm. Code 732.401, the site investigation results and a High Priority Corrective Action Plan demonstrating compliance with the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404 must be submitted within 60 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 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.

Page 3

If you have any questions or need further assistance, please contact Valerie Davis at 217-785-7492.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:VAD\

Attachment: Attachment A
Appeal rights

c: MECRS, Inc.
Division File

Attachment A

Re: LPC #1430105004 -- Peoria County
Bellevue/AJ Oil Company
5723 West Plank Road
LUST Incident No. 913105 (941771)
LUST Technical File

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

SECTION 1

The budget was previously approved for:

\$ 9,056.00	Investigation Costs
\$ 8,300.00	Analysis Costs
\$ 18,073.00	Personnel Costs
\$ 674.00	Equipment Costs
\$ 24.00	Field Purchases and Other Costs
\$ 1,822.08	Handling Charges

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$ 6,330.00	Investigation Costs
\$ 4,940.00	Analysis Costs
\$ 6,500.00	Personnel Costs
\$ 476.00	Equipment Costs
\$ 24.00	Field Purchases and Other Costs
\$ 1,227.00	Handling Charges

Therefore, the total cumulative budget is approved for:

\$ 15,386.00	Investigation Costs
\$ 13,240.00	Analysis Costs
\$ 24,573.00	Personnel Costs
\$ 1,150.00	Equipment Costs
\$ 48.00	Field Purchases and Other Costs
\$ 3,049.08	Handling Charges

SECTION 2

1. \$ 16,895.77 for an adjustment in (see below). The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

- -\$ 100.00 Mobilization.
- -\$ 30.00 Decontamination/cleanup costs.
- -\$ 2,061.08 Monitoring Well Installation Materials (4 wells).
- -\$ 900.00 Disposal of Cuttings (6 drums).
- -\$ 180.00 Soil BTEX analysis (12 total).
- -\$ 240.00 Soil PNA analysis (12 total).
- -\$ 210.00 Groundwater BTEX analysis (14 total).
- -\$ 280.00 Groundwater PNA analysis (14 total).
- -\$12,493.00 Personnel.
- -\$ 7.00 Mileage (total 350).
- -\$ 394.69 Handling, based upon above adjustments.

VAD\

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)(D) 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

Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone: (309) 925-5551 • Fax: (309) 925-5606

RECEIVED
Division of Legal Counsel
DEC 31 2003
Environmental Protection
Agency

December 24, 2003

Ms. Susan Schroeder
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1430105004– Peoria County
Bellevue/AJ Oil Company
5723 West Plank Road
LUST Incident #913105, 941771
IEPA LEGAL FILE

Dear Ms. Schroeder:

Please find the request for a 30-day extension to file an appeal for the IEPA correspondence dated December 3, 2003. Due to the busy schedule of our office, the Holiday season, and the necessary time it will take to file an appeal with the Illinois Pollution Control Board, additional time is needed to file the appropriate paperwork.

As always, do not hesitate to contact my office with any questions or comments.

Sincerely,

Midwest Environmental Consulting & Remediation Services, Inc.



Allan Green
President

TKB
Project No.450
cc: Mr. Arlan Johnson


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 7, 2004, 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 Mail postage affixed thereto, upon the following named persons:

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

Allan Green
Midwest Environmental Consulting
& Remediation Services, Inc.
22200 Illinois Route 9
P.O. Box 614
Tremont, IL 61568-0614

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


John J. Kim
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