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CLERK'S OFFICE

APR 05 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

COOPER OIL COMPANY,)	
Petitioner,)	
v.)	
ILLINOIS ENVIRONMENTAL)	PCB No. 04- 175
PROTECTION AGENCY,)	(LUST Appeal – Ninety Day Extension)
Respondent.)	

NOTICE

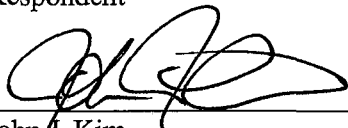
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Mark Owens, 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: April 2, 2004

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STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

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

PCB No. 04- 175
(LUST Appeal – 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 July 6, 2004, 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. The 125th day is July 5, 2004, which is a state holiday. The next business day is July 6, 2004. In support thereof, the Illinois EPA respectfully states as follows:

1. On February 26, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)
2. On March 3, 2004, 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 final decision provided by the Petitioner indicates the letter was received on March 1, 2004. (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
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Dated: April 2, 2004

This filing submitted on recycled paper.



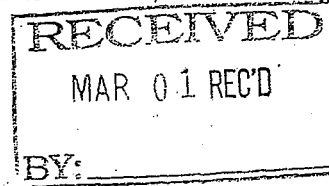
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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



FEB 26 2004

Cooper Oil Company
Attention: William Cooper
401 West Karsch Boulevard
Post Office Box 657
Farmington, MO 63640

Re: LPC #0250105008 -- Clay County
Flora/Cooper Oil Company
624 East North
LUST Incident #890185
LUST FISCAL FILE

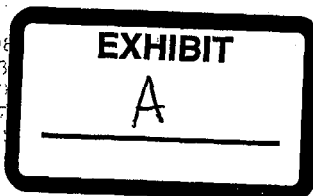
Dear Mr. Cooper:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from December 1, 1994 to November 30, 1999. The amount requested was \$52,727.48.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated April 29, 2003. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On January 30, 2004, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$17,089.33 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings requests are received by the Agency.

This constitutes the Agency's final action with regard to the above invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) and Section 40 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



Page 2

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:

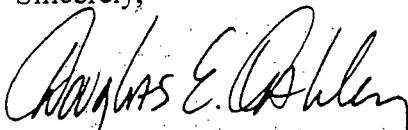
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions, please contact Catherine S. Elston of my staff or Mike Heaton of Mike Lowder's staff at 217/782-6762.

Sincerely,


Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:CSE;jk\043119.doc

Attachment

cc: United Science Industries

Attachment A
Accounting Deductions

Re: LPC #0250105008 -- Clay County
Flora/Cooper Oil Company
624 East North
LUST Incident #890185
LUST FISCAL FILE

Item # Description of Deductions

1. \$486.50, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

 Mobilization/Demobilization on Dickman Engineering invoice #9616 is unreasonable - \$420.00.

 Vehicle mileage rate on Dickman Engineering invoice #9821 is unreasonable - \$66.50.

DEO:CSE;jk\043119.doc

Attachment A
Technical Deductions

Re: LPC #0250105008 -- Clay County
Flora / Cooper Oil Co.
624 East North Ave.
LUST Incident No. 880340, 890185
LUST Technical File

NOTE: Citations in this attachment are from 35 Illinois Administrative Code (35 IAC) and the Illinois Environmental Protection Act (Act).

Item # Description of Deductions

1. \$35,151.65, deduction for an apportionment of costs. Illinois EPA has determined that an apportionment of 1/3 eligible and 2/3 ineligible is appropriate for this facility. This is based upon the fact that the tank(s) which leaked in 1986 is unknown and product loss/gain occurred in all three tanks, thus all three tanks are assumed to have leaked. One of these three tanks had a release in 1989 when the piping broke during tank relining. Therefore, eligible costs shall be 33.33% of the total costs.

mh

RECEIVED
Division of Legal Counsel

MAR 05 2004



**Environmental Protection
Agency**

P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

March 3, 2004

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62792-9276

**Re: LPC# 0250105008--Clay Co.
Flora/Cooper Oil Company
624 East North
LUST Incident No. 890185
ATTN: John Kim**

Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, William Cooper, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 175.

Sincerely yours,

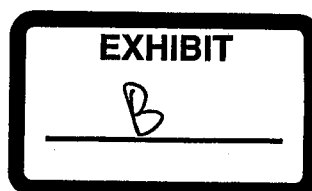
UNITED SCIENCE INDUSTRIES, INC.

A handwritten signature in cursive script that reads "Mark Owens".

Mark Owens
Project Manager

Enclosures

MO:bg



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 2, 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

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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