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# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

APR 15 2004 STATE OF ILLINOIS

STROHM OIL COMPANY,	. )	Foliution Control Board
Petitioner,	) )	PCB No. 04- 182
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	(LUST Appeal – 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 Tyler Sink, 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 13, 2004

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## APR 15 2004

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

STATE	OF	ILLII	VOIS
	Co	ntrol	Board
<b>POMMITION</b>	ŲŪ		

STROHM OIL COMPANY,	)	
Petitioner,	)	
v.	)	PCB No. 04- 182
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day 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, 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 15, 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. In support thereof, the Illinois EPA respectfully states as follows:

- 1. On March 11, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
- 2. On April 5, 2004, the Illinois EPA received a written request from the Petitioner 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 indicates it was received on March 12, 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

217/782-5544

217/782-9143 (TDD)

Dated: April 13, 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

**CERTIFIED MAIL** 

MAR 9 1 2004

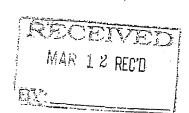
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Strohm Oil Co. Attn: Randy Strohm P.O. Box 98 West Union, IL 62477

Re:

LPC #0330255064 -- Crawford County

Robinson/Strohm Oil Co. 202 North Jackson St. LUST Incident No. 992828 LUST Technical File



Dear Mr. Strohm:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated January 23, 2004, was received by the Illinois EPA on January 27, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

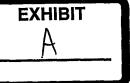
The budget is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved 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.

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.

ROCKFORD = 4302 North Main Street, Rockford, IL 61103 = (815) 987-ELGIN = 595 South State, Elgin, IL 60123 = (847) 608-313 BUREAU OF LAND - PEORIA = 7620 N. University St., Peoria, IL 61614 = (309) SPRINGFIELD = 4500 S. Sixth Street Rd., Springfield, IL 62706 = (217) 7 MARION = 2309 W. Main St.,



Harrison St., Des Plaines, IL 60016 – (847) 294-4000 y St., Peoria, IL 61614 – (309) 693-5463 South First Street, Champaign, IL 61820 – (217) 278-5800 Mall Street, Collinsville, IL 62234 – (618) 346-5120 B) 993-7200 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 need further assistance, please contact Jason Donnelly at (217) 577-8764.

Sincerely,

Harry A. Chappel, P.E.

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAC:JD\992828-am.hpcap-bud#2

Attachment:

Attachment A

Appeal Rights

c:

United Science Industries, Inc., Tyler Sink

Division File

#### Attachment A

Re: LPC # 0330255064 -- Crawford County

Robinson/Strohm Oil Co. 202 North Jackson St. LUST Incident No. 992828

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:

\$1,318.54	Investigation Costs
\$1,360.00	Analysis Costs
\$17,403.58	Personnel Costs
\$4,600.88	Equipment Costs
\$8,820.03	Field Purchases and Other Costs
\$190.80	Handling Charges

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

\$0.00	Investigation Costs
\$97.00	Analysis Costs
\$0.00	Personnel Costs
\$32.00	Equipment Costs
\$16.00	Field Purchases and Other Costs
\$0.00	Handling Charges

Therefore, the total cumulative budget is approved for:

\$1,318.54	Investigation Costs
\$1,457.00	Analysis Costs
\$17,403.58	Personnel Costs
\$4,632.88	Equipment Costs
\$8,836.03	Field Purchases and Other Costs
\$190.80	Handling Charges

## **SECTION 2**

1. \$15,225.00 for an adjustment in total personnel costs. 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.

The Illinois EPA has reviewed the activities completed and/or to be completed as part of the plan(s) and has approved a reasonable amount of personnel dollars for these efforts. Please note the total personnel amount approved to date was used to determine the reasonableness.

HAC:JD\992828-am.hpcap-bud#2.A

## 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



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

March 6, 2003

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

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

Re: LPC# 0330255064 - Crawford County

Robinson/Strohm Oil Co. 202 North Jackson St. LUST Incident No. 992828 Attn: Susan Schroeder

Dear Mrs. Schroeder:

United Science Industries, Inc. (USI), on behalf of our client, Randy Strohm, 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. 170.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Tyler Sink

**Project Manager** 

**Enclosures** 

EXHIBIT

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#### **CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on April 13, 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 Tyler Sink, Project Manager United Science Industries P.O. Box 360 6295 East Illinois Highway 15 Woodlawn, IL 62898-0360

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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