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APR 15 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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

PCB No. 04- 183
(LUST Appeal - Ninety Day Extension)

NOTICE

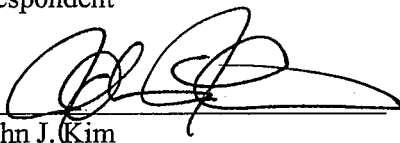
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Simon P. Broomhead, P.G.
American Environmental Corp.
3700 West Grand Avenue
Suite A
Springfield, IL 62707

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

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



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

217782-6762

CERTIFIED MAIL

7002 3150 0000 1255 4913

MAR 12 2004

Johnson Oil Company, LLC
Attn: Rick Johnson
P.O. Box 27
Columbus, IN 47202

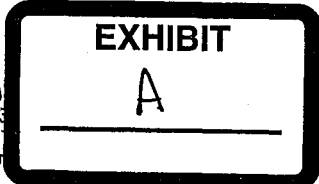
Re: LPC #1830205196 -- Vermilion County
Danville/Johnson Oil Company
901 N. Vermilion St.
LUST Incident No. 992440
LUST Technical File

Dear Mr. Johnson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated December 4, 2003, was received by the Illinois EPA on December 5, 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 activities proposed in the plan are appropriate to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the budget for the High Priority 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.



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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.

If you have any questions or need further assistance, please contact Scott McGill at (217)/524-5137.

Sincerely,



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

Attachments: Attachment A
Appeal Rights

cc: American Environmental Corporation
Division File

Attachment A

Re: LPC # 1830205196 -- Vermilion County
 Danville/Johnson Oil Company
 901 N. Vermilion St.
 LUST Incident No. 992440
 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:

\$24,008.40	Investigation Costs
\$3,030.00	Analysis Costs
\$46,296.50	Personnel Costs
\$2,465.00	Equipment Costs
\$6,190.10	Field Purchases and Other Costs
\$3,076.00	Handling Charges

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

\$9,191.02	Investigation Costs
\$2,056.00	Analysis Costs
\$14,000.00	Personnel Costs
\$1,815.00	Equipment Costs
\$5,799.80	Field Purchases and Other Costs
\$13,411.02	Handling Charges

Therefore, the total cumulative budget is approved for:

\$33,199.42	Investigation Costs
\$5,086.00	Analysis Costs
\$60,296.50	Personnel Costs
\$4,280.00	Equipment Costs
\$11,989.90	Field Purchases and Other Costs
\$16,487.02	Handling Charges

SECTION 2

1. \$43.00 for excessive analysis costs. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

Costs associated with TCLP lead were reduced to \$16/sample. The analysis costs were reduced from \$2,100.00 to \$2,056.00.

2. \$35,780.25 for excessive personnel costs. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

The Agency has reviewed the activities to be completed as part of the plan and approved a reasonable amount of personnel dollars for this effort.

We do not specify number of hours or type of personnel expected to complete the proposed activities, only a reasonable total amount. How a consultant chooses to use this amount (type of personnel used and number of hours) is up to them as long as the approved total amount is not exceeded and the personnel rates are reasonable.

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



From Springfield Regional Office

April 13, 2004

VIA FACSIMILE
782-9807

Illinois Environmental Protection Agency
Attn: John Kim
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Re: **Request for Extension for Petitioning the IPCB**
LPC #1830205196 – Vermilion County
Johnson Oil #147- Danville/Johnson Oil Company, LLC of Indiana
901 North Vermilion Street
LUST Incident No. 992440
American Environmental Project Number 207012

Dear Mr. Kim

Johnson Oil Company, LLC of Indiana ("Johnson Oil"), requests that the Illinois Environmental Protection Agency ("Agency") join them in requesting a 90-day extension to the 35-day deadline for filing a petition for a hearing before the Illinois Pollution Control Board (IPCB). This request is being made to preserve Johnson Oil's right to appeal the Agency decision contained in a March 12, 2004 letter regarding a December 4, 2003 Corrective Action Plan and Budget for the above referenced LUST incident. A copy of the Agency letter is attached.

The additional time is needed for American Environmental to submit information and a request for the Agency to reconsider some of their budget deductions. If necessary, we will also meet with the Agency in an effort to resolve the issues without the need to submit a formal petition request.

Please take the necessary action to file this extension request before the 35-day appeal time expires on April 16, 2004. If you need additional information, please advise.

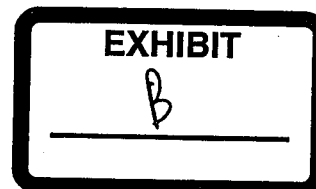
Sincerely,

AMERICAN ENVIRONMENTAL CORPORATION

Simon P. Broomhead.
Simon P. Broomhead, P.G.
Project Manager

pc: Rick Johnson, Johnson Oil Company, LLC of Indiana

Enclosure



Corporate Office

8500 Georgetown Road
Indianapolis, Indiana 46268-1647
317-871-4090
317-871-4094 Fax

Regional Office

3700 W. Grand Ave. Sta. A
Springfield, IL 62707
217-585-9517
217-585-9518 Fax

Regional Office

410 Production Court
Louisville, KY 40299
502-491-0144
502-491-9271 Fax


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

Simon P. Broomhead, P.G.
American Environmental Corp.
3700 West Grand Avenue
Suite A
Springfield, IL 62707

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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