

**RECEIVED**  
CLERK'S OFFICE

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

**JUL 15 2004**

**STATE OF ILLINOIS  
Pollution Control Board**

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

PCB No. 04-183  
(LUST Appeal)

**NOTICE OF FILING**

To: John Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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

PLEASE TAKE NOTICE that I have today, July 15, 2004, filed with the Clerk of the Illinois Pollution Control Board a PETITION FOR REVIEW of a certain final Illinois Environmental Protection Agency Decision, a copy of which is herewith served upon you through overnight courier or United States Mail.

Respectfully Submitted,

JOHNSON OIL COMPANY, LLC OF INDIANA  
Petitioner

  
\_\_\_\_\_  
Rick Johnson, Manager  
Johnson Oil Company, LLC  
P.O. Box 27  
Columbus, Indiana 47202

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

**JUL 15 2004**

**STATE OF ILLINOIS  
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JOHNSON OIL COMPANY, LLC, )  
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Petitioner, )  
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vs. )  
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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

PCB No. 04-183  
(LUST Appeal)

**PETITION FOR REVIEW OF FINAL AGENCY  
LEAKING UNDERGROUND STORAGE TANK DECISION**

NOW COMES the petitioner, Johnson Oil Company, LLC ("Johnson Oil"), pursuant to Sections 40(a)(1) and 57.7(c)(4)(D) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1) and 57.7(c)(4)(D)) and 35 Ill. Adm. Code 105.400-412, hereby requests that the Illinois Pollution Control Board ("Board") review the final decision of the Illinois Environmental Protection Agency ("Agency") in the above-referenced case. In support thereof, Johnson Oil respectfully states as follows:

1. Johnson Oil formerly owned and operated a gasoline service station on property located at 901 North Vermilion Street, Danville, Vermilion County, Illinois (the "site"). On October 28, 1999, Johnson Oil reported a release of petroleum at the site and the site was assigned Incident No. 992440. Johnson Oil retained American Environmental Corporation to complete Site Investigation and Corrective Action, including preparation of Site Investigation and Corrective Action Plans.
2. On December 4, 2003, American Environmental Corporation submitted on behalf of Johnson Oil a High Priority Corrective Action Plan ("HPCAP") and Budget for investigation to define the extent of free product and

contaminated groundwater and for a pilot study to evaluate the Method of Soil Vapor Extraction to remediate contamination.

3. On March 12, 2004, the Agency issued a Final Decision to Johnson Oil in which the HPCAP was approved with modifications to the Budget, a copy of which is attached hereto as Exhibit A.
4. On April 13, 2004, Johnson Oil made written request to the Agency for an extension of time by which to file a petition for review. The Agency joined in Johnson Oil's request that the Board extend the thirty-five day period for filing a Petition for Review to ninety days, a copy of which is attached hereto as Exhibit B.
5. On May 6, 2004 the Board entered an Order to extend the time in which Johnson Oil could file a Petition for Review for an additional ninety days, up to and including July 15, 2004, a copy of which is attached as Exhibit C.
6. The grounds for the Petition for Review are as follows:

Johnson Oil's consultant, Simon P. Broomhead, P.G. of American Environmental Corporation, prepared the December 4, 2003 HPCAP and Budget in accordance with the Environmental Protection Act ("Act") and regulations, in addition to generally accepted engineering practices. Mr. Broomhead is a Licensed Professional Geologist with 10 years experience in the environmental consulting industry. The HPCAP detailed the procedures necessary to define the extent of residual contamination and evaluate the proposed method of corrective action. In accordance with 35 Ill. Adm. Code 732.404(f), the Budget included an estimate of all costs associated with the implementation and completion of the Corrective Action Plan. The budget also included personnel costs for activities which had been completed and for which copies of invoices were provided to document such costs. These costs were reasonable and were necessary to achieve the applicable remediation objectives. The personnel activities included in the budget consisted of:

- Free product recovery, monitoring, and report preparation completed throughout the Site Classification and Corrective Action Investigations,
- Obtaining permits and access agreements for neighboring properties and right-of-ways,
- Aquifer testing and risk-based contaminant modeling to calculate remediation objectives,
- Preparation of Corrective Action Plan and Budget,
- Complicated drilling at greater-than-typical depths in a highly permeable, heaving sand,
- Preparation of reimbursement claims,
- Completion of additional investigation, including soil and groundwater sampling, and free product monitoring, and
- Completion of a pilot study to evaluate the method of Soil Vapor Extraction for the remediation of residual contamination.

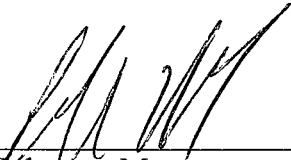
The Agency approved the HPCAP in a March 12, 2004 letter to Johnson Oil. However, the personnel costs in the associated budget were modified down to an unmanageable level with no justification for the reductions. The amount approved (\$14,000) was clearly less than necessary to meet the \$49,780.25 amount budgeted for personnel, including \$29,224.25 of completed personnel costs for which documentation was provided. Mr. Broomhead and other environmental consultants from American Environmental Corporation will testify that the approved budget for the HPCAP is vastly below industry norms, is not reasonable, and violates 35 Ill. Adm. Code 732.505. Furthermore, the HPCAP cannot be implemented with the budget approved by the Agency. The budget approved by the Agency is unreasonable, is arbitrary and capricious, and does not account for the several investigation and corrective action activities which were proposed in the approved HPCAP. Furthermore, upon information and belief, Johnson Oil alleges that the Agency improperly utilized certain rate sheets to reduce the budget. These rate sheets were not promulgated pursuant to the Illinois

Administrative Procedure Act (APA) and Illinois Ayers Oil Company vs. IEPA,  
PCB 03-214. Thus, the budget approved by the Agency is invalid.

WHEREFORE, Petitioner, Johnson Oil Company, LLC, for the reasons  
stated above, requests that the Board reverse the Final Decision of the Agency and  
restore the personnel amount as submitted in Johnson Oil's Budget associated  
with the December 4, 2003 HPCAP and consultant and attorney's fees incurred  
pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act.

Respectfully Submitted,

JOHNSON OIL COMPANY, LLC OF INDIANA  
Petitioner



---

Rick Johnson, Manager  
Johnson Oil Company, LLC  
P.O. Box 27  
Columbus, Indiana 47202



## 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 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.

**Exhibit  
A**

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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 Gumm, 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

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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

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

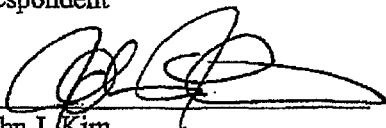
  
John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: April 13, 2004

Exhibit  
B

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

JOHNSON OIL COMPANY,	)	
Petitioner,	)	
v.	)	PCB No. 04-
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 the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On March 12, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On April 13, 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 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: 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

RÓD R. BLAGOJEVICH, GOVERNOR      RENEE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**  
7002 3150 0000 1255 4913

**MAR 12 2004**

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

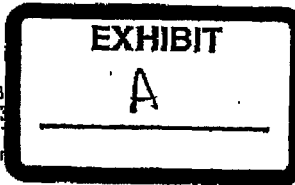
Re: LPC #1830205196 - Vermilion County  
Danville/Johnson Oil Company  
901 N. Vermilion St.  
LUST Incident No. 992440  
LUST Technical File

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.



ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-3300  
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BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397  
MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 993-7200

HARRISON ST., DES PLAINES, IL 60016 - (847) 294-4000  
CITY ST., PEORIA, IL 61614 - (309) 693-5463  
5 SOUTH FIRST STREET, CHAMPAIGN, IL 61820 - (217) 278-5800  
3 MALL STREET, COLLINGSVILLE, IL 62234 - (618) 346-5120  
(618) 993-7200

Page 2

All future correspondence must be submitted to:

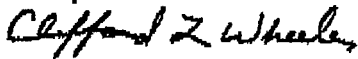
Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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,

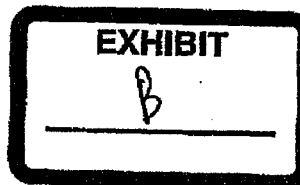
AMERICAN ENVIRONMENTAL CORPORATION

*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 46288-1947  
317-871-4090  
317-871-4084 Fax

Regional Office

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

Regional Office

410 Production Court  
Louisville, KY 40299  
502-491-0144  
502-491-8271 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  
217/782-5544  
217/782-9143 (TDD)

