

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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AUG 09 2004

STATE OF ILLINOIS
Pollution Control Board

PREMCOR REFINING GROUP, INC.,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05-24
(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

Kim M. Dickey
ERS of Illinois, Inc.
2270 Cornell Avenue
Montgomery, IL 60538

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: August 5, 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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PROTECTION AGENCY,)
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**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 November 3, 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 June 30, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

2. On August 4, 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 represented that the final decision was received no earlier than July 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
217/782-5544
217/782-9143 (TDD)
Dated: August 5, 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

7002 3150 0000 1257 9992

JUN 30 2004

Premcor Refining Group, Inc.
 Attention: Timothy J. Mauntel
 201 East Hawthorne Street
 Hartford, IL 62048

Re: LPC #0994905049 – La Salle County
 Streator / Clark Refining & Marketing
 101 Lincoln Street
 LUST Incident No. 981044
 LUST Technical File

Dear Mr. Mauntel:

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 April 12, 2004, was received by the Illinois EPA on April 14, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code):

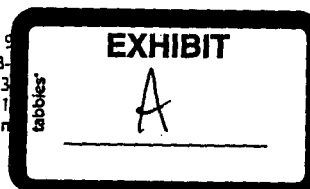
The budget is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved 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) 998-3300
 ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3300
 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
 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
 3) 993-7200

Page 2

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 Carol Hawbaker at 217/782-5713.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:CLH

Attachment: Attachment A

c: ERS of Illinois, Inc.
Tina Shae Melvin
Division File

Attachment A

Re: LPC # 0994905049 – La Salle County
Streator / Clark Oil & Refining
101 Lincoln Street
LUST Incident No. 981044
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

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

\$2,248.08	Investigation Costs
\$425.00	Analysis Costs
\$14,997.50	Personnel Costs
\$370.60	Equipment Costs
\$385.25	Field Purchases and Other Costs
\$452.97	Handling Charges

SECTION 2

1. \$8,424.16 for an adjustment in the total budget. These costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 Ill. Adm. Code 732.505(c)).

The associated technical plan, dated September 11, 2003 and received by the Illinois EPA on September 15, 2003, was approved in a letter dated November 13, 2003. The approved plan allowed 1 monitoring well to be placed in the source area. The budget contains costs for 3 monitoring wells.

The following deductions have been made:

Investigation	\$4,363.93 (2/3 of proposed Investigation section)
Analysis	\$250.00 (2 BTEX soil and 2 BTEX groundwater)
Personnel	\$1872.50 (2/3 of proposed Delineation Wells & Source Area Well Installation, and \$800.00 from Off-site Access in Personnel section)
Equipment	\$719.40 (2/3 of proposed Equipment section)
Field	\$750.00 (2/3 of proposed Field Purchases section)
Handling charges	\$468.33 (based on deductions in budget)

(4)

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



ERS of ILLINOIS, INC.

A Division of Environmental Remediation Services, Inc. - Fort Wayne, Indiana
2270 Cornell Ave., Montgomery, IL 60538 -
Phone (630) 896-4090 - Fax (630) 896-4099

August 4, 2004

VIA FAX

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

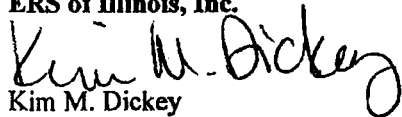
RE: LPC #0994905049 - LaSalle County
Streator/Former Clark Store #678
101 Lincoln Street
LUST INCIDENT #981044

Dear Mr. Kim:

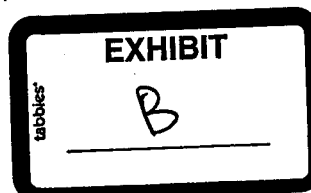
This letter has been prepared by ERS of Illinois, Inc. (ERSI) on behalf of The Premcor Refining Group Inc. (Premcor), to request a 90 day extension of the appeal period in regards to the Illinois Environmental Protection Agency's (Agency) correspondence dated June 30, 2004. The earliest date that this Agency's correspondence was received by Premcor is July 1, 2004. A copy of the Agency's correspondence dated June 30, 2004 is presented in Attachment A.

Should you have questions regarding this correspondence, or require additional information, please do not hesitate to contact the undersigned at (630) 896-4090.

Sincerely,
ERS of Illinois, Inc.


Kim M. Dickey
Senior Project Manager

cc: Mr. Timothy Mauntel, The Premcor Refining Group Inc.



CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on August 5, 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

Kim M. Dickey
ERS of Illinois, Inc.
2270 Cornell Avenue
Montgomery, IL 60538

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
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