

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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SEP 12 2005

STATE OF ILLINOIS
Pollution Control Board

DALEE OIL COMPANY (SCWP/B),)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06-40
(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

Rachel Morgan, 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 C. 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: September 8, 2005

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

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Pollution Control Board

DALEE OIL COMPANY (SCWP/B),)	
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v.)	PCB No. 06- 40
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 December 27, 2005, 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 December 25, 2005, a Sunday, and the next business day is December 27, 2005. In support thereof, the Illinois EPA respectfully states as follows:

1. On August 19, 2005, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

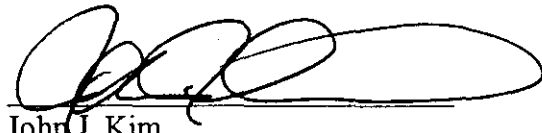
2. On August 30, 2005, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner's request included information that represented that the final decision was received on August 22, 2005. (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
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217/782-5544
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Dated: September 8, 2005

This filing submitted on recycled paper.

17/03005-1P



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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

AUG 19 2005

7004 2510 0001 8649 5356

AUG 22 REC'D

Dalee Oil Company
Ronald Kruep
P. O. Box 519
Okawville, Illinois 62271

Re: LPC# 1890405005 -- Washington County
Okawville / Dalee Oil Company
905 N. Hen House Road
LUST Incident No. 972197
LUST Technical File

Dear Mr. Kruep:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Site Classification Work Plan (plan) submitted for the above-referenced incident. The Illinois EPA received this plan, dated June 1, 2005, on June 3, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

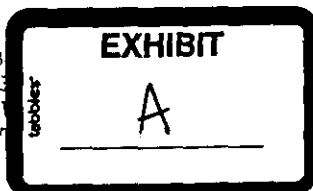
The Illinois EPA has determined that the activities proposed in this plan are appropriate to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732 (Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j)). Therefore, the plan is approved.

In addition, the budget is modified pursuant to Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j). 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.

NOTE: Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be reimbursable.

Please direct all future correspondence to:

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-6000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-6000
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



W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
University St., Peoria, IL 61614 - (309) 693-5463
125 South First Street, Champaign, IL 61820 - (217) 278-5800
609 Mall Street, Collinsville, IL 62234 - (618) 346-5120
(618) 993-7200

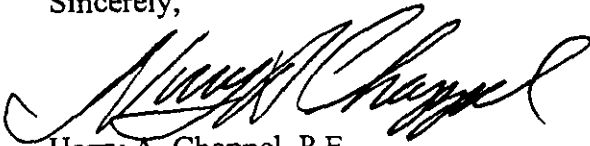
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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 Brian Bauer at 217/782-335.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Chappel". The signature is fluid and cursive, with a large initial "H" and "C".

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

HAC:BB\

Attachment: Attachment A

cc: United Science Industries
Division File

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

Attachment A

Re: LPC# 1890405005 -- Madison County
Okawville / Dalee Oil Company
905 N. Hen House Road
LUST Incident No. 972197
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:

\$6,327.45	Investigation Costs
\$4,220.00	Analysis Costs
\$9,400.00	Personnel Costs
\$627.00	Equipment Costs
\$108.75	Field Purchases and Other Costs
\$43.20	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
\$0.00	Analysis Costs
\$424.00	Personnel Costs
\$60.00	Equipment Costs
\$805.00	Field Purchases and Other Costs
\$0.90	Handling Charges

Therefore, the total cumulative budget is approved for:

\$6,327.45	Investigation Costs
\$4,220.00	Analysis Costs
\$9,824.00	Personnel Costs
\$687.00	Equipment Costs
\$913.75	Field Purchases and Other Costs
\$44.10	Handling Charges

SECTION 2

1. \$11,100.00 deduction for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A physical soil classification and groundwater investigation budget must include, but not be limited to, an accounting of all costs associated with the development,

implementation, and completion of the physical soil classification and groundwater investigation plan (Section 57.7(a)(2) of the Act and 35 Ill. Adm. Code 732.305(b)(2)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used 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 budget amendment previously submitted indicated that unforeseen circumstances occurred the necessitated the increase in the amount needed for personnel time to complete site classification activities however, no specific circumstances were provided.

BB\



United Science Industries, Inc.
P.O. Box 360
6295 East IL Highway 15
Woodlawn, IL 62898
toll free 800.372.8740
phone 618.735.2411
fax 618.735.2907

www.unitedscience.com

August 30, 2005

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

Re: LPC# 0810205003 - Jefferson Co.
Dix/Prosise Oil Company
I-57 & Irvington Rd.
LUST Incident No. 982486

RECEIVED
Division of Legal Counsel
AUG 31 2005
Environmental Protection
Agency

Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client Dalee Oil Company, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included. USI received this correspondence from the IEPA on August 22, 2005, that was dated August 19, 2005, in regards to a final decision for the budget rejection for the incident referenced above. A copy of the decision letter is attached.

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. 172.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Rachel Morgan
Project Manager

Enclosures



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 8, 2005, 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

Rachel Morgan, 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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