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DEC 06 2005

STATE OF ILLINOIS
Pollution Control Board

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

| | | |
|--------------------------------|---|--------------------------------------|
| PROSISE OIL COMPANY (#922355), |) | |
| Petitioner, |) | |
| v. |) | PCB No. 06- 85 |
| 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

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 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: December 2, 2005

DEC 06 2005

STATE OF ILLINOIS
Pollution Control Board

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

PROSISE OIL COMPANY (#922355),)
 Petitioner,)
 v.)
ILLINOIS ENVIRONMENTAL) PCB No. 06- 85
PROTECTION AGENCY,) (LUST Appeal – Ninety Day Extension)
 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 March 6, 2006, 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 March 5, 2006, a Sunday, and the next business day is March 6, 2006. In support thereof, the Illinois EPA respectfully states as follows:

1. On October 28, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On November 4, 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 October 31, 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 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: December 2, 2005



1894007

R.M.

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
CERTIFIED MAIL

217/782-6762

OCT 28 2005

7004 2510 0001 8648 2592

Jim Prosis Oil Company
Attn: Jim Prosis
P.O. Box 1446
Mt. Vernon, IL 62864

OCT 31 REC'D

Re: LPC #0810205003 -- Jefferson County
Dix/Prosis Oil Company
Dix & Irvington Road
LUST Incident No. 922355
LUST Technical File

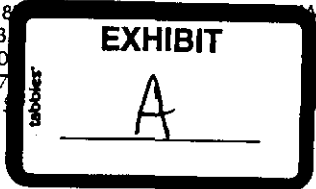
Dear Mr. Prosis:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated September 14, 2005, was received by the Illinois EPA on September 20, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed below: (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

1. 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)). The budget includes costs that are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.
2. The budget includes costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A corrective action plan budget for a site classified as high priority must include, but not be limited to, an accounting of all costs associated with the development, implementation, and completion of the applicable activities (Section 57.7(c)(1)(B) of the Act and 35 Ill. Adm. Code 732.405(b)). 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 57.7(a) of the Act and 35 Ill. Adm. Code 732.606(o)).
3. If the operator feels these costs are justified, he must provide appropriate justification for costs included with the amended budget proposal. This would include an itemized breakout of the personnel costs.
4. The budget includes costs for excessive personnel costs. These costs are for activities in excess of the those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.7(a) of the Act) and 35 Ill. Adm. Code 732 (Section 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund (35 Ill. Adm. Code 732.606(o)). In addition, these costs are not corrective action costs. "Corrective Action" means an activity associated with compliance with the provisions of Section 57.6 and 57.7 of the Act (Section 57.2 of the Act and

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



35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act).

5. These costs exceed what the Illinois EPA has historically approved for similar tasks proposed by other environmental consultants.
6. These costs have been previously approved through other budget proposals in accordance with 35 Ill. Adm. Code 732.606(o)).

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

cc: United Science Industries, Inc.
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



United Science Industries, Inc.
P.O. Box 3
6295 East IL Highway
Woodlawn, IL 62801
toll free 800.372.87-
phone 618.735.24-
fax 618.735.29-

www.unitedscience.com

November 4, 2005

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

RECEIVED
Division of Legal Counsel

NOV 07 2005

**Environmental Protection
Agency**

**Re: LPC# 0810205003 – Jefferson Co.
Dix/Prosise Oil Company
I-57 & Irvington Rd.
LUST Incident No. 922355**

Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client Prosise 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 October 31, 2005, that was dated October 28, 2005, in regards to a final decision for the budget rejection for the incident referenced above. A copy of the decision letter is attached.

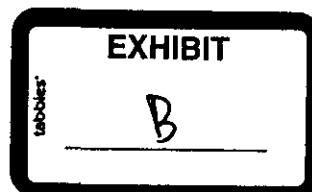
I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 172.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Rachel Morgan
Project Manager

Enclosures




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 2, 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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Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
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