

BEFORE THE POLLUTION CONTROL BOARD
STATE OF ILLINOIS

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JUL 06 2009

STATE OF ILLINOIS
Pollution Control Board

PEACOCK OIL COMPANY,)
 Petitioner,)
v.) PCB-09-114
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
 Respondent.)

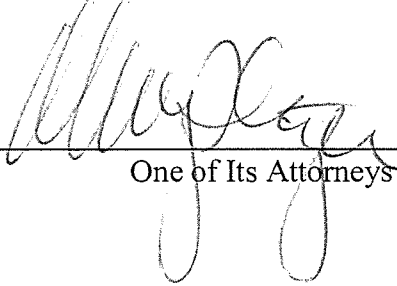
NOTICE OF FILING

Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue, N.E.
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on July 6, 2009, Petitioner, Peacock Oil Company, filed with the Clerk of the Illinois Pollution Control Board, the attached AMENDED PETITION FOR REVIEW, a copy which is served upon you.

PEACOCK OIL COMPANY

By:  _____
One of Its Attorneys

Mark Steger, Esq.
Holland & Knight LLP
131 South Dearborn Street
30th Floor
Chicago, IL 60603
(312) 263-3600

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Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB-09-114

STATE OF ILLINOIS
Pollution Control Board

AMENDED PETITION FOR REVIEW

NOW COMES Petitioner, Peacock Oil Company ("Peacock"), through its attorneys, Holland & Knight LLP and hereby files this Amended Petition in response to the Board's Order of June 4, 2009.

In support of its request, Peacock states that on May 27, 2009, Peacock filed its original Petition asking the Board to review a determination by the Illinois Environmental Protection Agency denying Peacock's High Priority Corrective Action Completion Report because the Agency determined that the Highway Authority Agreement included as part of the closure requirements was unacceptable. This filing occurred within the required 35-day appeal period.

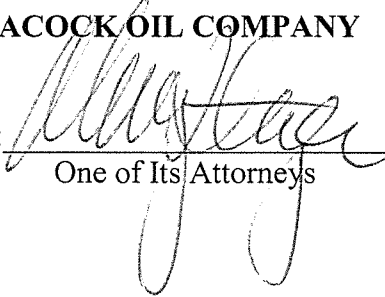
On June 4, 2009, the Board accepted this matter as timely filed but found that Peacock's Petition is deficient and maybe untimely citing Section 105.210 of the Board's Procedural Rules. Petitioner attaches a copy of the May 26, 2009 decision by the Agency denying Peacock's request for a ninety-day extension of thirty-five day appeal period. Based upon Petitioner's receipt of the Agency's decision on April 25, 2009, the deadline for filing its appeal was June 1, 2009. Accordingly, the Petition was timely.

With respect to the grounds for the appeal, Peacock believes that the Highway Authority Agreement submitted by Peacock in support of its High Priority Corrective Action Completion Report complies with the provisions of the Act and Board Regulations. Specifically, while the Agency believes that the Highway Authority Agreement must be executed by Peacock Oil Company and the Illinois Department of Transportation, Peacock believes that given the current ownership it more appropriate for the current property owner to sign the Highway Authority Agreement. More importantly, the effect of the Highway Authority Agreement is the same as required to meet the remediation standards.

WHEREFORE, Peacock requests that the Board hold a hearing in this matter and reverse the Agency's decision and approve the use of the Highway Authority Agreement in support of Peacock's closure of its Underground Storage Tank Incident Nos. 98 0056 and 98 0651.

Respectfully submitted,

PEACOCK OIL COMPANY

By: 
One of Its Attorneys

Dated: July 6, 2009

Mark Steger, Esq.
Holland & Knight LLP
131 South Dearborn Street
30th Floor
Chicago, IL 60603
(312) 263-3600

THIS FILING IS SUBMITTED ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

Pat Quinn, Governor

DOUGLAS P. SCOTT, DIRECTOR

(217)782-5544
(TDD: 217-782-9143)

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Telefax: 217-782-9807

May 26, 2009

Mr. Mark J. Steger
Holland & Knight, LLP
131 South Dearborn Street, 30th Floor
Chicago, Illinois 60603-5517

Re: LPC # 0312765084 – Cook County
Rosemont/Peacock Oil Company
6900 N. Mannheim Road
LUST Incident Nos. 980056 & 980651

Dear Mr. Steger:

The Illinois Environmental Protection Agency (“Illinois EPA”) is in receipt of your May 20, 2009 letter requesting a 90-day extension to the 35-day appeal period in regards to an April 22, 2009 decision regarding the above site and incident. The request is DENIED. It does not appear likely that the additional time would result in a resolution. The deadline for filing any appeal of this matter remains at June 1, 2009 based upon an April 25, 2009 received date of the decision.

Sincerely,

William D. Ingersoll, Manager
Enforcement Programs

cc: Cliff Wheeler, BOL/LUST
Karl Kaiser, BOL/LUST
BOL Records Unit

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CLERK'S OFFICE

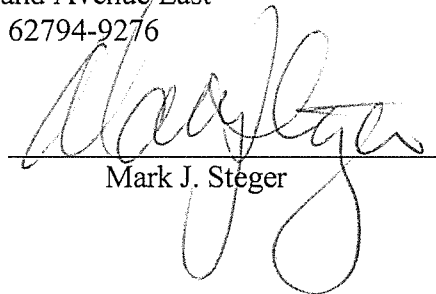
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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

Mark J. Steger, one of the attorneys for Peacock Oil Company, states that he caused a copy of the foregoing AMENDED PETITION FOR REVIEW, served via U.S. Mail, before the hour of 5:00 p.m. on July 6, 2009 to:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276



Mark J. Steger

Mark Steger, Esq.
Holland & Knight LLP
131 South Dearborn Street
30th Floor
Chicago, IL 60603
(312) 263-3600

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