

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BROADUS OIL COMPANY,)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
 Respondent.)

**RECEIVED
CLERK'S OFFICE**

APR 25 2012

**STATE OF ILLINOIS
Pollution Control Board**

PCB 12-¹²⁴
(LUST Appeal – Ninety Day
Extension)

ORIGINAL

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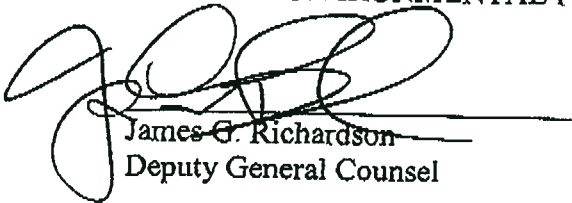
NOTICE

John Therriault
 Assistant Clerk
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601-3218

Robert M. Riffle
 Elias, Meghinnes, Riffle & Seghetti, P.C.
 416 Main Street, Suite 1400
 Peoria, Illinois 61602-1611

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
 Deputy General Counsel

Dated: April 25, 2012
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE**

APR 25 2012

**STATE OF ILLINOIS
Pollution Control Board**

BROADUS OIL COMPANY,)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Respondent.)

PCB No. 12-
(LUST Appeal – Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Deputy General Counsel, 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 24, 2012, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

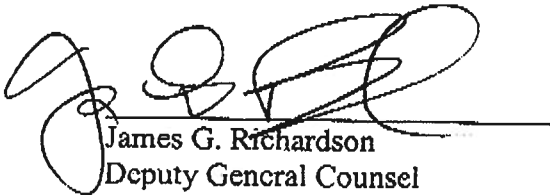
1. On March 20, 2012, the Illinois EPA issued a final decision to the Petitioner.
2. On April 25, 2012, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on or about March 21, 2012.

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



James G. Richardson
Deputy General Counsel

Dated: April 25, 2012

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Apr. 25. 2012 10:37AM

No. 1398 P. 3



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, ILLINOIS 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-6762

CERTIFIED MAIL

MAR 20 2012

7009 3430 0002 3748 6978

Broadus Oil Corporation
 Attn: Steve Broadus
 201 Danny's Drive, Suite 5
 Streator, Illinois 61364

Re: LPC #0994905030 LaSalle - County
 Streator/ Pit Stop West (Broadus Oil Corporation)
 1006 West Main Street
 Leaking UST Incident No. 980746, 910936, and 891209
 Leaking UST Technical File

Dear Broadus:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated November 09, 2011, was received by the Illinois EPA on November 17, 2011. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

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.

Please be advised that, pursuant to Public Act 96-0908, effective June 8, 2010, all releases of petroleum from USTs are subject to Title XVI of the Act, as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Ill. Adm. Code 734.

ROCKFORD - 4302 N. MAIN ST., ROCKFORD, IL 61109 • (815) 967-7760
 ELGIN - 505 SOUTH STATE, ELGIN, IL 60125 • (847) 696-3131
 CHAMPAIGN - 2125 S. FIRST ST., CHAMPAIGN, IL 61820 • (217) 279-6900

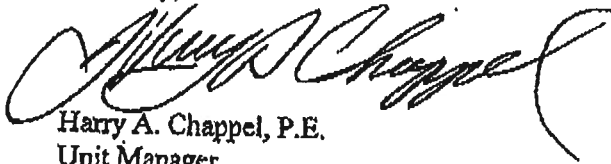
DES PLAINES - 9511 HARRISON ST., DES PLAINES, IL 60016 • (847) 294-4000
 PEORIA - 5407 N. UNIVERSITY, ARBOR HALL, #112, PEORIA, IL 61614 • (309) 693-6663
 MARION - 2309 W. MAIN ST., SUITE 118, MARION, IL 62959 • (618) 993-7200
 COLLINGSVILLE - 2009 MALL STREET, COLLINGSVILLE, IL 62234 • (618) 346-2120

Page 2

The regulations at 35 Ill. Adm. Code 732 no longer exist, and the only releases subject to 35 Ill. Adm. Code 731 are those from hazardous substance USTs.

appeal If you have any questions or need further assistance, please contact Shirlene South at 217/558-0347.

Sincerely,



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

HAC:SLS\

Attachment: Attachment A

c: Midwest Environmental Consulting & Remediation Services, Inc.
BOL 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) 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

Apr. 25. 2012 10:38AM

No. 1398 P. 6

Attachment A

Re: Re: LPC #0994905030 LaSalle - County
Streator/ Pit Stop West (Broadus Oil Corporation)
1006 West Main Street
Leaking UST Incident No. 980746, 910936, and 891209
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget includes costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). 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 therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.
 - The Illinois EPA requires justification for the increased hours and /or underestimation of the various tasks requested in this amended budget.
 - Costs for the soil disposal increased yet there was not a similar reduction in the costs for clean overburden.

HAC:SLS\

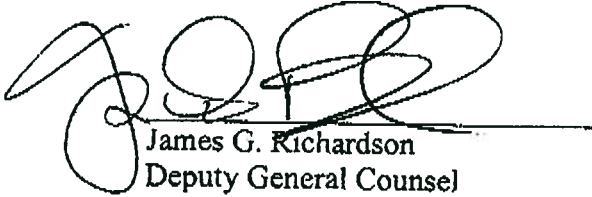
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 25, 2012 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Robert M. Riffle
Elias, Meginness, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

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CLERK'S OFFICE

APR 25 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF LEGAL COUNSEL
 1021 NORTH GRAND AVENUE EAST, POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
 TELEPHONE (217) 782-5544 FACSIMILE (217) 782-9807

DATE: 4-25-12

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

PARTY'S NAME: John Therriault

FIRM/COMPANY NAME: _____

FACSIMILE NO: 312-814-3669

TELEPHONE NO: _____

FROM: GREG RICHARDSON

RE: EPA

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 9

HARD COPY WILL WILL NOT FOLLOW

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (217) 782-5544

COMMENTS: _____

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