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JAN 17 2007

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

Augusta/Wright Petroleum

)  
Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

)  
Respondent. )

07-64  
PCB No. 06-  
(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

Jennifer L. Hosmon  
Project Manager  
United Science Industries, Inc.  
P.O. Box 360  
6295 East IL Highway 15  
Woodlawn, IL 62898

Terry Newell  
Wright Petroleum Company  
202 North Scofield  
Carthage, IL 62321

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



Melanie A. Jarvis  
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: January 12, 2007

JAN 17 2007

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

Augusta/Wright Petroleum )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
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07-64  
PCB No. 00-  
(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, Melanie A. Jarvis, 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 April 18, 2007, 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:

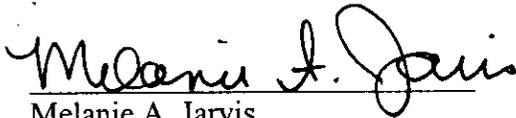
1. On December 12, 2006, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On January 5, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. Tracking information from the Certified Mail number on the final decision indicates the final decision was received on December 14, 2006. (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



Melanie A. Jarvis  
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: January 11, 2007

This filing submitted on recycled paper.



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

January 5, 2006

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

**ATTN: Bill Ingersoll**

**Re: LPC #0670055005 – Hancock County  
Augusta/Wright Petroleum  
Highway 61 (a.k.a. E. Main Street)  
LUST Incident No. 20002140  
LUST TECHNICAL FILE**

Dear Mr. Ingersoll:

United Science Industries, Inc. (USI), on behalf of our client, Terry Newell, is requesting a 90-day extension to the 35-day appeal period in regards to the rejection of a High Priority Corrective Action Plan Budget. The Illinois Environmental Protection Agency (Agency) rejection letter dated December 12, 2006 is attached.

The reason for this appeal extension is to provide the additional time necessary for the Agency and USI to negotiate a settlement resulting from the rejection as defined in Attachment A of the decision. Presently, we are in productive negotiations with Tom Henninger at the Agency and are making progress on settling this issue. The concern is that we are running out of time and the negotiation process could take a while to finalize.

The budget which the Agency approved in the December 6, 2004 decision is not the budget that matches the High Priority Corrective Action Plan (HPCAP) that was modified by the Agency on the same date. The alternative technology HPCAP, which was received by the Agency on September 28, 2004, included one budget that was certified by the Professional Engineer and two non-certified "stripped down" budgets. The certified budget was found in Appendix D of the HPCAP and corresponded with the HPCAP. The approved remediation method was ex-situ soil mixing. The two non-certified "stripped down" budgets were found in Appendix H of the HPCAP and were included for cost comparison purposes only. The first budget included costs

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Division of Legal Counsel

JAN 09 2007

Environmental Protection  
Agency

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JAN 08 2007

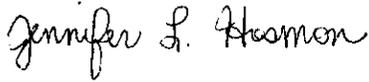
IEPA/BOL

for conventional technology field services, while the second budget included costs for ex-situ soil mixing field services. Since the purpose of the Appendix H budgets was to compare field services only, they did not include any professional consulting services and they were not certified. The budget that the Agency approved was the "stripped down" ex-situ soil mixing budget, which does not correspond with the HPCAP and does not include any professional services. Also, this budget was not certified by the owner or by the Professional Engineer.

For the above reasons, a 90-day extension to appeal is requested. Wright Petroleum appreciates 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 162.

Sincerely,

UNITED SCIENCE INDUSTRIES, INC.

A handwritten signature in cursive script that reads "Jennifer L. Hosmon".

Jennifer L. Hosmon  
Project Manager

Enclosures



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1800136-JH

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

RECEIVED

CERTIFIED MAIL

DEC 1 2 2006

DEC 1 2 2006

7004 2510 0001 8585 8596

Wright Petroleum Company  
Attn: Terry Newell  
202 North Scofield  
Carthage, IL 62321

BY: JH/JH

Re: LPC #0670055005 -- Hancock County  
Augusta/Wright Petroleum  
Highway 61 (a.k.a. E. Main Street)  
LUST Incident No. 20002140  
LUST Technical File

Dear Mr. Newell:

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 August 17, 2006, was received by the Illinois EPA on September 7, 2006. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed in Attachment A (Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(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.

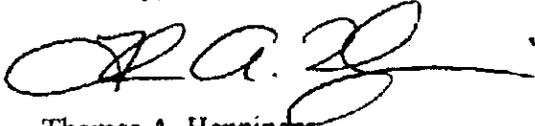
An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • Des PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Page 2

If you have any questions or need further information, please contact John Barrett at (217) 782-4869.

Sincerely,

A handwritten signature in black ink, appearing to read 'T.A. Henninger', with a long horizontal flourish extending to the right.

Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:JDB

Attachment: Attachment A  
Appeal Rights

c: United Science Industries  
Division File

Attachment A

Re: LPC #0670055005 -- Hancock County  
Augusta/Wright Petroleum  
Highway 61 (a.k.a. E. Main Street)  
LUST Incident No. 20002140  
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget includes corrective action costs that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh).

The costs included in this budget amendment have been previously approved in earlier budgets. The additional hours in this amendment are excessive. There is no indication that additional work has been performed to justify additional costs above those already approved. The rates in this amendment are not the rates that would be appropriate for the time when the work was completed.

JDB

## 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

## CERTIFICATE OF SERVICE

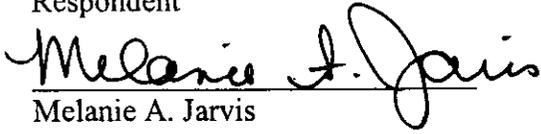
I, the undersigned attorney at law, hereby certify that on January 12, 2007, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class 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

Jennifer L. Hosmon  
Project Manager  
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