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MAY 27 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
STATE OF ILLINOIS

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

PCB- 09-114

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 May 27, 2009, Petitioner, Peacock Oil Company, filed with the Clerk of the Illinois Pollution Control Board, the attached **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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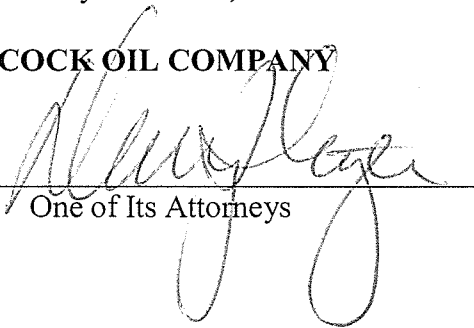
PETITION FOR REVIEW

NOW COMES Petitioner, Peacock Oil Company ("Peacock"), through its attorneys, Holland & Knight LLP and hereby petitions the Board for review of the Agency's denial of April 22, 2009 involving Petitioner's underground storage tank system formerly located at 6900 Mannheim Road, Rosemont, Illinois. A copy of the Agency's denial is attached as Exhibit A.

WHEREFORE, Peacock requests that the Board hold a hearing in this matter and reverse the Agency's decision and approve the Highway Authority Agreement.

Respectfully submitted,

PEACOCK OIL COMPANY

By: 
One of Its Attorneys

Dated: 5/27/09

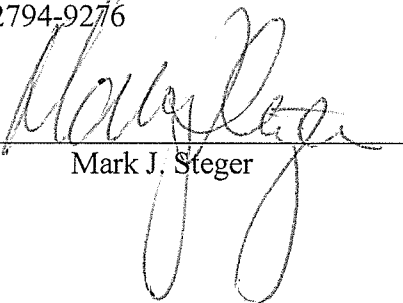
Mark Steger, Esq.
Holland & Knight LLP
131 South Dearborn Street
30th Floor
Chicago, IL 60603
(312) 263-3600

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

Mark J. Steger, one of the attorneys for Peacock Oil Company, states that he caused a copy of the foregoing **PETITION FOR REVIEW**, served via U.S. Mail, before the hour of 5:00 p.m. on May 27, 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

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) 782-3397
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

APR 22 2009

7008 1140 0004 7344 7758

Peacock Oil Company
 Attn: Aaron Sloan
 1470 Jarvis Avenue
 Elk Grove Village, Illinois 60007

Re: LPC 0312765084 -- Cook County
 Rosemont/Peacock Oil Company
 6900 N. Mannheim Road
 Leaking UST Incident No. 980056 & 980651
 Leaking UST Technical File

Dear Mr. Sloan:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report (report) for the above-referenced incident. The report was dated October 30, 2008 and was received by the Illinois EPA on November 5, 2008. 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).

Pursuant to 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.409(c) and 732.503(b), the report is rejected for the reason(s) listed below.

1. The Agency has determined that the Highway Authority Agreement included as part of the closure requirements for these incidents is unacceptable. This Agreement must be between Peacock Oil and the Illinois Department of Transportation.

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 Karl Kaiser at (217) 524-4650.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:KEK

Attachment: Appeal Rights

c: Gail Artrip, Carlson Environmental
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 request for 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

For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620