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MAY 10 2005

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

STATE OF ILLINOIS
Pollution Control Board

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

PCB No. 05- **194**
(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

Beth Giacomo, 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: May 6, 2005

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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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 August 4, 2005, 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 March 31, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On April 27, 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 April 1, 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 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: May 6, 2005.



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

RENEE CIPRIANO, DIRECTOR

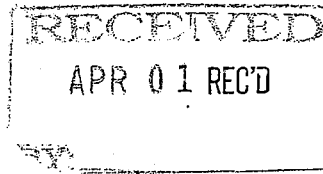
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1110 2061

MAR 31 2005

Rosignol Marathon
207 West 8th Street
Mount Carmel, IL 62863



Re: LPC #1858575010 – Wabash County
Mount Carmel/Rosignol Marathon
902 Market Street
LUST Incident No. 991434
LUST Technical File

Dear Mr. Rosignol:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report for the above-referenced incident. This report was dated December 28, 2004 and was received by the Illinois EPA on December 29, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.409(c) and 732.503(b), the High Priority Corrective Action Completion Report is rejected for the reasons listed in Attachment A.

Pursuant to 35 Ill. Adm. Code 732.401, a revised High Priority Corrective Action Completion Report must be submitted within 120 days of the date of this letter 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 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) 398-2200
ELGIN – 595 South State, Elgin, IL 60123 – (847) 693-5463
BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5463
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 278-5800
MARION – 2309 W. Main Street, Marion, IL 62959 – (618) 993-7200

EXHIBIT

A

1 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
University St., Peoria, IL 61614 – (309) 693-5463
2125 South First Street, Champaign, IL 61820 – (217) 278-5800
2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
– (618) 993-7200

Page 2

If you have any questions or need further assistance, please contact Trent Benanti at 217/524-4649.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Lowder", followed by a long horizontal line extending to the right.

Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects\Rosignol Marathon\Letter11.doc

Attachments: Attachment A
Appeal Rights

c: United Science Industries, Inc.
Division File

Attachment A

Re: LPC #1858575010 – Wabash County
Mount Carmel/Rosignol Marathon
902 Market Street
LUST Incident No. 991434
LUST Technical File

1. Clay is the major component in the soil; therefore, the owner or operator should have used a default total soil porosity of $0.36 \text{ cm}^3 / \text{cm}^3_{\text{soil}}$ in the Equation R26 calculations.
2. The owner or operator has not provided justification for the site-specific gradient used in the Equation R26 calculations. The owner or operator shall provide justification for the site-specific gradient.
3. The owner or operator has not provided justification for the site-specific source width perpendicular to groundwater flow direction in the vertical plane (S_d) used in the Equation R26 calculations. The owner or operator shall provide justification for the site-specific S_d or use a default S_d of 200 cm.

Note: Site-specific determination of S_d requires nested groundwater monitoring wells.

4. The High Priority Corrective Action Completion Report does not include Equation R26 calculation sheets for benzene for groundwater samples MW-2, MW-4 and MW-11 or soil sample BH-3B. The owner or operator shall provide Equation R26 calculation sheets for benzene for groundwater samples MW-2, MW-4 and MW-11 and soil sample BH-3B.
5. The High Priority Corrective Action Completion Report does not include Equation R26 calculation sheets for ethyl benzene for sample MW-3. The owner or operator shall provide Equation R26 calculation sheets for ethyl benzene for sample MW-3.
6. The High Priority Corrective Action Completion Report does not include Equation S17 calculation sheets for soil samples SS-2, BH-3B, W-7 or F-4. The owner or operator shall provide Equation S17 calculation sheets for soil samples SS-2, BH-3B, W-7 or F-4.
7. The concentrations of benzene in soil samples BH-3B and W-7 exceed the Tier 1 remediation objectives for the soil component of the groundwater ingestion exposure route; therefore, the owner or operator should have obtained a Highway Authority Agreement for Market Street. The owner or operator shall obtain a Highway Authority Agreement for Market Street.
8. The owner or operator has not collected sufficient groundwater elevation data to determine whether the groundwater consistently flows to the southwest; therefore, the distance to compliance (X in Equation R26) shall be measured in all directions.

9. The High Priority Corrective Action Completion Report includes a proposal to notify property owners potentially affected by the migration of contaminants through the groundwater; however, the proposal does not include the City of Mount Carmel, owner of Market Street. The owner or operator shall notify all potentially affected property owners including the City of Mount Carmel.

MTL:TLB:H:\Projects\Rosignol Marathon\11a.doc

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 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

April 27, 2005

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

Re: **LPC# 1858575010--Wabash Co.**
Mount Carmel/Rosignol Marathon
902 Market Street
LUST Incident No. 991434
ATTN: John Kim

RECEIVED
Division of Legal Counsel

APR 28 2005
Environmental Protection
Agency

Dear Mr. Kim,

United Science Industries, Inc. (USI), on behalf of our client, Rosignol Marathon is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included.

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. 189.

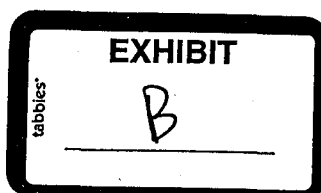
Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Beth Giacomo

Beth Giacomo
Project Manager

Enclosures




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 6, 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

Beth Giacomo, 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
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