

HEDINGER LAW OFFICE

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RECEIVED
CLERK'S OFFICE

SEP 13 2004

STATE OF ILLINOIS
Pollution Control Board

September 10, 2004

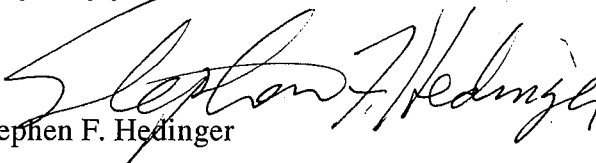
Honorable Dorothy M. Gunn
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago, IL 60601

Re: Broadus Oil v. IEPA, PCB 05-43

Dear Ms. Gunn:

Per the Pollution Control Board's September 2, 2004 order entered in the above-referenced case (consolidated with PCB 04-31), enclosed please find a check for \$75, which is the filing fee for PCB 05-43.

Very truly yours,


Stephen F. Hedinger

SFH/sc
Enc. Check for \$75
CC: Bradley Halloran
John Kim

ILLINOIS POLLUTION CONTROL BOARD
September 2, 2004

Hedinger Law Office

SEP 10 2004

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BROADUS OIL,)	
)	
Petitioner,)	
)	
v.)	PCB 04-31
)	PCB 05-43
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 2, 2004, the petitioner, Broadus Oil, filed a motion for leave to clarify. The Board grants the motion to clarify. The motion responds to a March 18, 2004 hearing officer inquiry. Broadus Oil seeks to clarify that it is appealing two decisions by the Illinois Environmental Agency (Agency). In two prior Board orders, the Board referenced only one decision by the Agency, that of August 6, 2003. *See Broadus Oil v. IEPA*, PCB 04-31 (Sept. 18, 2003) and *Broadus Oil v. IEPA*, PCB 04-31 (Dec. 18, 2003). However, Broadus Oil states that the record establishes that Broadus Oil was seeking a 90-day extension and then an appeal concerning Agency decisions of both August 6, 2003 and September 8, 2003. Mot. at 1.

The Board docketed the 90-day extension requests for the two decisions as one case. When a petition for review is filed challenging two Agency decisions, the Board customarily opens two separate dockets, as it is required to collect payment of the statutory filing fee for each appeal. 415 ILCS 5/7.2 (2002).

Therefore, the Board directs the Clerk to open a new docket (PCB 05-43) for review of the September 8, 2003 decision. The Board incorporates the entire record of PCB 04-31 into PCB 05-43. The decision deadline for PCB 05-43 is December 19, 2004, the same as for PCB 04-31. Broadus Oil is directed to submit a filing fee for the new docket by October 4, 2004. If Broadus Oil fails to timely submit the filing fee, the new docket may be subject to dismissal.

Existing docket PCB 04-31 remains open for review of the August 6, 2003 decision. But, in the interest of administrative economy, the Board also consolidates the two dockets for purposes of hearing.

IT IS SO ORDERED.

HEDINGER LAW OFFICE 08-02
 STEPHEN F. HEDINGER
 2601 S. FIFTH STREET PH. 217-523-2753
 SPRINGFIELD, IL 62703

2180

September 10, 2004
 DATE

PAY TO THE ORDER OF Illinois Pollution Control Board \$ 75.00
Seventy five and 00/100 DOLLARS

SECURITY BANK.
 510 E. Monroe
 Springfield IL 62701

FOR (Broadies)

2711734521 0300006144 2180

70-7395/2711
 BRANCH 4

Security Features Details on Back

Stephen F. Hedinger

Transaction Date 9/13/04

STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 JAMES R. THOMPSON CENTER
 100 W RANDOLPH ST
 SUITE 11-500
 CHICAGO, ILLINOIS 60661

INVOICE
 028065

PURCHASER/FILER:

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PAID SEP 13 2004

TRANSACTION TYPE		PAYMENT TYPE		
Opinion/Transcript Document Sale	Filing Fee	Cash	Check	Billable
	X		#2180	

Description	Unit Price	Unit	Amount
PCB 05-43	75.00	1	75.00
Broadies Dil V			
IEPA			
TOTAL			\$ 75.00