

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

APR 18 2005

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

PCB No. 05- 185

(LUST Appeal – Ninety Day Extension)

STATE OF ILLINOIS  
Pollution Control Board

NOTICE

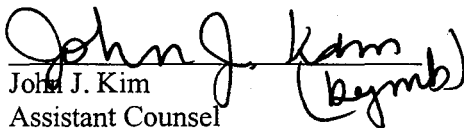
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Simon P. Broomhead, P.G., Project Manager  
American Environmental  
3700 West Grand Avenue  
Suite A  
Springfield, IL 62711

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: April 14, 2005

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

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**APR 18 2005**

JOHNSON OIL COMPANY,                     )  
  Petitioner,                     )  
  v.                                     )  
ILLINOIS ENVIRONMENTAL                 )  
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  Respondent.                     )

STATE OF ILLINOIS  
Pollution Control Board

PCB No. 05- 185  
(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, 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 July 13, 2005, 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:

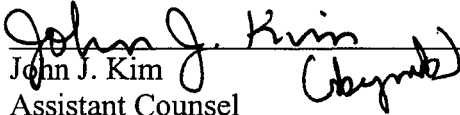
1. On March 8, 2005, the Illinois EPA issued a final decision to the Petitioner.  
(Exhibit A)
2. On March 21, 2005, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner did not represent when the final decision was received, but the tracking information from the certified mail number indicates the letter was received on March 10, 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: April 14, 2005

This filing 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

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

MAR 08 2005

7002 3150 0000 1105 7811

Johnson Oil Co.  
Attn: Jeff Bush  
P.O. Box 347  
Columbus, IN 47202

Re: LPC #0410055039 -- Douglas County  
Arcola/Johnson Oil Co.  
550 East Springfield Rd.  
LUST Incident No. 20001514  
LUST Technical File

Dear Mr. Bush:

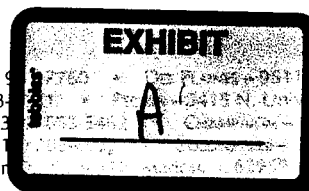
The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated January 20, 2005, was received by the Illinois EPA on January 24, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is modified. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

- A) Based on the naphthalene results from MW-1 (0.680 ppm), and since groundwater samples from PZ1 and PZ2 were not analyzed for naphthalene, MW-9 and MW-10 currently define the extent of naphthalene contamination in the groundwater to the east. Therefore, in order for the proposed plan to be acceptable, PZ1 & PZ2 must be sampled for naphthalene, and the results must be below the Class II Groundwater Remediation Objective. If PZ1 & PZ2 are not sampled for naphthalene or the results are above the Class II Groundwater Remediation Objective, an amended plan will be required and must state how the off-site naphthalene contamination in the groundwater will be addressed.

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the budget for the High Priority Corrective Action Plan is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.



ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 963-1000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-1000  
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  
V. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
University St., Peoria, IL 61614 - (309) 693-5463  
25 South First Street, Champaign, IL 61820 - (217) 278-5800  
09 Mall Street, Collinsville, IL 62234 - (618) 346-5120

PRINTED ON RECYCLED PAPER

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

NOTE: Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be reimbursable.

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.

If you have any questions or need further assistance, please contact Jason Donnelly at (217) 557-8764.

Sincerely,



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

HAC:JD\001514-hpcap&bud#3

Attachments: A  
Appeal Rights

c: American Environmental Corporation, Simon Broomhead  
Division File

## Attachment A

Re: LPC # 0410055039 -- Douglas County  
Arcola/Johnson Oil Co.  
550 East Springfield Rd.  
LUST Incident No. 20001514  
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

### SECTION 1

The budget was previously approved for:

\$6,089.00	Investigation Costs
\$1,975.00	Analysis Costs
\$12,173.25	Personnel Costs
\$330.00	Equipment Costs
\$1,055.82	Field Purchases and Other Costs
\$1,027.80	Handling Charges

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$3,964.80	Investigation Costs
\$1,470.00	Analysis Costs
\$20,425.00	Personnel Costs
\$390.00	Equipment Costs
\$4,944.97	Field Purchases and Other Costs
\$856.96	Handling Charges

Therefore, the total cumulative budget is approved for:

\$10,053.80	Investigation Costs
\$3,445.00	Analysis Costs
\$32,598.25	Personnel Costs
\$720.00	Equipment Costs
\$6,000.79	Field Purchases and Other Costs
\$1,884.76	Handling Charges

**SECTION 2**

1. \$19,550.75 for an adjustment in personnel costs. Costs for investigative activities and related services or materials for developing a High Priority corrective action plan that are unnecessary or inconsistent with generally accepted practices or unreasonable costs for justifiable activities, materials, or services are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(cc)).

Please note the hours per task requested are deemed unreasonable.

HAC:JD\001514-hpcap&bud#3.A

## 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

**RECEIVED**  
Division of Legal Counsel



**American  
Environmental**

**Environmental Protection  
Agency**

MAR 22 2005

From Springfield Regional Office

March 21, 2005

Illinois Environmental Protection Agency  
Attn: John Kim  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

**VIA FACSIMILE**  
**(217) 782-9807**  
Hard Copy via USPS

**Re: Request for Extension for Petitioning the IPCB**  
LPC #0410055039 – Douglas County  
Johnson Oil #925- Arcola/Johnson Oil Company, LLC of Indiana  
550 East Springfield Road  
LUST Incident No. 20001514  
American Environmental Project Number 207027

Dear Mr. Kim

Johnson Oil Company, LLC of Indiana ("Johnson Oil"), requests that the Illinois Environmental Protection Agency ("Agency") join them in requesting a 90-day extension to the 35-day deadline for filing a petition for a hearing before the Illinois Pollution Control Board (IPCB). This request is being made to preserve Johnson Oil's right to appeal the Agency decision contained in a March 8, 2005 letter regarding a January 20, 2005 High Priority Corrective Action Plan and Budget for the above referenced LUST incident. A copy of the Agency letter is attached.

The additional time is needed for American Environmental to submit information and a request for the Agency to reconsider some of their budget deductions. If necessary, we will also meet with the Agency in an effort to resolve the issues without the need to submit a formal petition request.

Please take the necessary action to file this extension request before the 35-day appeal time expires on April 12, 2005 and send a copy to me at the Springfield Office of American Environmental. If you need additional information, please advise.

Sincerely,

AMERICAN ENVIRONMENTAL CORPORATION

Simon P. Broomhead, P.G.  
Project Manager

pc: Rick Johnson, Johnson Oil Company, LLC of Indiana

Enclosure



Corporate Office

8500 Georgetown Road  
Indianapolis, Indiana 46268-1647  
317-871-4090  
317-871-4094 Fax

Regional Office

3700 W. Grand Ave. Ste. A  
Springfield, IL 62711  
217-585-9517  
217-585-9518 Fax

Regional Office

410 Production Court  
Louisville, KY 40299  
502-491-0144  
502-491-9271 Fax

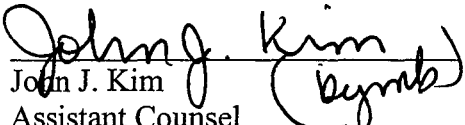
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 14, 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

Simon P. Broomhead, P.G., Project Manager  
American Environmental  
3700 West Grand Avenue  
Suite A  
Springfield, IL 62711

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)