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STATE OF ILLINOIS
Pollution Control Board

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

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

PCB No. 05-90
(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

Christopher A. Sommer
Harper Oil Company
2319 West Jefferson
Springfield, IL 62702-2209

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: November 8, 2004

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: November 8, 2004

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

OCT 01 2004

Harper Oil Co.
Attn: Patrick Ketchum
2319 W. Jefferson
Springfield, IL 62707

7002 3150 0000 1113 8848

Re: LPC #0810300034 -- Jefferson County
Mt. Vernon/Harper Oil Co.
617 Salem Rd.
LUST Incident No. 951537
LUST Technical File

Dear Mr. Ketchum:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated September 24, 2004, was received by the Illinois EPA on September 24, 2004. Citations in this letter are from the Environmental Protection Act (Act) 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)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

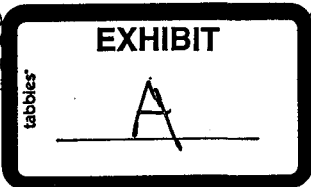
All future correspondence must be submitted to:

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) 398-2300
ELGIN - 595 South State, Elgin, IL 60123 - (847) 601-2300
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Ma



V. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
Peoria, IL 61614 - (309) 693-5463
25 South First Street, Champaign, IL 61820 - (217) 278-5800
99 Mall Street, Collinsville, IL 62234 - (618) 346-5120
Peoria, IL 61614 - (309) 693-7200

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If you have any questions or need further assistance, please contact Scott McGill at (217)/524-5137.

Sincerely,

Clifford L. Wheeler

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

Attachment: Attachment A
Appeal Rights

cc: CSD Environmental Services, Inc.
Division File

Attachment A

Re: LPC # 0810300034 -- Jefferson County
Mt. Vernon/Harper Oil Co.
617 Salem Rd.
LUST Incident No. 951537
LUST Technical File

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

1. The budget was submitted after the issuance of a No Further Remediation Letter. Pursuant to 35 Ill. Adm. Code 732.405(d), any High Priority or Low Priority plan or budget shall be submitted to the Illinois EPA for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of 35 Ill. Adm. Code 732 prior to the issuance of a No Further Remediation Letter.

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

November 1, 2004

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

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Division of Legal Counsel

NOV 05 2004

Environmental Protection
Agency

Re: 0810300034—Jefferson County
Mt. Vernon/Harper Oil
617 Salem Road
LUST Incident # 951537

Dear Sir:

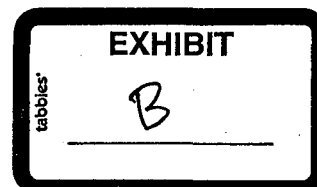
Harper Oil Company is requesting a 90 day extension of the final decision letter dated October 1, 2004 regarding a budget amendment. Pursuant to our appeal rights, Harper Oil has 35 days from the date of issuance of the final decision to request an extension.

Harper Oil hopes to resolve this issue with the IEPA within the next 90 days.

Sincerely,



Christopher A. Sommer
Vice President



HARPER

On The Way

STORES

TELECOPY COVER SHEET

DATE: 11-8-04 TIME: 12:50 pm
~~11-5-04~~ TIME: 12:15 pm

TO: John Kim

COMPANY: IEPA

FAX #: 782-9807

FROM: Patrick Ketchum

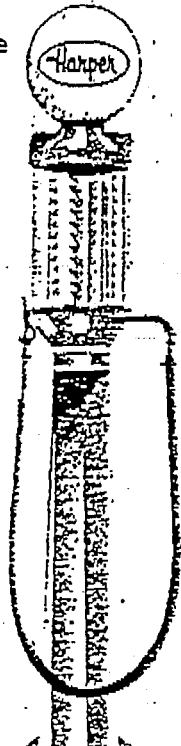
NUMBER OF PAGES: 5 THIS IS PAGE NUMBER 1

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John,
 The enveloped was post marked on
 October 1, 04, Friday. We probably
 received it on Monday, October 4.
 Thanks for your assistance.

Patrick




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 8, 2004, 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

Christopher A. Sommer
Harper Oil Company
2319 West Jefferson
Springfield, IL 62702-2209

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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