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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

MARTIN OIL MARKETING, LTD.,)
Petitioner,)
)
)
v.)
)
)
ILLINOIS ENVIROMENTAL)
PROTECTION AGENCY,)
Respondent.)
)
)

PCB 0468
(UST - Fund)

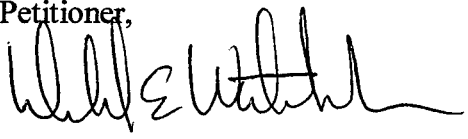
PETITION FOR REVIEW AND APPEAL HEARING

Martin Oil Marketing, Ltd., by it's agent, Donald E. Waterlander, respectfully is requesting a petition for a hearing to appeal IEPA's decision on rejecting the amended budget for the reasons stated (see attached letter). The amended budget changed line items only as the overall approved dollars already included in the approved corrective action plan and budget did not change.

The appeal that is requested is for the following location:
LPC # 1130205082 - McLean County
Bloomington/Martin Oil #99
1901 West Market Street
LUST Incident No. 941138

Sincerely,

MARTIN OIL MARKETING, LTD.
Petitioner,



Donald E. Waterlander,
General Manager,
Engineering, Construction, & Maintenance

#99

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 1227 0844

NOV 06 2003

Martin Oil Marketing, Ltd.
4501 West 127th Street
Alsip, IL 60658

Re: LPC #1130205082 – McLean County
Bloomington/Martin Oil #99
1901 West Market Street
LUST Incident No. 941138
LUST Technical File

Dear Mr. Waterlander:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the sixth amendment to the High Priority Corrective Action Plan Budget submitted for the above-referenced incident. The Illinois EPA received the amendment, dated June 27, 2003, on July 9, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The amendment is rejected for the reason 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.

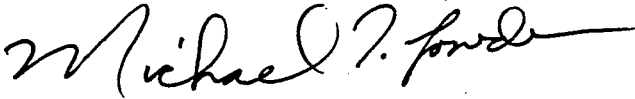
An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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

Sincerely,



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

MTL:TLB:H:\Projects\Martin Oil\941138\Letter3.doc

Attachments: Attachment A (Amendment Rejection Attachment)
Appeal Rights

cc: The Environmental Solutions Group, Inc.
Division File

Attachment A

Re: LPC #1130205082 – McLean County
Bloomington/Martin Oil #99
1901 West Market Street
LUST Incident No. 941138
LUST Technical File

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

1. Reason For Rejection: One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). The sixth amendment to the High Priority Corrective Action Plan Budget includes costs that are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)).

Justification: The owner or operator performed the corrective action activities listed in the sixth amendment to the High Priority Corrective Action Plan Budget without prior approval from the Illinois EPA. The Illinois EPA does not believe that it is reasonable to approve any additional costs, considering that the bioremediation system had little effect in reducing the levels of benzene in the groundwater.

MTL:TLB:H:\Projects\Martin Oil\941138\3a.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