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JUN 09 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

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

PCB No. 04- 217
(LUST - 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

Carolyn S. Hesse
Barnes & Thornburg
Suite 4400
One North Wacker Drive
Chicago, IL 60606-2809

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: June 8, 2004

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BEFORE THE POLLUTION CONTROL BOARD
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ILLINOIS ENVIRONMENTAL)	(LUST - Ninety Day Extension)
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)	
Respondent.)	

**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 September 7, 2004, 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. The 125th day is September 6, 2004, a State holiday, and the next business day is September 7, 2004. In support thereof, the Illinois EPA respectfully states as follows:


1. On May 3, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)
2. On June 7, 2004, 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 represented that the final decision was received on May 4, 2004. (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: June 8, 2004



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

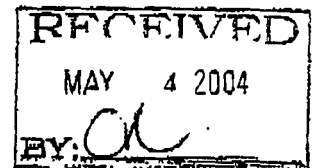
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1257 3266

MAY 03 2004

Telzrow Oil Company
Attn: Jim Telzrow
P.O. Box 259
White Hall, Illinois 62092



Re: LPC #0130205006 -- Calhoun County
Hardin/Telzrow Oil Company
Main and Park Streets
LUST Incident No. 20000881
LUST Technical File

Dear Mr. Telzrow:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated February 9, 2004, was received by the Illinois EPA on February 11, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

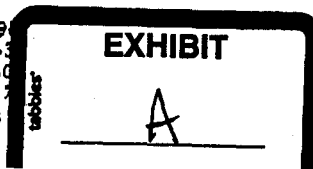
Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the High Priority Corrective Action Plan is rejected for the following reason(s):

1. Additional information is still needed with regards to the actual makeup of each bio-slurry inoculation mixture and the specific steps and information that are taken into consideration to determine the type of mixture and how much is necessary for each injection well. This information must also include a detailed breakdown of the cost of each mixture and/or the individual ingredient costs. Please be advised that the Agency has provisions in place to handle the submission of proprietary information so that trade secrets are not compromised.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the associated budget is rejected for the following reason(s):

1. The associated budget is denied due to the fact that the plan for which the budget is associated has been denied. Therefore, the Agency cannot assess the appropriateness of such costs.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 9
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (30
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217
MARION - 2309 W. Main



Harrison St., Des Plaines, IL 60016 - (847) 294-4000
St. Peoria, IL 61614 - (309) 693-5463
5 South First Street, Champaign, IL 61820 - (217) 278-5800
Mall Street, Collinsville, IL 62234 - (618) 346-5120.
(8) 993-7200

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Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised High Priority Corrective Action Plan, and budget if applicable, within 90 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 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 information, please contact Karl Kaiser at (217) 524-4650.

Sincerely,



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

CLW:KEK

Attachment: Appeal Rights

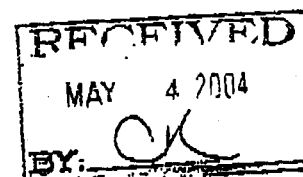
c: Carol Rowe, CW3M Company
Division File

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

BARNES & THORNBURG

Carolyn S. Hesse
(312) 214-8301
Email: chesse@btlaw.com

Suite 4400
One North Wacker Drive
Chicago, Illinois 60606-2809 U.S.A.
(312) 357-1313
Fax (312) 759-5646

www.btlaw.com

June 7, 2004

VIA FACSIMILE & FEDERAL EXPRESS

Mr. John Kim
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Re: LPC #0130205006-Calhoun County
Hardin/Telzrow Oil Company
Main & Park Streets
LUST Incident #20000881
LUST TECHNICAL FILE

Dear John:

On May 3, 2004, the Agency issued a letter with respect to the above referenced LUST Incident regarding the High Priority Corrective Action Plan submitted to IEPA on February 9, 2004.

The May 3, 2004, letter was received on May 4, 2004 by CW3M on behalf of Telzrow Oil Company. Telzrow Oil Company is located in Calhoun County, Illinois. A copy of the letter is attached. CW3M believes that, based upon discussions with the Illinois Environmental Protection Agency and for other reasons, that we will be able to resolve the issues raised in the IEPA letter. However, we believe that we will not be able to resolve these issues by the deadline for filing an appeal of these issues to the Illinois Pollution Control Board. Thus, this is a request for a 90 day extension pursuant to the Illinois Environmental Protection Act, Section 40(a)(1) and 35 IAC 105.406 to allow us to continue these discussions and to try to resolve this issue.

EXHIBIT

B

Chicago

Elkhart

Fort Wayne

tabbies

South Bend

Washington, D.C.

Mr. John Kim
June 7, 2004
Page 2

If for any reason the Agency will not seek the 90 day extension, please notify me immediately, so that I may file the appropriate appeals to the Board. If you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,

BARNES & THORNBURG



Carolyn S. Hesse

CSH:bah
Enclosure

cc: William Sinnott
Carol L. Rowe


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 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

Carolyn S. Hesse
Barnes & Thornburg
Suite 4400
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


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