

ORIGINAL
BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAR 14 2005

STATE OF ILLINOIS
Pollution Control Board

CLINTON COUNTY OIL)
COMPANY, INC.,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 167
(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

Gail Wade, President
Clinton County Oil Company, Inc.
P.O. Box 155
Breese, IL 62230-0155

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, 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: March 10, 2005

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**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 June 8, 2005, 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. In support thereof, the Illinois EPA respectfully states as follows:

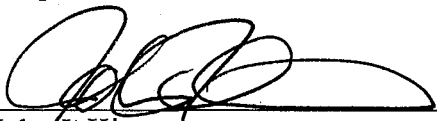
1. On February 2, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On March 2, 2005, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner did not represent when the final decision was received, though the earliest date that service would be completed would be February 3, 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 G. 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: March 10, 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

FEB 02 2005

CERTIFIED MAIL #

7002 3150 0000 1254 4990

Clinton County Oil Company

Attn: Gail Wade

8322 Old US Highway 50, POB 155

Breese, Illinois 62230

Re: LPC #1194765001 -- Madison County
Highland/CC Food Mart-Pierron
13655 John Drive
LUST Incident No. 20020100
LUST FISCAL FILE

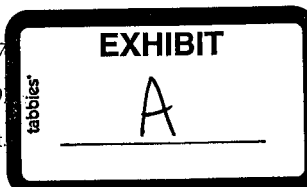
Dear Ms. Wade:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated July 19, 2004 and was received by the Agency on August 3, 2004. The application for payment covers the period from December 4, 2002 to March 9, 2004. The amount requested is \$9,442.62.

The \$10,000.00 deductible associated with incident #20020100 was deducted from the claim received by the Agency on August 14, 2002 for \$37,776.96. The eligible costs; \$4,542.62 from the claim received by the Agency on February 17, 2004 for \$5,251.25 were applied to the \$10,000.00 deductible associated with incident #20011738. The balance of the deductible; \$5,105.84 was deducted from this claim.

On August 3, 2004, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$4,336.78 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

ROCKFORD -- 4302 North Main Street, Rockford, IL 61103 -- (815) 987-
ELGIN -- 595 South State, Elgin, IL 60123 -- (847) 608-31
BUREAU OF LAND - PEORIA -- 7620 N. University St., Peoria, IL 61614 -- (309)
SPRINGFIELD -- 4500 S. Sixth Street Rd., Springfield, IL 62706 -- (217)
MARION -- 2309 W. Main St.



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

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 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 applicant 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, Illinois 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
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions or require further assistance, please contact Catherine S. Elston of my staff at 217/782-6762.

Sincerely,

Douglas E. Oakley, m

Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:CSE:ct\0503323.doc

cc: CSD Environmental Services, Inc.

- SHELL GASOLINE, FUEL OILS
MOTOR OILS & GREASES
- FIRESTONE TIRES & TUBES

- WHOLESALE & RETAIL
- ESTABLISHED 1923

Clinton County Oil Co., Inc.

P.O. Box 155
Breese, IL 62230-0155
618/526-7291

March 2, 2005

MAR 07 2005

Susan Schroeder
Attorney, Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Re: Request for a 90 Day Extension in LPC #1194765001 – Madison County
(Highland/CC Food Mart – Pierron)

Dear Ms. Schroeder:

Pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/40 (a)(1), and a 35 Ill. Adm. Code, Sec. 105.208, I am requesting that the Pollution Control Board grant a 90-day extension of time to appeal the Agency's February 2, 2005 letter which applies a second deductible to our site referred to as CC Food Mart-Pierron. I further request that the Agency give written notice to the Board of this request for a 90- day extension of time to petition the Board for a hearing. A copy of the Agency's February 2, 2005 letter is attached.

The reason for this request is that, during the next 90 days, Clinton County Oil intends to meet with Agency's LUST Section to discussing the application of a second deductible to the site and hopefully reach an agreement with the Agency thereby eliminating the need for formal appeal and hearing.

Your prompt attention to this request would be greatly appreciated.

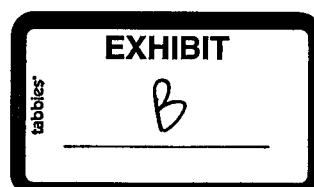
Thank you,



Gail Wade, President

cc: CSD Environmental Services, Inc.

Attachment: IEPA Letter of February 2, 2005



ORIGINAL

CERTIFICATE OF SERVICE

**RECEIVED
CLERK'S OFFICE**

MAR 14 2005

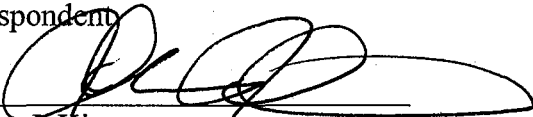
**STATE OF ILLINOIS
Pollution Control Board**

I, the undersigned attorney at law, hereby certify that on March 10, 2005, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION, 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

Gail Wade, President
Clinton County Oil Company, Inc.
P.O. Box 155
Breese, IL 62230-0155

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


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