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CLERK'S OFFICE

AUG 05 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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

PCB No. 05- 17  
(LUST - Ninety Day Extension)

**NOTICE**

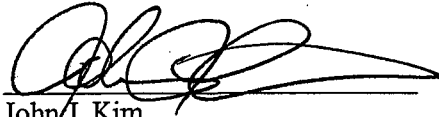
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

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: August 3, 2004

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STATE OF ILLINOIS  
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BEFORE THE POLLUTION CONTROL BOARD  
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UNION COUNTY OIL COMPANY, )  
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v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 05- 17  
(LUST – 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 November 1, 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. In support thereof, the Illinois EPA respectfully states as follows:

1. On June 28, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On July 15, 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’s request included documents that represented that the final decision was received on June 29, 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: August 3, 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**

7002 3150 0000 1258 5405

**JUN 28 2004**

Union County Oil Company  
Attn: Rose Bailey  
P.O. Box 188  
Cobden, IL 62920

JUN 29 2004

*OK*

Re: LPC #1810105003 -- Union County  
Alto Pass/Union County Oil Company (Sides Services Station)  
8375 State Route 127  
LUST Incident Nos. 20020449 and 20021635  
LUST Technical File

Dear Ms Bailey:

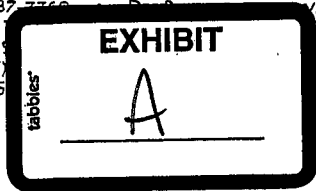
The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Revised Site Investigation Status Report Budget Amendment (budget amendment) submitted for the above-referenced incident. This budget amendment, dated May 18, 2004, was received by the Illinois EPA on May 19, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget amendment is rejected for the reason(s) listed below (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

1. In accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), any action by the Illinois EPA to disapprove or modify a plan or budget submitted pursuant to Title XVI of the Act shall be provided to the owner or operator in writing within 120 days of receipt.

The Illinois EPA previously notified the owner or operator of its final action. Further, in accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f), the Illinois EPA's action to reject or require modification of the plan or budget, or the rejection of any plan or budget by operation of law, was subject to appeal to the Illinois Pollution Control Board within 35 days after the Illinois EPA's final action.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3100  
 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. Main Street, Marion, IL 62959 - (217) 993-7200  
 HARRISON ST., DES PLAINES, IL 60016 - (847) 294-4000  
 CITY ST., PEORIA, IL 61614 - (309) 693-5463  
 5 SOUTH FIRST STREET, CHAMPAIGN, IL 61820 - (217) 278-5800  
 9 MAIL STREET, COLLINSVILLE, IL 62234 - (618) 346-5120



Page 2

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 the Illinois EPA project manager, Steve Jones, at 217/524-1253.

Sincerely,



Hernando A. Albarracin  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA: SJ Union Cnty Oil-Sides Serv Revised Site Invest Rpt Budget May 04.doc

Attachment: Appeal Rights

cc: 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

JUN 29 2004

OK

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

July 15, 2004

**RECEIVED**  
Division of Legal Counsel

JUL 16 2004

Environmental Protection  
Agency

**VIA FACSIMILE & FEDERAL EXPRESS**

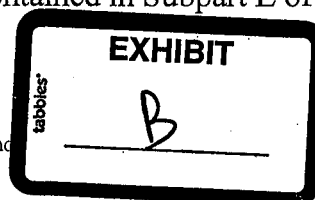
Mr. John Kim  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

Re: LPC #1810105003 - Union County  
Alto Pass / Union County Oil Company (Sides Services Station)  
8375 State Route 127  
LUST Incident Nos. 20020449 and 20021635  
LUST Technical File

Dear John:

On June 28, 2004, the Illinois Environmental Protection Agency issued a letter with respect to the above-referenced LUST Incident regarding the new Revised Site Investigation Status Report Budget Amendment dated May 18, 2004, which was received by the Agency on May 19, 2004. The Sides Services Station is location in Alto Pass, Union County, Illinois. A copy of the letter is attached. Sides Services Station submitted these documents pursuant to 35 IAC Section 732.405(e) which states as follows:

If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.



Mr. John Kim  
July 15, 2004  
Page 2

It appears that the Agency did not review these documents in accordance with the procedures contained in Subpart E.

Sides Services Station believes that, based upon discussions with Illinois Environmental Protection Agency and for other reasons, that we will be able to resolve the issues raised in the Agency's 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.

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

Sincerely yours,

**BARNES & THORNBURG LLP**



Carolyn S. Hesse

CSH/jmr  
Enclosure  
cc: William Sinnott  
Carol L. Rowe  
227822v1




**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on August 3, 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  
One North Wacker Drive  
Chicago, IL 60606-2809

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Respondent

  
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