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CLERK'S OFFICE

JUN 11 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

PCB 07- 137
 (LUST Appeal – Ninety Day
 Extension)

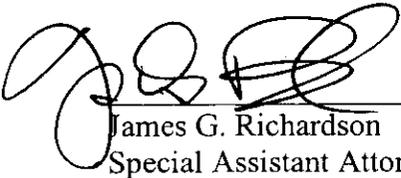
NOTICE

Dorothy Gunn
 Clerk
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601-3218

Mandy L. Combs
 The Sharp Law Firm, P.C.
 P.O. Box 906
 Mt. Vernon, Illinois 62864

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
 Special Assistant Attorney General

Dated: June 7, 2007
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

ORIGINAL

JUN 11 2007

STATE OF ILLINOIS
Pollution Control Board

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

PCB No. 07- **137**
(LUST Appeal – 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, James G. Richardson, 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 13, 2007, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

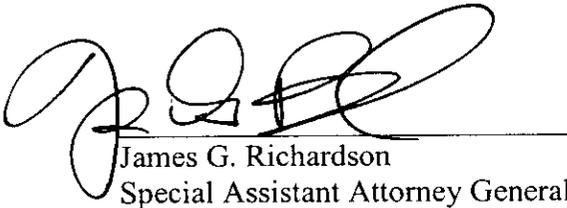
1. On May 9, 2007, the Illinois EPA issued a final decision to the Petitioner.
2. On June 4, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on May 11, 2007.

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



James G. Richardson
Special Assistant Attorney General

Dated: June 7, 2007

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1902111-JH

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

217/782-6762 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

CERTIFIED MAIL #

7004 2510 0001 8623 6195

RECEIVED

MAY 09 2007

MAY 13 2007

Russell Oil Company BY: ST/DO
Attention: Leon Russell, c/o Jennifer Vescogni
Southwest Bank - Acct. #0032713725
#2 Carlyle Plaza Drive
Belleville, Illinois 62221

30/NS \$3,391.58 - (8376.46) = \$3,015.12
\$333.04 ARRA
\$43.12-NR

No Vendor

Re: LPC #1990555168 -- Williamson County
Marion/Russell Oil Company
309 DeYoung St. Facility #7-010002
Leaking UST Incident No. 20030604
Leaking UST FISCAL FILE

Dear Mr. Russell:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced Leaking UST 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 December 12, 2006 and was received by the Agency on December 14, 2006. The application for payment covers the period from May 1, 2006 to October 7, 2006. The amount requested is \$3,391.58.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the billing submittal received by the Agency on July 30, 2003 for \$54,032.10. There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On December 14, 2006, the Agency received your application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$3,015.12 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.

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,

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

Page 2

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:

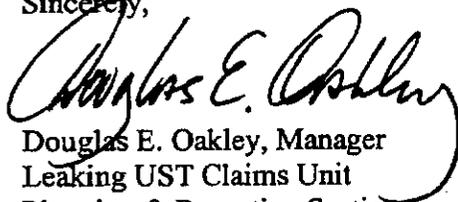
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Doug Tolan of my staff at 217/782-6762.

Sincerely,



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

DEO:DT:bjh\072412.doc

Attachment

cc: United Science Industries, Inc.

Attachment A
Accounting Deductions

Re: LPC # 1990555168 -- Williamson County
Marion/Russell Oil Company
309 DeYoung St. Facility #7-010002
Leaking UST Incident No. 20030604
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

#013741 →
1. \$333.04, deduction for costs for analysis costs, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

a. Analysis Costs – no invoices.

#014229 NR
2. \$43.42, deduction for corrective action costs that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Deduction for costs for corrective action cost that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).

a. Unreasonable and beyond the corrective action budget in regards to the itemized costs over the amounts in the approved budget – personnel costs = \$34.82:

ET IV = \$61.64/hr; approved amount = \$60/hr; \$1.64/hr. x 7.5 hrs. = \$12.30
Engineer II = \$87.36/hr; approved amount = \$85/hr; \$2.36/hr. x 7 hrs. = \$16.52
Sr. Acct. Tech. = \$56.52/hr; approved amount = \$55/hr; \$1.52/hr. x 0.5 hr. = \$0.76
Sr. Admin. Asst. = \$46.24/hr; approved amount = \$45/hr; \$1.24 hr. x 0.25 hr. = \$0.31
Acct. Tech II = \$46.24/hr; approved amount = \$45/hr; \$1.24/hr. x 0.25 hr. = \$0.31

Proj. Manager = \$97.64/hr; approved amount = \$95/hr; \$2.64/hr. x 1.75 hrs. = \$4.62

7.20
#015741
NR

- b. Unreasonable and beyond the corrective action budget in regards to the itemized costs over the amounts in the approved budget – Equipment Costs = \$7.20:
Vehicle = \$61.64/day; approved amount = \$60/day; \$1.64/day x 1 day = \$1.64
Water Le. Ind = \$20.56/day; approved amount = \$15/day; \$5.56/day x 1 day = \$5.56

1.40
#014229
NR

- c. Unreasonable and beyond the corrective action budget in regards to the itemized costs over the amounts in the approved budget – field purchase and others costs = \$1.40:

Sample shipment = \$51.40 ea; amount approved = \$50 ea; \$1.40 x 1 ea. = \$1.40.

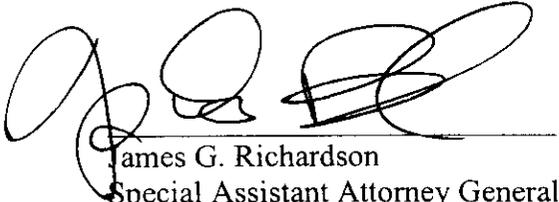
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 7, 2007 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Mandy L. Combs
The Sharp Law Firm, P.C.
P.O. Box 906
Mt. Vernon, Illinois 62864

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