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DEC 22 2010

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

(Jim's Service)

PCB 11- 33
(UST Appeal)
(Ninety Day Extension)

NOTICE

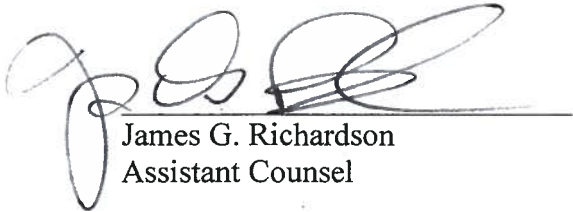
John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Lori A. Brashers
Pinnacle Environmental Management Support
1100 Park Central Blvd. South, Suite 1400
Pompano Beach, FL 33064

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

 ORIGINAL


James G. Richardson
Assistant Counsel

Dated: December 13, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

DEC 22 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)
Petitioner,)

v.)

PCB No. 11- 33
(UST Appeal)
(Ninety Day Extension)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

ORIGINAL

**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, Assistant Counsel, 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 March 16, 2011, 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:

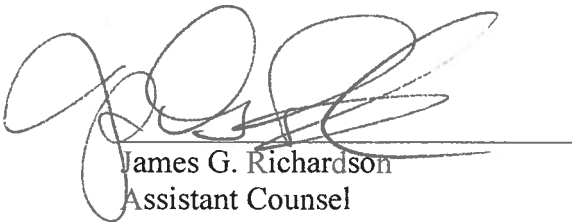
1. On November 9, 2010, the Illinois EPA issued a final decision to the Petitioner.
2. On December 8, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on November 11, 2010.

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
Assistant Counsel

Dated: December 13, 2010

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

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

NOV 09 2010

CERTIFIED MAIL #

7009 2820 0001 7494 4162

ExxonMobil Oil Corporation
Attn: Omar El Kordy
PNC Bank, Lock Box 676443
Dallas, TX. 75267-6443

RECEIVED
NOV 17 2010
ExxonMobil Environmental
Services Company

Re: LPC #1671200097 -- Sangamon County
Springfield / Jim's Service
1940 South MacArthur
Incident-Claim No.: 900326 -- 59148
Queue Date: August 23, 2010
Leaking UST FISCAL FILE

OS-LWV
h mobil

Dear Mr. El Kordy:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from July 1, 2008 to July 28, 2009. The amount requested was \$13,030.34.

On August 23, 2010, 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 cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date 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.

Pursuant to Section 57.8(m) of the Act, the Illinois Environmental Protection Agency may apportion payment of costs for plans submitted under 57.7 of the Act. Previous claims received by the Agency for this site should have been apportioned. At this time we are applying an apportionment of 45% to the previous payments totaling \$123,593.58. The entire excess payment of \$ 55,617.11 cannot be deducted from the eligible costs from this claim so an excess payment of \$ 6,725.31 was deducted leaving \$ 48,891.80 to be applied to subsequent applications for payment.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated July 31, 2001. Listed in Attachment A are the costs which are not being

Page 2

paid and the reasons these costs are not being paid.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) 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 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, 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, please contact Catherine S. Elston of my staff at 217-785-9351.

Sincerely,



John Sherrill, Manager
Financial Management Unit
Bureau of Land

JS:CSE

ATTACHMENT

c: Pinnacle Environment Management Support

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Leaking UST Claims Unit
Cathy Elston

ATTACHMENT A
Accounting Deductions

Re: LPC #1671200097 -- Sangamon County
Springfield / Jim's Service
1940 South MacArthur
Incident-Claim No.: 900326 -- 59148
Queue Date: August 23, 2010
Leaking UST FISCAL FILE

Item # Description of Deductions

1. \$802.50, deduction for costs which are not for Corrective Action activities (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).

Personnel costs for "retail program management up" is not corrective action.

2. \$5,502.53, deduction for costs associated with ineligible Tanks (Section 22.18b(a)(5) of the Environmental Protection Act). Pursuant to 57.8(m) of the Act, the Illinois Environmental Protection Agency may apportion payment of costs for plans submitted under Section 57.7 of the Act if:

- a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
- b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

Apportionment of 45% was applied to the eligible costs from this claim.

3. \$6,725.31, deduction for costs associated with ineligible Tanks (Section 22.18b(a)(5) of the Environmental Protection Act). Pursuant to 57.8(m) of the Act, the Illinois Environmental Protection Agency may apportion payment of costs for plans submitted under Section 57.7 of the Act if:

- a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

- b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

Previous claims received by the Agency for this site should have been apportioned. At this time we are applying an apportionment of 45% to the previous payments totaling \$123,593.58. The entire excess payment of \$ 55,671.11 cannot be deducted from the eligible costs from this claim so an excess payment of \$6,725.31 was deducted leaving \$48,891.80 to be applied to subsequent applications for payment.

CSE

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 13, 2010 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:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Lori A. Brashers
Pinnacle Environmental Management Support
1100 Park Central Blvd. South, Suite 1400
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