

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BROADUS OIL COMPANY,	)	
Petitioner,	)	
	)	PCB 12-124
v.	)	(UST Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
Respondent.	)	

**NOTICE**

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

Robert M. Riffle, Esq.  
133A S. Main Street  
Morton, IL 61550

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD with the Illinois Pollution Control Board, a copy of which is served upon you.


Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Dated: April 18, 2014

Respondent,

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

BY:   
\_\_\_\_\_  
Scott B. Sievers  
Special Assistant Attorney General

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BROADUS OIL COMPANY,	)	
Petitioner,	)	
	)	PCB 12-124
v.	)	(UST Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
Respondent.	)	

**MOTION FOR LEAVE  
TO SUPPLEMENT ADMINISTRATIVE RECORD**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, Special Assistant Attorney General Scott B. Sievers, and for its Motion for Leave to Supplement Administrative Record states the following:

1. On July 24, 2012, the Petitioner filed its Petition for Review And Hearing/Appeal. Attached as Exhibit B to said petition was the Respondent's March 20, 2012 decision letter, which is the subject of this appeal.
2. On September 18, 2012, the Respondent filed the Administrative Record along with a motion to file a reduced number of copies of the same.
3. The Respondent subsequently became aware that, although its March 20, 2012 decision letter had been attached to the Petition for Review And Hearing/Appeal, it had inadvertently been left out of the Administrative Record filed on September 18, 2012.
4. Consequently, to ensure a complete record in this action, the Respondent moves for leave to supplement the Administrative Record filed in this case with a copy of its March 20, 2012 decision letter, a copy of which is attached hereto as Exhibit A.
5. The undersigned conferred with opposing counsel on this motion some time ago, and opposing counsel had no objection at that time to Respondent's motion. The undersigned is

unaware of any change in opposing counsel's position on this matter.

WHEREFORE, the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, prays that the honorable Hearing Officer ALLOW the Respondent's Motion for Leave to Supplement Administrative Record with a copy of its March 20, 2012 decision letter, attached hereto as Exhibit A.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,



BY:

\_\_\_\_\_  
Scott B. Sievers  
Special Assistant Attorney General

Dated: April 18, 2014

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

05-17



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, ILLINOIS 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-6762

CERTIFIED MAIL

MAR 20 2012

7009 3410 0002 3748 6978

Broadus Oil Corporation  
Attn: Steve Broadus  
201 Danny's Drive, Suite 5  
Streator, Illinois 61364

Re: LPC #0994905030LaSalle - County  
Streator/ Pit Stop West (Broadus Oil Corporation)  
1006 West Main Street  
Leaking UST Incident No. 980746, 910936, and 891209  
Leaking UST Technical File

Dear Broadus:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated November 09, 2011, was received by the Illinois EPA on November 17, 2011. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

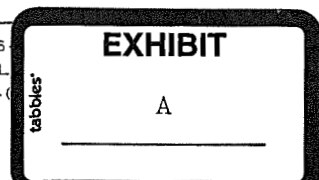
The budget is rejected for the reason(s) listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

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.

**Please be advised that, pursuant to Public Act 96-0908, effective June 8, 2010, all releases of petroleum from USTs are subject to Title XVI of the Act, as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Ill. Adm. Code 734.**

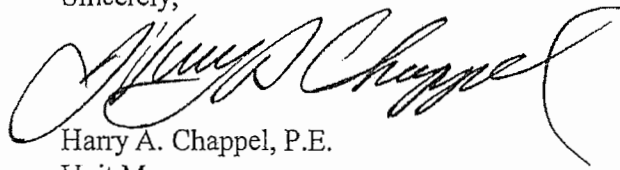


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**The regulations at 35 Ill. Adm. Code 732 no longer exist, and the only releases subject to 35 Ill. Adm. Code 731 are those from hazardous substance USTs.**

appealIf you have any questions or need further assistance, please contact Shirlene South at 217/558-0347.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry A. Chappel".

Harry A. Chappel, P.E.  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAC:SLS\

Attachment: Attachment A

c: Midwest Environmental Consulting & Remediation Services, Inc.  
BOL 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) 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

Attachment A

Re: Re: LPC #0994905030LaSalle - County  
Streator/ Pit Stop West (Broadus Oil Corporation)  
1006 West Main Street  
Leaking UST Incident No. 980746, 910936, and 891209  
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget includes costs that 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.
  - The Illinois EPA requires justification for the increased hours and /or underestimation of the various tasks requested in this amended budget.
  - Costs for the soil disposal increased yet there was not a similar reduction in the costs for clean overburden.

*Broadus Oil Co. v. Illinois Environmental Protection Agency*  
Pollution Control Board No. 12-124

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD** upon:

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

Robert M. Riffle, Esq.  
133A S. Main Street  
Morton, IL 61550

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on April 18, 2014.


Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Dated: April 18, 2014

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Respondent,

BY:   
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Scott B. Sievers  
Special Assistant Attorney General