

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORP)	
Petitioner,)	
)	
v.)	PCB 22-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 6060
don.brown@illinois.gov

ExxonMobil Oil Corporation
Environmental and Property Solutions
Attn: Jewel Cox
875 West Poplar Avenue, Suite 23, #353
Collierville, TN 38017
jewel.g.cox@exxonmobil.com

Groundwater & Environmental Service, Inc.
Attn: Timothy Marks
313 Oswalt
Batavia, IL 60510
TMarks@gesonline.com

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



Melanie A. Jarvis
Assistant Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov

Dated: April 21, 2022

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORP)	
Petitioner,)	
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ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
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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, Melanie A. Jarvis, 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 August 5, 2022, 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 or about March 30, 2022, the Illinois EPA issued a final decision to the Petitioner.
2. On April 18, 2022, 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, Petitioner received the final decision on or about April 2, 2022.

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



Melanie A Jarvis
Assistant Counsel
1021 North Grand Avenue, East
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217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: April 21, 2022

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 21, 2022, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 6060
don.brown@illinois.gov

ExxonMobil Oil Corporation
Environmental and Property Solutions
Attn: Jewel Cox
875 West Poplar Avenue, Suite 23, #353
Collierville, TN 38017
jewel.g.cox@exxonmobil.com

Groundwater & Environmental Service, Inc.
Attn: Timothy Marks
313 Oswalt
Batavia, IL 60510
TMarks@gesonline.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Associate Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
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217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov

From: [Timothy Marks](#)
To: [Jarvis, Melanie](#)
Cc: [Cox, Jewel G](#); [Jennifer M. Martin \(Jennifer.Martin@heplerbroom.com\)](#)
Subject: [External] Former Mobil 05-J5L Maywood, IL - Leaking UST Incident 940459
Date: Monday, April 18, 2022 4:48:16 PM
Attachments: [2022-03-30-05-J5L IEPA CAP&B Rejection Letter \(934940\).pdf](#)

Good afternoon Ms. Jarvis,

By this email, we are requesting a 90-day extension of the appeal period for the attached IEPA decision. ExxonMobil and GES will request a meeting with IEPA to discuss the attached decision. The appeal deadline is May 4, 2022, based on the date of the decision.

Thanks,

Timothy Marks
Senior Project Manager

Office: 866.455.2419 ext. 4037
Mobile: 708.774.4246
tmarks@GESonline.com

Groundwater & Environmental Services, Inc.
313 Oswalt
Batavia, IL 60510



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(217) 524-3300

CERTIFIED MAIL

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MAR 30 2022

ExxonMobil Oil Corporation
Environmental and Property Solutions
Attention: Jewel Cox
875 West Poplar Avenue, Suite 23, #353
Collierville, TN 38017

Re: 0311835034 – Cook County
Maywood / Mobil Oil #05-J5L, former
1701 West Harrison Street
Leaking UST Incident 940459
Leaking UST Technical File

Dear Ms. Cox:

On December 10, 2021, the Illinois Environmental Protection Agency (Illinois EPA) received a letter, dated December 7, 2021, from Groundwater & Environmental Services, Inc. The letter requested review of the Corrective Action Plan (plan) and Corrective Action Budget (budget) dated May 5, 2020 and received by the Illinois EPA on May 12, 2020. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The plan and the budget are rejected for the reasons listed below (Sections 57.7(b) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b), 734.510(a) and 734.510(b)).

The plan is rejected for the following reasons:

1. The proposed Highway Authority Agreements do not cover the extent of soil and groundwater contamination as depicted on Figures 6 and 7. Specifically, the extent of the Highway Authority Agreement for 17th Avenue would need to be extended to the north approximately 30 feet, and the intersection of 17th Avenue and Harrison Street would need to be included in one (or both) Highway Authority Agreements.
2. The plan does not address the soil contamination present on the off-site property to the north of the site.
3. Due to the history of free product at this site, prior to the submittal of the eventual Corrective Action Completion Report, each of the following groundwater monitoring wells will need to be inspected for the presence of free product at least once: MW-2, MW-9, MW-13, MW-14, MW-18, MW-19, and MW-22. If free product is present, the approximate thickness should be determined, and a sample should be collected for a

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fingerprint analysis to determine the nature and approximate age of the free product. It is understood that this fingerprint analysis was previously conducted in November 2008.

In addition, Illinois EPA has the following comments on the plan:

- a. If the owner or operator intends to seek reimbursement for costs related to the proposed building control technology or the proposed engineered barrier, then a geotechnical sample will need to be collected for the following parameters in accordance with 35 Ill. Adm. Code 734.410:

Soil bulk density (ρ_b)
Soil particle density (ρ_s)
Moisture content (w)

The site-specific values should be used to calculate Tier 2 remediation objectives for the indoor and outdoor inhalation exposure routes. It is noted that site-specific values for hydraulic conductivity and organic carbon content (f_{oc}) have previously been obtained.

- b. When the Corrective Action Completion Report is submitted, a copy of the Village of Maywood groundwater ordinance will need to be included which has been recently certified by an official of the unit of local government that it is a true and accurate copy of the ordinance (35 Ill. Adm. Code 742.1015(b)(1)).
- c. If directional groundwater modeling will be used, then a demonstration will need to be made that the groundwater flow direction has been consistent. Multiple sets of static groundwater elevation data will be required. Historical gauging data is acceptable.

The budget is rejected for the following reason:

The Illinois EPA has not approved the plan with which the budget is associated. Until such time as the plan is approved, a determination regarding the associated budget— i.e., a determination as to whether costs associated with materials, activities, and services are reasonable; whether costs are consistent with the associated technical plan; whether costs will be incurred in the performance of corrective action activities; whether costs will not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations; and whether costs exceed the maximum payment amounts set forth in Subpart H of 35 Ill. Adm. Code 734—cannot be made (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)).

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Pursuant to Sections 57.7(b) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, a revised plan and budget must be submitted within 120 days of the date of this letter to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Springfield, IL 62702

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 undersigned at (217) 524-3312 or at Mike.Heaton@illinois.gov.

Sincerely,



Michael A. Heaton
Project Manager
Leaking Underground Storage Tank Section
Bureau of Land

TB

Attachment: Appeal Rights

c: Groundwater & Environmental Services, Inc. (electronic copy), TMarks@gesonline.com
BOL File

Appcal 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 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:

Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, 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
Springfield, IL 62702
(217) 782-5544