

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

PAK-AGS, INC.,)	
Petitioner,)	
v.)	PCB 15-14
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

TO:	John T. Therriault, Clerk Illinois Pollution Control Board 100 West Randolph Street State of Illinois Building, Suite 11-500 Chicago, IL 60601	Carol Webb Hearing Officer Illinois Pollution control Board 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274
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Melanie Jarvis
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), **Petitioner's Post-Hearing Reply Brief**, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mailbox in Springfield, Illinois on the 3rd day of November, 2014.

Respectfully submitted,
PAK-AGS, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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PETITIONER'S POST-HEARING REPLY BRIEF

NOW COMES Petitioner, PAK-AGS, INC., by its undersigned attorney, pursuant to Section 101.610(k) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.610(k), and the Hearing Officer's Scheduling Order, submit its Post-Hearing Reply Brief in this matter.

INTRODUCTION

Petitioner submitted complete applications of payment which included the eligibility and deductibility determination for the 2011 incident that was the subject of the approved work and budget. There is no obligation for the Petitioner to anticipate Illinois EPA's ever-changing positions in advance, particularly given that such communications about the reasons for doing so are so completely ignored by the Agency in its response brief. (A.R. at pp. 322-323) This proceeding before the Board is the Petitioner's only opportunity to challenge the basis of the Illinois EPA's denial, and is intended to provide Petitioner with the protections of due process. Illinois Environmental Protection Agency v. Illinois Pollution Control Board, 138 Ill. App. 3d 550, 551 (3rd Dist. 1985).

I. THE SHEAR VALVE IS PART OF THE DISPENSER AND IS LOCATED ABOVEGROUND.

The 2005 incident was reported as the result of a vehicular accident in which a dispenser

was struck. The Illinois EPA draws attention to the shear valve, which might have been the location of a rupture, though the fact that the notes also indicate that the shear valve failed raises questions about what we can know for certain.

The Illinois EPA ignores the legal standard to be applied in determining what is part of the underground storage tank system. As the Board ruled in several cases, and was affirmed by the Illinois Appellate Court, it is not sufficient for the release to come from ancillary equipment, but it must come from “underground ancillary equipment.” Township of Harlem v. EPA, 265 Ill. App. 3d 41, 44 (2nd Dist. 1994). That the Illinois EPA’s brief replaces the word “underground” with ellipses in its brief is telling. (Resp. Brief, at p. 12) That the Illinois EPA does not argue that the shear valve is actually underground makes its contentions irrelevant.

There is no dispute that the dispenser and shear valve are ancillary equipment, since the definition of “ancillary equipment” expressly includes valves, pumps and dispensers. 41 Ill. Adm. Code § 174.100; 35 Ill. Adm. Code § 731.112. If this was the issue, Township of Harlem would have been decided differently as that case also arose from ancillary equipment. Harlem Township v. IEPA, PCB No. 92-83 (Oct. 16, 1992) (“The fuel pump and pump nozzle satisfy the definition of ancillary equipment, . . . [but] are located above ground level and are not underground ancillary equipment included in the definition of UST system.”)

Assuming the vehicle crashing into the dispenser caused a release solely at the shear valve, the shear valve is part of the dispensing equipment. The applicable OSFM regulations in 2005 stated:

Dispensing devices, remote pumps and hose nozzle valves must comply with this Part and the following rules:

...

C) Dispensing devices shall meet the standards of UL 87 (1990) and

the following rules:

...

ii) Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1993) and which shall comply with paragraph 4-3.6 of NFPA 30A (1996).

(41 Ill. Adm. Code § 170.310(a)(2)(C)(ii) (emphasis added))

Current regulations similarly treat the shear valve as part of the dispenser:

§ 175.450 Pumps, Dispensers and Other Product Transfer Equipment

...

e) Dispensers. All dispensers shall be required to comply with the following:

...

12) Shear Valve. Pressurized piping systems require a listed rigidly anchored emergency shutoff (shear) valve installed in the supply line at the base of each individual dispenser. The valve shall incorporate a fusible link or other thermally activated device, designed to close automatically in the event of severe impact or fire exposure.

(41 Ill. Adm. Code § 175.450(e)(12) (emphasis added))

OSFM regulations incorporate by reference the National Fire Protection Association (NFPA) standards, known as “Code for Motor Fuel Dispensing Facilities and Repair Garages (NFPA 30A).” (41 Ill. Adm. Code § 170.410(a)) A true and correct copy of Chapter 6, titled “Fuel Dispensing Systems,” of the 2003 standard is attached hereto as Exhibit A.¹ Pursuant to

¹ Petitioner selected the 2003 edition of the Code as most likely reflecting the state of the equipment at the time of the 2005 incident. However, the OSFM regulations at the time refer to both the 1996 edition (41 Ill. Adm. Code § 170.310(a)(2)(C)(ii)), and the 2000 edition (41 Ill. Adm. Code § 170.410(a)). Currently, OSFM regulations reference the 2008 edition. (41 Ill.

the Code, fuel dispensing equipment requires a shutoff valve “in the supply line at the base of each individual island-type dispenser or at the inlet of each overhead dispensing devise.” (Ex. A, ¶ 6.3.9) Generally, all dispensing devises must be “be mounted on a concrete island,” (Ex. A, ¶ 6.3.4; see also (41 Ill. Adm. Code § 170.310(a)(2)(C)(iii)), meaning that the base of the dispenser is above ground level.²

The purpose of the shutoff valve is “to close automatically in event of severe impact or fire exposure.” (Id.) In addition, the shutoff valve is used to safely perform necessary maintenance to dispensing devises. (Ex. A, ¶ 6.36(3) It also must be tested at least once a year by manually tripping the hold-open linkage. (Ex. A, ¶ 6.3.9.1) Unlike the underground portions of the system, the shutoff valve is readily accessible, and subject to regulatory oversight by the OSFM as part of the dispensing system.

Therefore, even if one focuses on the shear valve, the result is the same since the shear valve is not underground ancillary equipment, but a required part of the dispensing equipment previously found not subject to the LUST Program in Harlem Township. Moreover, the policy reasons that were considered by the Board and the Illinois Appellate Court are just as applicable here. The shear valve did not leak; there was a catastrophic event that is beyond the focus of concern in the LUST Program. Unlike the underground tanks over which the owner has little

Adm. Code § 174.210(a)) The purpose of referencing the Code is not to establish the binding legal standard of minimum conduct required at any given time, but provide background information as to how this equipment could be expected to be function at the time.

² According to OSFM’s informal guidance posted on its website, a true and correct copy of which is attached hereto as Exhibit B: “Most models of shear valves need to be mounted with the shear point within 1" or 1/2" of grade using the top of the dispenser island as the reference for grade.” (<http://www.sfm.illinois.gov/about/divisions/ust.aspx> (last visited October 31, 2014)) That is, the shear point, which is in the middle of the shear valve and is designed to break in the event of severe impact, is generally level with the top of the concrete island, with the lower part of the shear valve mounted rigidly to the concrete island.

practical control once buried underground, the shear valve is readily accessible for inspection and maintenance purposes. Furthermore, the shear valve, as part of the dispensing equipment, is separately and distinctly regulated by OSFM outside the LUST Program.

B. THERE IS NO EVIDENCE IN THE RECORD THAT A RELEASE WAS CONFIRMED, NOR ANY RULE WHICH RENDERS A THIRD-PARTY TELEPHONE CALL TO BE A CONFIRMATION OF A RELEASE.

The evidence in the record indicates that a third-party informed IEMA of a suspected release of petroleum, which the Board has never held is sufficient to confirm a release. Broderick Teaming Company v. IEPA, PCB No. 00-187 (Dec. 7, 2000). The IEPA does not address this precedent, but merely claims that this is the Illinois EPA's position. (Resp. Brief, at p. 13) The IEPA lacks rulemaking authority in the LUST Program, and if it wants to take a single consistent position on release confirmation, it should initiate rulemaking proceedings to the Board. (415 ILCS 5/57.14A) The IEPA's "positions," whether they once favored Petitioner or not, are illegal rulemakings that lack legal authority. Illinois Ayers v. IEPA, PCB No. 03-214 (April 1, 2004) (holding that IEPA unpromulgated rules have no legal or regulatory effect).

Alternatively, the IEPA argues that Petitioner should be compelled to ask the OSFM whether there was a release by filing an eligibility and deductibility determination. However, eligibility and deductibility determinations are made by the OSFM "[w]hen an owner or operator reports a confirmed release of a regulated substance . . ." (415 ILCS 5/57.9(c)(1)) Thus, the argument is circular -- Petitioner is told it should confirm a release in order to find out from the OSFM whether there was a confirmed release. There is insufficient information available to confirm a release, nor can the confirmation steps be performed at this late date, assuming they

weren't performed previously (since there is no process to record the confirmation a non-LUST incident), or all of the contamination has been removed. (41 Ill. Adm.Code § 170.580)

C. THERE IS NO REQUIREMENT THAT ALL INCIDENTS RECEIVE AN ELIGIBILITY AND DEDUCTIBILITY DETERMINATION.

The Illinois EPA points to two provisions, without specific quotations, it claims require that all releases must receive an eligibility and deductibility determination. None of these provisions require that all incidents be confirmed and receive an eligibility and deductibility determination, since they all expressly refer to a single determination. (415 ILCS 5/57.8 (“an Office of State Fire Marshal eligibility/deductible final determination letter”); 415 ILCS 5/578(a)(5)(“the Office of the State Fire Marshal’s eligibility and deductibility determination”); 35 Ill. Adm. Code § 734.605(b)(3) (“the OSFM or Agency eligibility and deductibility determination”).

Petitioner submitted the determination for 2011 incident, which was being remedied with the IEPA’s acquiescence, if not approval. (A.R. at pp. 322-323) There were no technical problems with addressing only the 2011 incident. (Id.) The outcome here does not appear to be any different than that which the Board allowed in Evergreen FS v. IEPA, PCB No. 11-51 (June 21, 2012), wherein releases from leaking underground storage tanks were being remedied without reference to an incident ruled to be a non-LUST incident (wherein gasoline had been pumped into monitoring wells, not part of the underground storage tank system).

IV. THE RECORDED QUICK CLAIM DEED IS PRIMA FACIE EVIDENCE THAT PETITIONER NO LONGER OWNS THE PROPERTY.

The purpose of submitting the recorded quick claim deed to the Board was to make it aware that Petitioner no longer owned the property in light of the IEPA's stated position in the record that Petitioner needs to file an election to proceed as owner of the 2005 incident. (A.R. at p. 219) A document filed with a government body, upon which both the government and private citizens can rely, is surely the type of document, albeit hearsay, that people regularly rely upon in the conduct of their business. (35 Ill. Adm. Code, § 101.626(a)) In the time the Illinois EPA took to comb online databases about the buyer, it could have looked at the Madison County Tax Assessor's Office to confirm that Gasas Wish, Inc. owns the property according to the County.³ However, it was not Petitioner's purpose to establish the identity of the current owner, which is a common legal issue, just that it no longer owned the property.

Also, it should be noted that Gasas Wish, Inc. cannot be the owner of the underground storage tanks formally on the site unless it files an election to proceed as owner.

CONCLUSION

WHEREFORE, Petitioner asks the Board to reverse the IEPA's decision, denying payment in the amount of \$17,562.48, authorize the Petitioner to submit application and proofs of litigation expenses incurred in this appeal pursuant to 415 ILCS 5/57.8(1), and for such other and further relief as the Board deems meet and just.

³ Attached hereto as Exhibit C, is the print-out from the Madison County Tax Assessor's Office regarding the subject property for tax year 2013, payable in 2014. See <https://www.co.madison.il.us/OtherSites/ParcelData.shtml> (last visited November 3, 2014)

Respectfully submitted,

PAK-AGS, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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NFPA 30A

Code for Motor Fuel Dispensing Facilities and Repair Garages

2003 Edition



NFPA, 1 Batterymarch Park, PO Box 9101, Quincy, MA 01906
An International Codes and Standards Organization

PENGAD 800-631-6989

EXHIBIT

A

5.3.2.2 Acceptable means for providing flexibility in piping systems shall include the following:

- (1) Listed flexible connectors that are approved for the purpose
- (2) Piping that is inherently flexible and is approved for the purpose
- (3) Other means acceptable to the piping manufacturer

5.3.3 Fiberglass Reinforced Plastic Piping. Fiberglass reinforced plastic (FRP) piping shall not be required to have flexible joints if both of the following conditions exist:

- (1) The piping does not exceed 100 mm (4 in.) in diameter.
- (2) The piping has a straight run of not less than 1220 mm (4 ft) on one side of the connection when the connection results in a change of direction.

5.4 Testing.

5.4.1 General. All piping and secondary containment piping shall be tested before being covered, enclosed, or placed in service in accordance with the requirements of Section 5.6 of NFPA 30.

5.4.2* Secondary Containment Piping. In addition to the test required in 5.4.1, secondary containment-type piping shall have the interstitial space (annulus) tested hydrostatically or with air pressure at minimum gauge pressure of 34.5 kPa (5 psi) or shall be tested in accordance with the listing or the manufacturers' instructions. The pressure source shall be closed from the system being tested to ensure that the test is being conducted on a closed system.

5.4.3 Maintenance Testing. Existing piping shall be tested in accordance with 5.4.1 when the authority having jurisdiction has reasonable cause to believe that a leak exists. Piping that could contain flammable or combustible liquids shall not be tested pneumatically. Such tests shall be at the expense of the owner or operator.

5.4.4 Leak Detection. On remote pressure pumping systems, each pump shall have installed, on the discharge side, a listed leak detection device that will provide an audible or visible indication if the piping and dispensing devices are not liquidtight.

5.5 Detector Maintenance. Each leak-detecting device shall be checked and tested at least annually according to the manufacturers' specifications to ensure proper installation and operation.

5.6 Vent Piping.

5.6.1 Vent piping shall meet the requirements of 5.7.2.1, 5.7.2.2, 5.7.2.3, and 5.7.2.6 of NFPA 30.

5.6.2 Vent pipes for all tanks storing Class I liquids shall discharge only in an upward direction in order to disperse vapors and shall terminate at least 3.6 m (12 ft) above grade.

5.6.3 Tank vents that are installed within or attached to a canopy shall extend a minimum of 1.5 m (5 ft) above the highest projection of the canopy.

5.7 Vapor Recovery Piping. A vapor return pipe inside the dispenser housing shall have a shear section or flexible connector so that the liquid emergency shut-off valve will function as described in 6.3.9.

Chapter 6 Fuel Dispensing Systems

6.1 Scope. This chapter shall apply to the system and components that dispense fuel into the tanks of motor vehicles and marine craft.

6.2 General Requirements.

6.2.1 Dispensing devices installed outside at motor fuel dispensing stations shall be located as follows:

- (1) Ten feet or more from property lines
- (2) Ten feet or more from buildings, other than canopies, having combustible exterior wall surfaces or buildings having noncombustible exterior wall surfaces that are not a part of a one-hour fire-resistive assembly
- (3) Such that all parts of the vehicle being served will be on the premises of the service station
- (4) Such that the nozzle, when the hose is fully extended, will not reach within 1.5 m (5 ft) of building openings

6.2.2 Liquids shall not be dispensed by applying pressure to drums, barrels, and similar containers. Listed pumps taking suction through the top of the container or listed self-closing faucets shall be used.

6.3 Requirements for Dispensing Devices.

6.3.1 Class I and Class II liquids shall be transferred from tanks by means of fixed pumps designed and equipped to allow control of the flow and prevent leakage or accidental discharge.

6.3.2 Dispensing devices for Class I and II liquids shall be listed.

6.3.2.1 Existing listed or labeled dispensing devices shall be permitted to be modified provided that the modifications made are "Listed by Report" by an approved testing laboratory or as otherwise approved by the authority having jurisdiction. Modification proposals shall contain a description of the component parts used in the modification and the recommended methods of installation on specific dispensing devices. Modification proposals shall be made available to the authority having jurisdiction upon request.

6.3.3 A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device and the switch on this dispensing device is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets or to their normal non-dispensing position.

6.3.4 Dispensing devices shall be mounted on a concrete island or shall otherwise be protected against collision damage by means acceptable to the authority having jurisdiction. Dispensing devices shall be securely bolted in place. If located indoors, dispensing devices shall also be located in a position where they cannot be struck by a vehicle that is out of control descending a ramp or other slope. Dispensing devices shall be installed in accordance with the manufacturers' instructions.

6.3.5 Dispensing devices used to fill portable containers with home heating fuels shall be located at least 6 m (20 ft) from any dispensing devices for motor fuels.

6.3.6 When maintenance to dispensing devices is necessary and such maintenance is capable of causing accidental release or ignition of liquid, the following precautions shall be taken before such maintenance is begun:

- (1) Only persons knowledgeable in performing the required maintenance shall perform the work.
- (2) All electrical power to the dispensing devices, to the pump serving the dispensing devices, and to all associated control circuits shall be shut off at the main electrical disconnect panel.

- (3) The emergency shutoff valve at the dispenser, if installed, shall be closed.
- (4) All vehicular traffic and unauthorized persons shall be prevented from coming within 6 m (20 ft) of the dispensing device.

6.3.7 Motor vehicle traffic patterns at motor fuel dispensing facilities shall be designed to inhibit movement of vehicles that are not being fueled from passing through the dispensing area.

6.3.8 At unattended self-serve motor fuel dispensing facilities, coin- and currency-type devices shall only be permitted with the approval of the authority having jurisdiction.

6.3.9 Where liquid is supplied to the dispensing device under pressure, a listed, rigidly anchored emergency shutoff valve, incorporating a fusible link or other thermally actuated device, designed to close automatically in event of severe impact or fire exposure shall be installed in the supply line at the base of each individual island-type dispenser or at the inlet of each overhead dispensing device. The emergency shutoff valve shall be installed in accordance with the manufacturers' instructions. The emergency shutoff valve shall not incorporate a slip-joint feature.

Exception: As provided for in 6.3.10.

6.3.9.1 The automatic-closing feature of this valve shall be tested at the time of installation and at least once a year thereafter by manually tripping the hold-open linkage. Records of such tests shall be kept at the premises or shall be made available for inspection by the authority having jurisdiction within 24 hours of a verbal or written request.

6.3.10 Where a suction-type dispensing system includes a booster pump or where a suction-type dispensing system is supplied by a tank in a manner that produces a gravity head on the dispensing device, a listed, vacuum-actuated shutoff valve with a shear section or equivalent-type valve shall be installed directly under the dispensing device.

6.4 Requirements for Remote/Submersible Pumps. This section shall apply to systems for dispensing Class I and Class II liquids where the liquids are transferred from storage to individual or multiple dispensing devices by pumps located other than at the dispensing devices.

6.4.1 Pumps shall be listed and shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure.

6.4.2 Each pump shall have installed on the discharge side a listed leak detection device that will provide an audible or visible indication if the piping or a dispenser is leaking. Each leak-detecting device shall be checked and tested at least annually according to the manufacturers' specifications to ensure proper installation and operation.

Exception: A leak detection device shall not be required if all piping is visible.

6.4.3 Pumps installed above grade outside of buildings shall be located not less than 3 m (10 ft) from lines of adjoining property that can be built upon and not less than 1.5 m (5 ft) from any building opening. Where an outside pump location is impractical, pumps shall be permitted to be installed inside buildings as provided for dispensers in 6.3.4 or in sumps as provided in 6.4.4. Pumps shall be anchored and protected against physical damage.

6.4.4 Sumps for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they can be subjected without damage to the pump, tank, or piping. The sump shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

6.5 Requirements for Dispensing Hose.

6.5.1 Listed hose assemblies shall be used to dispense fuel. Hose length at automotive motor fuel dispensing facilities shall not exceed 5.5 m (18 ft). Where hose length at marine motor fuel dispensing facilities exceeds 5.5 m (18 ft), the hose shall be secured so as to protect it from damage.

6.5.2 A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point shall be installed on each hose dispensing Class I and II liquids. Such devices shall be installed and maintained in accordance with the manufacturers' instructions.

6.5.3 Where hose are attached to a hose-retrieving mechanism, the listed emergency breakaway device shall be installed between the point of attachment of the hose-retrieving mechanism to the hose and the hose nozzle valve.

Exception: Such devices shall not be required at marine motor fuel dispensing facilities.

6.6 Requirements for Fuel Delivery Nozzles.

6.6.1 A listed, automatic-closing-type hose nozzle valve, with or without latch-open device, shall be provided on island-type dispensing devices used to dispense Class I liquids.

6.6.2 If a hose nozzle valve is provided with a latch-open device other than the one recommended by the valve manufacturer, the latch-open device shall be an integral part of the valve assembly and such valve/latch-open device combination shall meet all applicable requirements of Section 19A of UL 842, *Standard for Valves for Flammable Fluids*.

6.6.3* At any installation where the normal flow of product may be stopped other than by the hose nozzle valve, the system shall include listed equipment with a feature that causes or requires the closing of the hose nozzle valve before product flow can be resumed or before the hose nozzle valve can be replaced in its normal position in the dispenser; or the hose nozzle valve shall not be equipped with a latch-open device.

6.6.4 Overhead-type dispensing devices shall be provided with a listed, automatic-closing-type hose nozzle valve without a latch-open device.

Exception: A listed, automatic-closing-type hose nozzle valve with latch-open device shall be permitted to be used if the hose nozzle valve will close automatically in the event the valve is released from a fill opening or upon impact.

6.6.5 Dispensing nozzles used at marine motor fuel dispensing facilities shall be of the automatic-closing type without a latch-open device.

6.7 Emergency Electrical Disconnects. Fuel dispensing systems shall be provided with one or more clearly identified emergency shutoff devices or electrical disconnects. Such devices or disconnects shall be installed in approved locations but not less than 6 m (20 ft) or more than 30 m (100 ft) from the fuel dispensing devices that they serve. Emergency shutoff devices or electrical disconnects shall disconnect power to all dispensing devices; to all remote pumps serving the dispensing devices; to all associated power, control, and signal circuits; and to all other electrical

equipment in the hazardous (classified) locations surrounding the fuel dispensing devices. When more than one emergency shutoff device or electrical disconnect is provided, all devices shall be interconnected. Resetting from an emergency shutoff condition shall require manual intervention and the manner of resetting shall be approved by the authority having jurisdiction.

Exception: Intrinsically safe electrical equipment need not meet this requirement.

6.7.1 At attended motor fuel dispensing facilities, the devices or disconnects shall be readily accessible to the attendant.

6.7.2 At unattended motor fuel dispensing facilities, the devices or disconnects shall be readily accessible to patrons and at least one device or disconnect shall be readily accessible to each group of dispensing devices on an individual island.

6.8 Vapor Recovery Systems.

6.8.1 Dispensing devices that incorporate vapor recovery shall be listed.

6.8.2 Hose nozzle valves used on vapor recovery systems shall be listed for the purpose.

6.8.3 Means shall be provided in the vapor return path from each dispensing outlet to prevent the discharge of vapors when the hose nozzle valve is in its normal nondispensing position.

Chapter 7 Building Construction Requirements

7.1 Scope. This chapter shall apply to the construction of buildings and portions of buildings that are motor fuel dispensing facilities or repair garages.

7.2 General Requirements. (Reserved)

7.3 Motor Fuel Dispensing Facilities.

7.3.1 Occupancy Classification. The occupancy classification of a motor fuel dispensing facility that is located inside a building or structure shall be a low hazard industrial occupancy as defined in NFPA 101.

7.3.2 General Construction Requirements. (Reserved)

7.3.3 Means of Egress. In a motor fuel dispensing facility that is located inside a building or structure, the required number, location, and construction of means of egress shall meet all applicable requirements for special purpose industrial occupancies, as set forth in NFPA 101.

7.3.4 Drainage. Where Class I or Class II liquids are dispensed, provisions shall be made to prevent spilled liquids from flowing into the interior of buildings. Such provisions shall be made by grading driveways, raising door sills, or other equally effective means.

7.3.5 Fixed Fire Protection.

7.3.5.1* For an unattended, self-serve, motor fuel dispensing facility, additional fire protection shall be provided where required by the authority having jurisdiction.

7.3.5.2 Where required, an automatic fire suppression system shall be installed in accordance with the appropriate NFPA standard, manufacturers' instructions, and the listing requirements of the systems

7.3.6 Fuel Dispensing Areas Inside Buildings.

7.3.6.1 The fuel dispensing area shall be separated from all other portions of the building by walls, partitions, floors, and floor-ceiling assemblies having a fire resistance rating of not less than 2 hours.

7.3.6.2 Interior finish shall be of noncombustible materials or of approved limited-combustible materials, as defined in NFPA 220.

7.3.6.3 Door and window openings in fire-rated interior walls shall be provided with listed fire doors having a fire protection rating of not less than 1½ hours. Doors shall be self-closing. They shall be permitted to remain open during normal operations if they are designed to close automatically in a fire emergency by means of listed closure devices. Fire doors shall be installed in accordance with NFPA 80. They shall be kept unobstructed at all times.

7.3.6.4 Openings for ducts in fire-rated interior partitions and walls shall be protected by listed fire dampers. Openings for ducts in fire-rated floor or floor-ceiling assemblies shall be protected with enclosed shafts. Enclosure of shafts shall be with wall or partition assemblies having a fire resistance rating of not less than 2 hours. Openings for ducts into enclosed shafts shall be protected with listed fire dampers.

7.3.6.5 The fuel dispensing area shall be located at street level, with no dispenser located more than 15 m (50 ft) from the vehicle exit to, or entrance from, the outside of the building.

7.3.6.6 The fuel dispensing area shall be limited to that required to serve not more than four vehicles at one time.

Exception: At a fleet vehicle motor fuel dispensing facility inside a building, where only Class II and Class III liquids are dispensed, the number of vehicles serviced at any one time shall be permitted to be increased to 12.

7.3.6.7* A mechanical exhaust system that serves only the fuel dispensing area shall be provided. This system shall meet all of the following requirements:

- (1) The system shall be interlocked with the dispensing system so that airflow is established before any dispensing device can operate. Failure of airflow shall automatically shut down the dispensing system.
- (2) The exhaust system shall be designed to provide air movement across all portions of the floor of the fuel dispensing area and to prevent the flowing of ignitable vapors beyond the dispensing area.
- (3) Exhaust inlet ducts shall not be less than 76 mm (3 in.) or more than 305 mm (12 in.) above the floor. Exhaust ducts shall not be located in floors or penetrate the floor of the dispensing area. Exhaust ducts shall discharge to a safe location outside the building.
- (4) The exhaust system shall provide ventilation at a rate of not less than 0.3 m³/min/m² (1 cfm/ft²) of floor area, based on the fuel dispensing area.
- (5) The exhaust system shall meet all applicable requirements of NFPA 91.

Exception: The provisions of 7.3.6.7 shall not apply to a fuel dispensing area located inside a building if two or more sides of the dispensing area are open to the building exterior.

7.3.6.8 The floor of the dispensing area shall be liquidtight. Where Class I liquids are dispensed, provisions shall be made to prevent spilled liquids from flowing out of the fuel dispensing



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Division of Petroleum & Chemical Safety

The Division of Petroleum & Chemical Safety was created to manage the problems caused by the thousands of underground storage tank systems containing petroleum or hazardous chemicals. The division regulates petroleum and chemical storage tanks through registration to ensure the protection of public health and safety.

The division has registered more than 73,000 tanks in Illinois. Other duties include issuing permits for all tank installations, removals, repairs, upgrades, relining and abandonment-in-place. Eligibility and deductibility determinations are also made to determine if a tank owner can access the leaking underground storage tank fund. Inspectors in this division respond to petroleum and chemical leaks and spills.

For more information about the program, please call 217-785-1020 or [email the Division of Petroleum & Chemical Safety Division](#)

Notification to Contractors and Dispensing Facility Owners/Operators

Questions have been asked regarding language in our Motor Fuel Dispensing Facilities regulations pertaining to the shear valves required under dispensers, as found at 175.450(e)(12):

Shear Valve. Pressurized piping systems require a listed rigidly anchored emergency shutoff (shear) valve installed in the supply line at the base of each individual dispenser. The valve shall incorporate a fusible link or other thermally activated device, designed to close automatically in the event of severe impact or fire exposure.

The questions were often in reference to the requirement for dispensing facilities found in 175.210, 175.220, 175.230, 175.240 & 175.250 that "all shear valves (shall be) visually inspected, at least annually to ensure that they are functioning properly and that the dispenser is mounted properly" 175.210(i). Like the Emergency Shutoff Switch annual test in the same section, the annual "visual inspection" can be done by the owner/operator or a contractor so designated to perform the inspection. This Notification serves the purpose of clarifying what criteria to use to "ensure that (the shear valves) are functioning properly." These criteria match what OSFM and Chicago Dept. of Public Health UST inspectors use:

- ⊕ All shear valves shall be mounted using a listed rigid anchor.
- ⊕ All shear valves shall be mounted securely to the listed rigid anchor.
- ⊕ All shear valves shall be mounted at the proper height relative to grade following the shear valve manufacturer's installation instructions.
- ⊕ All shear valves shall be maintained in proper working condition.
- ⊕ In addition, the dispensers themselves will also be inspected when the shear valves are checked to confirm that each dispenser is properly and securely mounted to its island.

This is not a change to our regulations, just a clarification of what our inspectors use to determine proper shear valve mounting and placement. To further clarify the point about placement relative to grade, as in any equipment installation, manufacturer's specifications must be followed. Most models of shear valves need to be mounted with the shear point within 1" or 1/2" of grade using the top of the dispenser island as the reference for grade. If your approved shear valve has mounting criteria outside of those common parameters, have documentation available from the manufacturer to show the inspector so he knows that the mounting is acceptable. This must be from the manufacturer. A letter from a contractor alone will not suffice.

A form has been added to [UST Applications and Forms](#) to assist you in documenting this required annual visual inspection. The completed signed form will stay with the station records for our inspectors to check during an inspection to document and verify that all shear valves have been inspected annually.

Notice to UST Contractors Posted: October 28, 2013

Since the promulgation of our current UST regulations on September 1, 2010, there has been the requirement for a hydrostatic test on all containment sump installations:

A hydrostatic test will be performed on all containment installations (including all submersible, piping and fill sumps) as follows:

- 1) All penetrations, including electrical, must be completed prior to testing.
- 2) Containment is to be filled with water to a height that covers the highest penetration by 2 inches.
- 3) Minimal backfilling that may be necessary for support of the containment sump is allowed prior to the test.
- 4) Test duration is 30 minutes and performed under PAI Time and Date Certain requirements with no drop in water level. 175.410(h)(1-4)

Up to this point the requirements have been followed by contractors and checked by OSFM inspectors on containment installations except for spill sumps. The regulation explicitly includes "spill sumps" as seen above. Accordingly, from this point forward, spill sumps will also be hydrostatically tested after installation, replacement or minor maintenance repairs to insure the sumps are liquid tight, as per the regulation copied above.

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Updates at our website will be seen on the Applications & Forms page to the following forms:

- ⊕ [Job Schedule for Testing \(PDF, 126KB\)](#)
- ⊕ [Failed Test Results Report \(PDF, 1.4MB\)](#)

A permit must be obtained for installation or repair of any containment sump, as per 175.300(f)(11)(B). If work being done on a spill sump falls under like-for-like replacement criteria, a permit is not required but a hydrostatic test is. That will require submission of a "Required Job Schedule for Testing" form, and if indicated, a "Failed Test Results Report" form. Evidence of spill sump like-for-like replacement without the required test schedule form will be a violation.

More Division Information

- ⊕ [FOIA Requests](#)
- ⊕ [List of Leak Detection Evaluations for UST Systems](#)
- ⊕ [Motor Fuel Dispensing Facilities](#)
- ⊕ [Underground Storage Tanks](#)
 - ⊕ [Applications and Forms](#)
 - ⊕ [Database and Contractors](#)
 - ⊕ [FAQ's](#)
 - ⊕ [Operator Training](#)
 - ⊕ [Policies and Interpretations](#)
 - ⊕ [Statutes and Rules](#)
 - ⊕ [Alternative Fuels](#)

Federal Energy Act Reports

- ⊕ [2008 \(PDF, 77KB\)](#)
- ⊕ [2009 \(PDF, 162KB\)](#)
- ⊕ [2010 \(PDF, 197KB\)](#)
- ⊕ [2011 \(PDF, 82Kb\)](#)
- ⊕ [2012 \(PDF, 197Kb\)](#)
- ⊕ [2013 \(PDF, 198Kb\)](#)



**Madison County Government
 Chief County Assessment Official**

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 Madison County Administration Building
 157 N. Main St. Suite 229 • Edwardsville, IL 62025-1964
 Phone (618) 692-6270 • Fax (618) 692-8298

Phil Byers, C.I.A.O.
 Chief Deputy
Fred N. Michael, C.I.A.O.
 Director of Maps & Plats

Information for Parcel 22-2-20-17-15-402-001., Tax Year 2013 Payable 2014

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Property Information

Tax Year	Tax Code
2013	195 - #9; GR CITY & PK; 6-MILE LIBR
Township	Neighborhood
22-GRANITE CITY	22 - CV11
Property Class	Land Use
0060-IMPROVED COMMERCIAL	0330-Improved - Commercial
Tax Status	Lot Size
Taxable	150 x 145
Net Taxable Value	Tax Rate
43,170	9.476400
Total Tax	Site Address
\$4,090.96	2526 NAMEOKI RD GRANITE CITY, IL 62040
Owner Name and Address	Mailing Name and Address
GASA WISH INC 2526 NAMEOKI RD GRANITE CITY, IL 62040-	GASA WISH INC 2526 NAMEOKI RD GRANITE CITY, IL 62040-
Legal Description	
AMERICAN GARDENS LT 1 & 2 EXC PT TO STATE 150 X 150	

Market Land Valuation

Property Class Description	Type	Width	Depth	Sq. Ft. Calc.	Acres	Deed Acres
Commercial	REGULAR - Regular	150	145	21,750		0.50

Structures (1 of 1)

Property Class	Description	Style	Quality	Living Area (sq. ft.)	Year Built	Age
Commercial	CONVENIENCE FOOD MARKET		Average	3,160	1984	43

1 - CONVENIENCE STORE 01 - 01

Attribute	Attribute
Mini-Mart Convenience Store	100.00 Base Cost 3160.00
Concrete Block	3160.00 Complete HVAC 3160.00
Physical / Functional	82.86
All	
Attribute	Attribute
PAVING-ASPHALT	10500.00 SERV STAT CANOPY-AVERAGE

Assessments



Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
DOR Equalized	10,000	33,170	0	0	0	43,170
Department of Revenue	10,000	33,170	0	0	0	43,170
Board of Review Equalized	10,000	33,170	0	0	0	43,170
Board of Review	10,300	34,170	0	0	0	44,470
S of A Equalized	10,300	34,170	0	0	0	44,470
Supervisor of Assessments	10,300	34,170	0	0	0	44,470
Township Assessor	10,300	34,170	0	0	0	44,470
Prior Year Equalized	14,250	52,760	0	0	0	67,010

Exemptions

Exemption Type	Requested Date	Granted Date	Renewal Date	Prorate Date	Requested Amount	Granted Amount
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Farmland

Land Type	Acres	EAV	Soil Details
Total:		0.00	0

Parcel Genealogy

Parent Parcels

Child Of Action Tax Year Change Effective Year Completed?

Child Parcels

Parent Of Action Tax Year Change Effective Year Completed?

Legal Descriptions

Legal Description

AMERICAN GARDENS LT 1 & 2 EXC PT TO STATE 150 X 150

Section/Township/Range Document

Related Names

Name	Relationship	Status	Document
GASA WISH INC	Parcel Owner	Current	2012R15417

Detailed Name Information

Last Name	Address	City	State	Type	Zip Code	Document Type	Document Book	Document Page	Document Filing Date
GASA WISH INC	2526 NAMEOKI RD	GRANITE CITY	IL	Organization	62040	Quit Claim Deed			04/11/2012

Mailing Flags

[Tax Bill] [Change Notice] [Delinquent Notice] [Exemption Notice]

Sales History

Year	Document #	Sale Type	Sale Date	Notes	Price
2012	2012R15417	Not Open Market	04/11/2012		\$135,000
2007	200706245		02/12/2007	Book: 2007R Page: 07262	\$800,000
2006	2006297924		03/15/2006	Book: 2006R Page: 13147	\$0
2006	2006297923		01/18/2006	Book: 2006R Page: 02611	\$425,000
2005	2005297922		12/15/2005	Book: 2005R Page: 70772	\$0
2002	2002297921		08/15/2002	Book: 04508 Page: 5873	\$0
1975	1975297920		09/15/1975	Book: 03008 Page: 1598	\$0
1975	1975297919		01/28/1975	Book: 02991 Page: 2079	\$0

Site Addresses

House Number	House Number Suffix	Street Name	City	State	Zip Code	Location
2526		NAMEOKI RD	GRANITE CITY	IL	62040	

Taxing Bodies

District	Tax Rate	Extension
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METRO EAST SANITARY	0.4125	\$178.08
GRANITE CITY PARK	0.5729	\$247.32
CITY OF GRANITE CITY	2.3162	\$999.90
SW IL COLLEGE #522	0.4048	\$174.75
SIX-MILE REG. LIBRARY	0.3680	\$158.87
MADISON COUNTY	0.7210	\$311.26
GRANITE CITY CU #9	4.3361	\$1,871.89
GRANITE CITY TOWNSHIP	0.3449	\$148.89
Total	9.4764	\$4,090.96

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