

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 07 2017

STATE OF ILLINOIS
Pollution Control Board

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

PCB 17- 59
(LUST Appeal – Ninety Day
Extension)

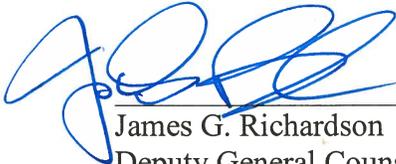
NOTICE

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

Shane Thorpe
CSD Environmental Services, Inc.
2220 Yale Boulevard
Springfield, Illinois 62703

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
Deputy General Counsel
Dated: April 5, 2017
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
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ILLINOIS AYERS OIL COMPANY,)
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PROTECTION AGENCY,)
Respondent.)

PCB No. 17- 59
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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, James G. Richardson, Deputy General 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 July 23, 2017, 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:

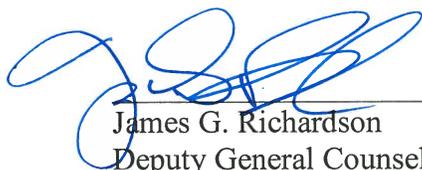
1. On March 16, 2017, the Illinois EPA issued a final decision to the Petitioner.
2. On April 4, 2017, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about March 20, 2017.

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
Deputy General Counsel

Dated: April 5, 2017

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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/524-3300

CERTIFIED MAIL

MAR 16 2017

7034 2120 0002 3292 3879

Illinois Ayers Oil Company, Inc.
Carl Adams, Jr.
P.O. Box 772
Quincy, IL 62306

Re: LPC# 1690205047—Schuyler County
Rushville/ IL Ayers Oil Company
141 South Congress
Leaking UST Incident No. 20130327
Leaking UST Technical File

Dear Mr. Adams:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Removal Plan (plan) submitted for the above-referenced incident. The plan, dated December 20, 2016, was received by the Illinois EPA on December 22, 2016. 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 is rejected for the reason(s) listed below (Section 57.7(c) of the Act and 35 Ill. Adm. Code Section 734.505(b) and 734.510(a)):

Pursuant to 35 Ill. Adm. Code 734.210(a)(1), owners or operators must conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. The owner must also use abatement of free product migration as a minimum objective for the design of the free product removal system [35 Ill. Adm. Code 734.210(a)(2)]. According to the documentation that has been submitted, hand bailing has not been shown to be an effective way to remediate the free product at this site. Three Free Product Removal Plans and Budgets have been approved for the hand bailing of MW-2 since December 2014. The thickness of the free product in MW-2 was higher when the well was last checked in September 2016 than it was when the hand bailing of MW-2 began in January 2015. The free product has also recently migrated to two additional wells. Other free product remediation options must be explored.

In addition, the corresponding free product removal budget is rejected for the reason listed below (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)):

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

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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)).

If, following approval of the free product removal plan or associated budget, it is determined that a revised removal plan or budget is necessary in order to complete free product removal, an amended free product removal plan or budget, as applicable, must be submitted to the Illinois EPA for review (35 Ill. Adm. Code 734.215(g)). Any such plan and budget shall be submitted to the Illinois EPA for review and approval, rejection, or modification prior to payment for any related costs or the issuance of a No Further Remediation Letter (35 Ill. Adm. Code 734.215(f)).

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 Brad Dilbaitis at (217) 785-8378 or Bradley.Dilbaitis@illinois.gov.

Sincerely,



Stephen A. Colantino
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

SAC:BD\FPRP5denBUDDen.docx

Attachment: Appeal Rights

c: Shane Thorpe, CSD Environmental Services, (electronic copy), sthorpe@csdenviro.com
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:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson 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

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on the afternoon of April 5, 2017 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:

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

Shane Thorpe
CSD Environmental Services, Inc.
2220 Yale Boulevard
Springfield, Illinois 62703

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