

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)	
Petitioner,)	
)	
v.)	PCB 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

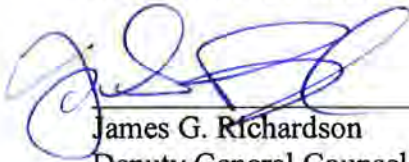
NOTICE

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

Jennifer M. Martin
HeplerBroom
4340 Acer Grove Drive
Springfield, Illinois 62711

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
October 7, 2020
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION,)	
Petitioner,)	
)	
v.)	PCB No. 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL)	Extension)
PROTECTION AGENCY,)	
Respondent.)	

**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 January 17, 2021, 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 September 10, 2020, the Illinois EPA issued a final decision to the Petitioner.
2. On October 5, 2020, 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 September 14, 2020.

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: October 7, 2020

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (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) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL

7019 2970 0000 2735 9069

SEP 10 2020

ExxonMobil Oil Corporation
Attn: Jewel Cox
875 West Poplar Avenue, Suite 23, #353
Collierville, TN 38017

Re: 0312225089 -- Cook County
Oak Lawn/Mobil Gas #99-LWN
10301 South Cicero Avenue
LUST Incidents 912781 & 913646
LUST Technical File

Dear Ms. Cox:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incidents. This plan, dated May 12, 2020, was received by the Illinois EPA on May 15, 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 is rejected for the reason(s) listed in Attachment A (Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

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 plan and/or budget must be submitted within 60 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
Post Office Box 19276
Springfield, IL 62794-9276

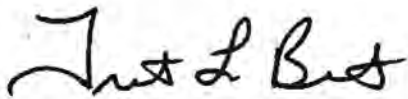
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

Page 2

If you have any questions or need further assistance, please contact Jason Donnelly at (217) 557-8764.

Sincerely,



Trent L. Benanti, P.E.
Unit Manager
Leaking Underground Storage Tank Program
Remedial Project Management Section
Bureau of Land

Tlb:jmd\912781&913646

Attachments: A
Appeal Rights

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

Attachment A

Re: 0312225089 -- Cook County
Oak Lawn/Mobil Gas #99-LWN
10301 South Cicero Avenue
LUST Incidents 912781 & 913646
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. If any of the applicable indicator contaminants exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants, within 30 days after the Illinois EPA approves the site investigation completion report, the owner or operator shall submit to the Illinois EPA for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The corrective action plan must address all media impacted by the UST release and must contain, at a minimum, the following information:
 - a. An executive summary that identifies the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives. At a minimum, the summary must include the following information:
 - i. The major components (e.g., treatment, containment, removal) of the corrective action plan;
 - ii. The scope of the problems to be addressed by the proposed corrective action, including but not limited to the specific indicator contaminants and the physical area; and
 - iii. A schedule for implementation and completion of the plan;
 - b. A statement of the remediation objectives proposed for the site;

- c. A description of the remedial technologies selected and how each fits into the overall corrective action strategy, including but not limited to the following:
 - i. The feasibility of implementing the remedial technologies;
 - ii. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved;
 - iii. A schedule of when the remedial technologies are expected to achieve the applicable remediation objectives and a rationale for the schedule; and
 - iv. For alternative technologies, the information required under 35 Ill. Adm. Code 734.340;
- d. A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored or measured during their implementation and after their completion;
- e. A description of the current and projected future uses of the site;
- f. A description of any engineered barriers or institutional controls proposed for the site that will be relied upon to achieve remediation objectives. The description must include, but not be limited to, an assessment of their long-term reliability and operating and maintenance plans;
- g. A description of water supply well survey activities required pursuant to 35 Ill. Adm. Code 734.445(b) and (c) that were conducted as part of site investigation; and
- h. Appendices containing references and data sources relied upon in the report that are organized and presented logically, including but not limited to field logs, well logs, and reports of laboratory analyses.

(Sections 57.1(a) and 57.7(b)(2) of the Act and 35 Ill. Adm. Code 734.335(a))

- A. Soil samples SB5A and SB9 are above Tier 1 residential ingestion remediation objectives and Metropolitan Statistical Areas background concentrations for one or more PNAs. The plan indicates soil boring SB10 was advanced in the Village of Oak Lawn alley and defines the extent to the east. However, the plan does not propose how the contamination beneath the alley will be addressed. Soil contamination on the eastern property boundary and beneath the alley would either have to be remediated to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 or a Highway Authority Agreement meeting the requirements of 35 Ill. Adm. Code 742.1020 executed to address the off-site contamination.

In accordance with 35 Ill. Adm. Code 742.1020(a), Highway Authority Agreements submitted to the Illinois EPA, except for those agreements with the Illinois Department of Transportation, must match the form and contain the same substance, except for variable elements, as the model in Appendix D. In addition, a draft must be submitted for review and include a scaled map that shows the site and surrounding area and delineates the current and estimated future extent of soil and groundwater exceeding the applicable remediation objectives as Exhibit A and a table as Exhibit B that lists each contaminant of concern exceeding the most stringent Tier I remediation objectives, with the locations of the concentrations depicted on the map required as Exhibit A. Further, to determine if execution of a Highway Authority Agreement to address contamination migrating into the roadway is a feasible remedial technology in accordance with 35 Ill. Adm. Code 734.335(a)(3)(A), the Illinois EPA requires the owner provide information and supporting documentation stating the owner contacted the Highway Authority, and the Highway Authority is amenable to executing a Highway Authority Agreement. The Highway Authority's contact information, including contact name and phone number, and documentation from the Highway Authority stating that it is amenable to executing the agreement must be included.

2. An owner or operator seeking to comply with the best efforts requirements of 35 Ill. Adm. Code 734.345(b) must demonstrate compliance with the requirements of 35 Ill. Adm. Code 734.350. (Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.350(a))

Based on the information submitted to date, ExxonMobil has requested off-site access be granted to complete a current investigation and to obtain execution of an Environmental Land Use Control (ELUC) from the off-site strip mall property owner to the east; however, ExxonMobil has not proposed to remediate the contamination beneath the property to the east. Before the Illinois EPA will approve a "best efforts" request, correspondence must be sent requesting to remediate the off-site contamination.

3. Pursuant to 35 Ill. Adm. Code 742.1015(b)(1), a request for approval of a local ordinance as an institutional control shall provide a copy of the ordinance restricting groundwater use. The copy must be certified within 60 days of receipt by the Illinois EPA by an official of the local unit of government in which the site is located that it is a true and accurate copy of the ordinance.

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 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, 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
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 7, 2020 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the methods and to the persons identified below:

Electronic Service

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

USPS First Class Mail

Jennifer M. Martin
HeplerBroom
4340 Acer Grove Drive
Springfield, Illinois 62711

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)