

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BP PRODUCTS NORTH AMERICA INC./,	)	
RIVERFRONT PROPERTY	)	
Petitioner,	)	
	)	
v.	)	PCB 25-
	)	(RCRA – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	

**NOTICE**

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

BP Products North America Inc./Riverfront Property  
Attn: Michelle Knapp  
301 Evans Avenue  
Wood River, IL 62095

Alexander Bandza, Partner  
Barnes & Thornburg  
One North Wacker Drive, Suite 4400  
Chicago, IL 60606  
[ABandza@btlaw.com](mailto:ABandza@btlaw.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



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Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: July 1, 2025

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BP PRODUCTS NORTH AMERICA INC./,	)	
RIVERFRONT PROPERTY	)	
Petitioner,	)	
	)	
v.	)	PCB 25-
	)	(RCRA – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
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, 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 October 5, 2025, 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 May 21, 2025, the Illinois EPA issued a final decision to the Petitioner.
2. On June 23, 2025, 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 June 2, 2025.

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



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Melanie A Jarvis  
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[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: July 1, 2025

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on July 1, 2025, 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  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Alexander Bandza, Partner  
Barnes & Thornburg  
One North Wacker Drive, Suite 4400  
Chicago, IL 60606  
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US Postal Service

BP Products North America Inc./Riverfront Property  
Attn: Michelle Knapp  
301 Evans Avenue  
Wood River, IL 62095

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



---

Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
Division of Legal Counsel  
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P.O. Box 19276  
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217/782-5544  
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[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)

**From:** [Bandza, Alexander](#)  
**To:** [Jarvis, Melanie](#)  
**Subject:** [External] ILD980503106 // Log No. B-145R-CA-78 and CA-133 // Request for Appeal Extension  
**Date:** Monday, June 23, 2025 11:40:55 AM  
**Attachments:** [image001.png](#)  
[2025-05-21 IEPA Ltr.pdf](#)  
[USPS Confirmation.pdf](#)

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**Re: 1191155009 -- Madison County**  
**BP Products North America Inc/Riverfront Property**  
**ILD980503106**  
**Log No. B-145R-CA-78 and CA-133**  
**Received: August 19, 2016; and May 25, 2023**  
**RCRA Permit - 24A**  
**Permit CA**

Ms. Jarvis:

By way of overview, I represent BP Products North America Inc. ("BPPNA") with respect to the above-captioned matter and the attached "letter in response to the following submittals associated with corrective action required by the RCRA Permit for the referenced facility," from Illinois EPA, dated May 21, 2025 ("Letter").

Based upon the USPS Certified Mail tracking number listed on the Letter (record attached), the Letter was delivered to bp on June 2, 2025. Under 35 IAC 105.208(a), the parties must "file a request for extension within 35 days after the date of service of the Agency's final decision." Because service occurred on June 2, 2025, see 35 IAC 101.300(c), 35 days after June 2, 2025, is Monday, July 7, 2025.

I am requesting an extension of 90 days of the appeal period pursuant to 415 ILCS 5/40, 35 IAC 105.206(a), and 35 IAC 105.208(a). 90 days after July 7, 2025, is Sunday, October 5, 2025. Pursuant to 35 IAC 101.300(a), the computation of time will run until the next business day if the last day is a Saturday, Sunday, or national or State legal holiday. Therefore, the full 90-day extension is calculated to include Monday, October 6, 2025. **In sum, this extension request would allow BPPNA to take an appeal up to and including Monday, October 6, 2025.**

BPPNA would appreciate your concurrence via reply email so that it may file this correspondence with the Illinois Pollution Control Board to seek to grant such an extension. Thank you and please feel free to contact me at any time.

Best regards,  
Alex

**Alexander Bandza**

Partner

Direct: [\(312\) 214-5633](tel:3122145633) | Mobile: [\(708\) 404-7061](tel:7084047061)

[ABandza@btlaw.com](mailto:ABandza@btlaw.com)

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217/524-3301

CERTIFIED MAIL  
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9589 0710 5270 0389 7041 83

MAY 21 2025

BP Products North America Inc./Riverfront Property  
Attn: Ms. Michelle Knapp  
301 Evans Avenue  
Wood River, Illinois 62095

Re: 1191155009 -- Madison County  
BP Products North America Inc./Riverfront Property  
ILD980503106  
Log No. B-145R-CA-78 and CA-133  
Received: August 19, 2016; and May 25, 2023  
RCRA Permit – 24A  
Permit CA

Dear Ms. Knapp,

This letter is in response to the following submittals associated with corrective action required by the RCRA Permit for the referenced facility:

Submittal No. 1: The submittal was assigned Log No. B-145R-CA-78, a document entitled, "Response to Conditions 3 and 4", prepared and submitted by Ms. Lori Littrell of Atlantic Richfield Company on behalf of BP Products North America Inc (BP). The subject submittal is dated August 18, 2016, and was received by the Illinois EPA on August 19, 2016. The subject submittal is provided in response to Conditions 3 and 4 of the Illinois EPA letter dated May 20, 2016 (Log No. B-145R-CA-48). The purpose of this document is to: (1) demonstrate the existing groundwater monitoring wells and hydraulic control are adequate for the uppermost aquifer at Parcel B; (2) propose the recovery trench is no longer warranted based on the lack of recoverable free product; and (3) propose quarterly inspections and gauging at the pumps, plus periodic light non-aqueous phase liquid (LNAPL) removal. Submittal No. 1 is superseded by submittal No. 2; therefore, a technical review was not conducted.

Submittal No. 2: The submittal was assigned Log No. B-145R-CA-133, a document entitled, "Corrective Action Modification Request – Light Oils Dock Area", prepared and submitted by Ms. Michelle Knapp, Liability Manager, Remediation Management Services Company, which is an affiliate of BP Products North America Inc., on behalf of BP. The document was dated May 25, 2023, and was received by the Illinois EPA on May 26, 2023. The subject submittal proposes

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9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

1191155009-BP/Riverfront Property  
Log No. B-145R-CA-78 and CA-133  
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a biological treatment program at the light oils dock (LOD) Area and proposes collection of data for evaluation of a new remedial approach.

Based on the Illinois EPA's review of the subject submittals, the revisions to the LOD Area groundwater monitoring and corrective measures to address free product and dissolved groundwater contamination proposed in Submittal No. 2 can be approved with the following conditions and modifications:

1. The May 11, 2009 Illinois EPA letter (Log No. B-145-CA-63) outlined requirements for 14 wells to be sampled at the LOD Area. Requirements of Condition 5 of the letter continue to apply, with the exception of the due dates for reporting. Reporting dates in the current permit (Log No. B-145R2) shall be followed:

*The uppermost aquifer groundwater monitoring at the LOD Area must continue in accordance with the requirements found in the RCRA Permit and all previous Illinois EPA letters addressing the LOD Area, which includes:*

- a. Semi-annual sampling of uppermost aquifer wells LOD-1, LOD-2, LOD-3, LOD-3B, LOD-4, LOD-5, LOD-6, LOD-7, LOD-8, LOD-9, RL-17, RL-17B, and RL-18, for benzene, ethylbenzene, toluene, and xylenes (BETX), and total and dissolved arsenic and lead;*
  - b. Collection of quarterly fluid level measurements; and*
  - c. Reporting within the Riverfront Groundwater Corrective Action Semi-annual Reports.*
2. The request to remove gauging requirements for well G102 cannot be approved. Hydraulic control continues to be required for the remainder of the groundwater management zone (GMZ) and the facility has not provided adequate justification to remove this requirement for the Groundwater Corrective Action Program in Section IV of the permit.
  3. The Illinois EPA cannot approve the request to remove monitoring wells LOD-1, LOD-2, LOD-5, LOD-6, LOD-7, LOD-9, and RL-17B from the LOD Area monitoring program. The Illinois EPA acknowledges these wells are required to be monitored by the site-wide groundwater corrective action program (Section IV) of the permit; therefore, gauging and monitoring for constituents of concern (COCs) for the LOD Area (benzene, toluene, ethylbenzene, total xylenes (BETX), and total and dissolved arsenic and lead) is readily available and will further support BP's ongoing demonstrations of the effectiveness of the corrective measures. Continue to use data collected at these wells to evaluate the LOD Area conditions and effectiveness of corrective action.



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4. Biosparging is approved to reduce concentrations of contaminants dissolved in groundwater and create aerobic conditions. The following comments apply:
- Baseline monitoring for the parameters will be completed prior to system startup. It is anticipated the system will be operated for a minimum of 18 months.
  - The following parameters and frequency must be conducted at the locations listed in the table below:

Monitoring Activity (frequency)	Description	Locations
Pressure/Soil Gas Monitoring (Monthly)	Collect pressure readings. Use pump on vapor meter to purge well and analyze for soil gases (CH <sub>4</sub> , CO <sub>2</sub> , O <sub>2</sub> , VOCs). Analyze headspace in monitoring wells or piezometers.	New VMPs, monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ 1 through LOD-PZ-6)
Groundwater Geochemistry (Quarterly)	Collect field parameters including depth to water/ LNAPL, pH, DO, ORP, temperature and specific conductivity.  Collect groundwater samples for analysis of dissolved gases (CH <sub>4</sub> , CO <sub>2</sub> , O <sub>2</sub> , N <sub>2</sub> ), MNA parameters (iron species, nitrogen compounds, sulfate), and metals including arsenic, lead, manganese, magnesium, nickel, and chromium.	Monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ-1 through LOD-PZ-6)
Groundwater COC (Quarterly)	Collect groundwater samples for analysis of BTEX, TPH-GRO, and TPH-DRO.	Monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ-1 through LOD-PZ-6)

**Notes:**

VOCs: volatile organic compounds

LNAPL: light non-aqueous phase liquid

BTEX: benzene, toluene, ethylbenzene, total xylenes

TPH-GRO: total petroleum hydrocarbons as gasoline range organics

TPH-DRO: total petroleum hydrocarbons as diesel range organics

CH<sub>4</sub>: methane, CO<sub>2</sub>: carbon dioxide, O<sub>2</sub>: oxygen, N<sub>2</sub>: nitrogen compounds

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- c. The monitoring program will support selection of the appropriate time to transition from biosparging to natural attenuation mechanisms enhanced with passive bioventing. The transition to passive bioventing with MNA and MNSZD will be based on the criteria in the table below:

Parameter	Monitoring	Transition Point / Condition
LNAPL (if present >0.5 feet thickness)	Transmissivity (Tn) testing	$T_n < 0.8 \text{ ft}^2/\text{day}$
Dissolved phase benzene concentrations	Groundwater sampling	Stable or declining trend indicating remedial objectives will be met within 5 years
Oxygen and DO	Soil gas measurements at VMPs and dissolved gas sampling at monitoring wells	Indication of decrease in oxygen utilization or reduced source mass, e.g., consistent $\text{O}_2 > 10\%$ by volume in VMPs and $\text{DO} > 2 \text{ mg/L}$ in groundwater

**Notes:**

VMPs: vapor monitoring points

LNAPL: light non-aqueous phase liquid (also referred to as free product for the purposes of this letter)

DO: dissolved oxygen

- d. Upon meeting the requirements of Comment 4.c, passive bioventing with monitored natural attenuation (MNA) and monitored natural source zone depletion (MNSZD) will include the installation of passive biovent wellheads on the 12 biosparge wells, monitoring piezometers, and deeper VMPs. The monitoring program must be implemented following the transition to passive bioventing and to demonstrate natural attenuation is occurring with no increase or migration of dissolved phase constituents:

Monitoring Activity	Description	Locations
Pressure/Soil Gas Monitoring (Quarterly)	Collect pressure readings. Use pump on vapor meter to purge well and analyze for soil gases ( $\text{CH}_4$ , $\text{CO}_2$ , $\text{O}_2$ , VOCs). Analyze headspace in monitoring wells or piezometers.	New VMPs, monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ-1 through LOD-PZ-6)
Groundwater Geochemistry (Semi-Annual)	Collect field parameters including depth to water/ LNAPL, pH, DO, ORP, temperature	Monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ-1 through LOD-PZ-6)

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	conductivity.  Collect groundwater samples for analysis of dissolved gases (CH <sub>4</sub> , CO <sub>2</sub> , O <sub>2</sub> , N <sub>2</sub> ), MNA parameters (iron species, nitrogen compounds, sulfate), and metals including arsenic, lead, manganese, magnesium, nickel, and chromium.	
Groundwater COC (Semi-Annual)	Soil gas measurements at VMPs and dissolved gas sampling at monitoring wells	Monitoring wells (LOD-6, RL-17), and piezometers (LOD-PZ-1 through LOD-PZ-6)

See notes for above tables as needed to define terms

- e. Reporting for the LOD Area must be submitted within Corrective Action Progress Reports in accordance with Section V (Corrective Action Section) of the permit. While the renewed RCRA permit is currently under appeal (Log No. B-145R2), no comments have been associated with reporting requirements for monitoring programs outlined in Illinois EPA letters. Therefore, this condition aligns with the reporting requirements required by Section V.

This action shall constitute Illinois EPA's final action on the subject submittals. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Illinois Environmental Protection Act (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 applicant 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 request for an extension, please contact:

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Page 6

Illinois Environmental Protection Agency  
Division of Legal Counsel  
2520 West Iles Avenue  
Post Office Box 19276  
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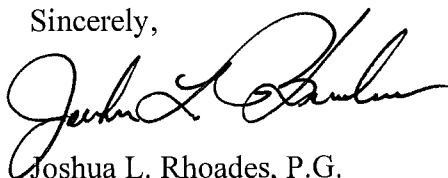
For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605-1241  
312/814-3620

Work required by this letter, your submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

If you have any questions regarding this permit, please feel free to contact Shawntay Dial at 217/558-0177 or by email at [shawntay.dial@illinois.gov](mailto:shawntay.dial@illinois.gov) for specific questions related to groundwater issues. All other questions regarding this permit should be referred to Jacob Nutt at 217/524-7048 or by email at [jacob.nutt@illinois.gov](mailto:jacob.nutt@illinois.gov).

Sincerely,



Joshua L. Rhoades, P.G.  
Permit Section Manager  
Division of Land Pollution Control  
Bureau of Land

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