

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BP PRODUCTS NORTH AMERICA, INC.,)	
)	
Petitioner,)	PCB 26-001
)	Agency Decision Appeal
v.)	1191155009—Madison County
)	ILD980503106
ILLINOIS ENVIRONMENTAL)	Log No. B-145R-CA-78 and CA-133
PROTECTION AGENCY,)	RCRA Permit - 24A
)	
Respondent.)	
)	

NOTICE OF FILING

TO: Division of Legal Counsel	Clerk
Illinois Environmental Protection Agency	Illinois Pollution Control Board
1021 North Grand Avenue East	100 West Randolph Street, Suite 11-500
P.O. Box 19276	Chicago, Illinois 60601-3218
Springfield IL 62794-9276	
epa.dlc@illinois.gov	
melanie.jarvis@illinois.gov	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the BP Products North America, Inc.'s Concurrence With Request for 90-Day Extension of Appeal Period of BP Products North America, Inc., a copy of which is herewith served upon you.

Dated: July 4, 2025

Respectfully submitted,

BP PRODUCTS NORTH AMERICA, INC.

By: /s/ Alexander J. Bandza
Alexander J. Bandza, Esq.
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
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Attorney for BP Products North America, Inc.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**BP PRODUCTS NORTH AMERICA, INC.’S
CONCURRENCE WITH REQUEST FOR 90-DAY EXTENSION OF APPEAL PERIOD**

NOW COMES the Petitioner, BP Products North America, Inc. (“BPPNA”), by its attorneys, Barnes & Thornburg LLP, and, pursuant to the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code §§ 105.206 and 105.208, hereby concurs in the Illinois Environmental Protection Agency’s (“Illinois EPA”) request that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to Sunday, 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 final decision (such as Monday, October 6, 2025). This October 6, 2025, calculated extension date reflects a ninety-day extension of the 35-day appeal period from the date of BPPNA’s receipt of the Illinois Environmental Protection Agency’s (“Illinois EPA”) letter decision on submittals associated with corrective action in connection with the Resource Conservation and Recovery Act (“RCRA”) permit to BPPNA (“Letter”) as it relates to the remedial activities at the Wood River, Illinois, property (“Property”).

In support thereof, BPPNA respectfully states as follows:

1. On or about May 21, 2025, Illinois EPA issued the Letter to BPPNA. (**Ex. A.**)
2. Under 35 Ill. Adm. Code § 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."

3. BPPNA received the Letter on June 2, 2025. (**Ex. B.**)

4. Because the date of service of the Agency's final decision occurred on June 2, 2025, *see* 35 Ill. Adm. Code § 101.300(c), 35 days after June 2, 2025, is Monday, July 7, 2025.

5. Illinois EPA timely filed this extension request in the above-captioned docket on or about July 1, 2025.

6. By filing its request in the above-captioned docket, Illinois EPA has consented to a 90-day extension of the appeal period, which would permit BPPNA to file a petition with respect to the Letter on or before October 5, 2025, which is a Sunday.

7. Pursuant to 35 Ill. Adm. Code § 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. Accordingly, BPPNA would be required to file its petition by Monday, October 6, 2025.

8. 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 to petition the Board.

Dated: July 4, 2025

Respectfully submitted,

BP PRODUCTS NORTH AMERICA, INC.

By: /s/ Alexander J. Bandza

Alexander J. Bandza, Esq.

BARNES & THORNBURG LLP

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(312) 357-1313

abandza@btlaw.com

Attorney for BP Products North America, Inc.

CERTIFICATE OF E-MAIL SERVICE

I, the undersigned, certify the following:

- That I have served the attached BP Products North America, Inc.'s Concurrence With Request for 90-Day Extension of Appeal Period of BP Products North America, Inc. by e-mail upon the Illinois Environmental Protection Agency at the e-mail address of epa.dlc@illinois.gov and melanie.jarvis@illinois.gov.
- That my e-mail address is abandza@btlaw.com.
- That the number of pages in the e-mail transmission is 4.
- That the e-mail transmission took place after 5:00 p.m. on the date of July 4, 2025.

/s/ Alexander J. Bandza

An Attorney for BP Products North America, Inc.

EXHIBIT A



Electronic Filing: Received, Clerk's Office 07/07/2025
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2520 WEST ILES AVENUE, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JAMES JENNINGS, ACTING DIRECTOR

217/524-3301

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

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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115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
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

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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 ₄ , CO ₂ , 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 (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 ₄ , CO ₂ , O ₂ , N ₂), 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

CH₄: methane, CO₂: carbon dioxide, O₂: oxygen, N₂: 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 (CH_4 , CO_2 , 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 ₄ , CO ₂ , O ₂ , N ₂), 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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Illinois Environmental Protection Agency
Division of Legal Counsel
2520 West Iles Avenue
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

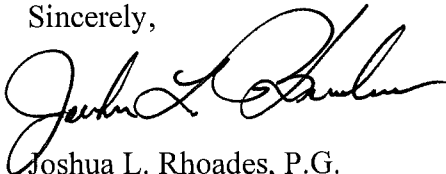
For information regarding the filing of an appeal, please contact:

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 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.

Sincerely,



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

JLR:SDD:1191155009-RCRA-B145R-CA-78_CA-133-Approval.docx

SDD AMB -10H

EXHIBIT B

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