

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

SEP 25 2003

PIASA MOTOR FUELS, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB No. 04- 37  
(LUST Appeal – Ninety Day Extension)

NOTICE


Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Matt Cherry, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
\_\_\_\_\_  
John V. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: September 23, 2003

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
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PIASA MOTOR FUELS, )  
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ILLINOIS ENVIRONMENTAL )  
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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, John J. Kim, Assistant Counsel and Special Assistant Attorney General, 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 December 23, 2003, or any other date not more than a total of one hundred twenty-five (125) days from August 20, 2003, the date of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On August 20, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)

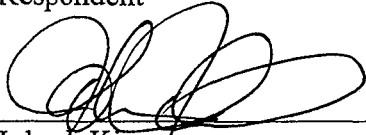
2. On September 19, 2003, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner represented that the final decision was received on August 20, 2003. (Exhibit B)

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,  
Respondent



John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: September 23, 2003



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7002 3150 0000 1224 3954

**AUG 20 2003**

Piasa Motor Fuels  
Attn: Mr. R. William Schrimpf  
P.O. Box 484  
Alton, Illinois 62002

Re: LPC #1198995017 -- Madison County  
Mitchell/Piasa Motors Fuel (One Stop Shop)  
Hwy. 270 and Rt. 111  
LUST Incident No. 992267 (re-reporting 992713)  
LUST Technical File

Dear Mr. Schrimpf:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Site Investigation Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated July 2003, was received by the Illinois EPA on July 25, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is modified. The modifications listed below are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732. Please note that the activities proposed in the plan are for investigative purposes only. Final approval for corrective action activities is contingent upon the submittal of a High Priority Corrective Action Plan that documents the results of the proposed investigation and satisfies the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404. The required modification(s) is/are as follows:

1. Soil contamination has been defined at this site; however, the Figure 2 Soil Plume map included in the plan did not encompass the soil contamination identified at BH9. Please note that this area of soil contamination should be included in future soil plume maps and must be considered in the final HPCAP.
2. It is proposed in the plan that because the hydraulic conductivity was calculated to be 3.63 x 10-5 cm/sec, the site will be remediated to Class II Residential Remediation Objectives. If it is desired to use the Class II objectives, then all the criteria for determining Class II

groundwater, outlined in 35 IAC Part 620, Subpart B, must be satisfied. Specifically, boring logs submitted with the plan indicated "brown coarse sand" and "silty sand" at intervals greater than 5 feet in thickness. The percentage of fines must be determined for these units and groundwater yield should also be calculated. In addition, it was previously indicated in the plan that an Industrial/Commercial restriction was required to eliminate the lead concerns in soil. Therefore, please note that the site should be remediated to Industrial/Commercial objectives, not Residential.

In addition, the budget for the High Priority Site Investigation Corrective Action Plan is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

NOTE: Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be reimbursable.

Pursuant to 35 Ill. Adm. Code 732.401, the site investigation results and a High Priority Corrective Action Plan demonstrating compliance with the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404 must be submitted within 90 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

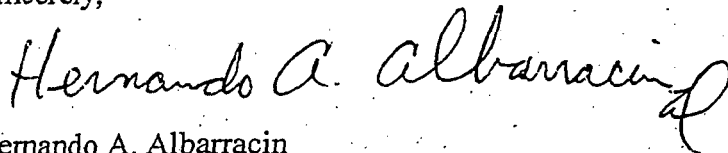
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Page 3


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 Lesli Reynolds at 217/557-7048.

Sincerely,



Hernando A. Albarracin  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:  Revised HPCAP & Budget Modification Letter.doc

Attachment: Attachment A  
Appeal Rights

c: Matt Cherry, United Science Industries, Inc.  
Division 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)(D) 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:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois 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

## Attachment A

Re: LPC #1198995017 -- Madison County  
 Mitchell/Piasa Motors Fuel (One Stop Shop)  
 Hwy. 270 and Rt. 111  
 LUST Incident No. 992267 (re-reporting 992713)  
 LUST Technical File

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

### SECTION 1

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$8,901.55	Investigation Costs
\$4,300.00	Analysis Costs
\$20,126.75	Personnel Costs
\$1,138.75	Equipment Costs
\$409.78	Field Purchases and Other Costs
\$527.88	Handling Charges

*\$ 35,404.71*

### SECTION 2


Budget Section	Subsection	Item to be Revised	Budget Amount	Comments
I. Investigation Costs	1. Drilling Costs	BH-3/MW2; BH4/MW3; BH6/MW4	3 borings to 25 feet @ \$14.46/foot	CUT \$1,084.50  These borings were conducted under Site Classification and are not reimbursable under Corrective Action. Inconsistent with technical plan <sup>1</sup> .
I. Investigation Costs	3. Monitoring Well Installation Materials	Dedicated Poly Bailer	11 units @ \$20.00 per unit	CUT \$44.00  Unit rate is unreasonable <sup>2</sup> .
I. Investigation Costs	3. Monitoring Well Installation Materials	Well sand	45 units @ \$17.50 per unit <i>45 @ 13.50 \$607.5</i>	CUT \$202.50  Unit rate is unreasonable <sup>2</sup> .
I. Investigation Costs	Monitoring Well Installation Materials	2" x 10' PVC riser	9 units @ \$40.00 per unit <i>9 x \$30.00</i>	CUT \$90.00  Unit rate is unreasonable <sup>2</sup> .
I. Investigation Costs	3. Monitoring Well Installation Materials	2" expandable plug	12 units @ \$25.00 per unit <i>✓</i>	CUT \$90.00  Unit rate is unreasonable <sup>2</sup> .
I. Investigation Costs	3. Monitoring Well Installation Materials	Well sand (50 lb bag)	15 units @ \$13.50 per unit	CUT \$6.50  Unit rate is unreasonable <sup>2</sup> .
G. Personnel Costs	Project Manager	Report Prep: Proj. Admin, Work Plans, Client & EPA Corresp., CAP/Budget	181 hours @ \$95.00 per hour	CUT \$7695.00  Number of hours is unreasonable <sup>2</sup> .
G. Personnel Costs	Draftsman	Report Prep: Mapping, Figures,	26 hours @ \$55.00 per hour	CUT \$330.00



Budget Section	Subsection	Item to be Revised	Budget Amount	Comments
		Diagrams		Number of hours is unreasonable <sup>2</sup> .
G. Personnel Costs	Proj. Coordinator	Report Prep: Reimbursement Pkg. Prep. & Budget Data	26 hours @ \$50.00 per hour	CUT \$300.00 Number of hours is unreasonable <sup>2</sup> .
G. Personnel Costs	Project Manager	Excavation: Project Management, Professional Oversight	27.75 hours @ \$95.00 per hour	CUT \$1045.00 Number of hours is unreasonable <sup>2</sup> .
H. Equipment Costs	Equipment Table - Preparation of CAP	PID	2 days @ \$105 per day	CUT \$10 Unit rate is unreasonable <sup>2</sup> .

These costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 Ill. Adm. Code 732.505(c)).

<sup>2</sup> One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). The budget includes costs that are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)).

 Revised HPCAP Budget Att A.doc



P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411  
Fax: (618) 735-2907  
E-Mail: [unitedscience@unitedscience.com](mailto:unitedscience@unitedscience.com)

September 19, 2003

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, IL 62792-9276  
Attn: John Kim

**RECEIVED**  
Division of Legal Counsel  
SEP 22 2003  
Environmental Protection  
Agency

**Re: LPC# 1198995017  
Mitchell/Piasa Motor Fuels  
Hwy. 270 and Route 111  
LUST Incident No. 992267**

Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, Mr. R. William Schrimpf, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence dated August 20, 2003 and received by Mr. R. William Schrimpf on August 20, 2003. A copy of the correspondence is attached.

I appreciate your time and consideration in this matter. If you have any questions or comments concerning the above, please contact me at (618) 735-2411 ext. 185.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Matt Cherry  
Project Manager

Enclosures

— —

## CERTIFICATE OF SERVICE

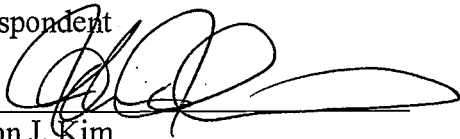
I, the undersigned attorney at law, hereby certify that on September 23, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Matt Cherry, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
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