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STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

BROCK OIL COMPANY, )  
Petitioner, )  
v. ) PCB No. 04- 129  
ILLINOIS ENVIRONMENTAL ) (LUST Appeal – Ninety Day Extension)  
PROTECTION AGENCY, )  
Respondent. )

**NOTICE**


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

Corey Eversgerd, 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 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: January 14, 2004

JAN 20 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

BROCK OIL COMPANY,	)	
	)	
Petitioner,	)	
v.	)	PCB No. 04- 129
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day 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, 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 April 13, 2004, or any other date not more than a total of one hundred twenty-five (125) days from December 10, 2003, the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 9, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On December 10, 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. A subsequent conversation with the consultant for the Petitioner confirmed that that the final decision was received on December 10, 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: January 14, 2004

This filing submitted on recycled paper.



PLEASE FILE A 90 DAY COMPLAINT

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR      RENEE CIPRIANO, DIRECTOR

217/782-6762

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DEC 09 2003

RECEIVED  
DEC 10 REC'D  
BY:

Brock Oil Company  
Attn: Jeff Brock  
601 North Clinton Street  
Bloomington, Il 61701

Re: LPC #1130205274 -- McClean County  
Bloomington/Brock Oil Company  
601 North Clinton Street  
LUST Incident No. 20000434  
LUST Technical File

Dear Mr. Brock:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated October 03, 2003, was received by the Illinois EPA on October 06, 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)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the High Priority Corrective Action Plan is rejected for the reasons listed in Attachment A.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the associated budget is rejected for the reasons listed in Attachment B.

A

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Page 2

Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised High Priority Corrective Action Plan, and budget if applicable, 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.

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 information, please contact Wayne Zuehlke at 217/557-6937.

Sincerely,



Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW: WZ\20000434HPCAPDEN.doc

Attachment: Attachment A  
Attachment B  
Appeal Rights

cc: USI  
Division File

Attachment A

Re: LPC #1130205274 -- McClean County  
Bloomington/Brock Oil Company  
601 North Clinton Street  
LUST Incident No. 20000434  
LUST Technical File

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

1. Pursuant to 35 Ill. Adm. Code 732.407(a), an owner or operator may choose to use an alternative technology for corrective action in response to a release of petroleum at a High Priority site. Corrective action plans proposing the use of alternative technologies shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 732.405. In addition to the requirements for corrective action plans contained in 35 Ill. Adm. Code 732.404, the owner or operator who seeks approval of an alternative technology shall submit documentation along with the corrective action plan demonstrating that:
  - a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and all corrective action remediation objectives necessary to comply with the Act and regulations to protect human health or the environment;
  - b. The proposed alternative technology will not adversely affect human health or the environment;
  - c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;
  - d. The owner or operator will implement a program to monitor whether the requirements of 35 Ill. Adm. Code 732.407(a)(1) have been met; and
  - e. Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with 35 Ill. Adm. Code 732.407(a)(1) and any other applicable regulations. The Illinois EPA may require interim reports as necessary to track the progress of the alternative technology. The Illinois EPA will specify in the approval when those interim reports shall be submitted to the Illinois EPA.

The plan fails to meet the above requirements for the following reason(s):

A. The consultant has not submitted an acceptable feasibility study:

The consultant is proposing to treat both the groundwater and soil contamination with bioremediation technology. The feasibility study has not addressed both soil and groundwater concerns.

1. The study does not have enough soil borings and monitoring wells to define the area to be treated with Permeox.
2. The Agency suggests a minimum of five soil borings be placed within the soil contamination plume one upgradient, one downgradient, and three across the width of the plume.
3. The Agency suggests a minimum of five monitoring wells should be placed within the groundwater contamination plume to be treated one upgradient one downgradient and three across the width of the plume.
4. The vertical extent of the soil contamination must be defined within the soil contamination plume.
5. The feasibility study had shown analytical results of high COD and TPH concentration at BH-2. This area must be defined as to its extent.
6. The feasibility study must include all calculations, parameters and assumptions used to determine radius of influence and Permeox usage for the site.

B. The plan did not address the groundwater contamination off site and not directly remediated by the Permeox.

Attachment B

Re: LPC #1130205274 -- McClean County  
Bloomington/Brock Oil Company  
601 North Clinton Street  
LUST Incident No. 20000434  
LUST Technical File

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

The budget is denied for the following reasons:

1. The Illinois EPA has not approved the plan with which the budget is associated. Therefore, the Illinois EPA cannot determine whether these costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)). It also cannot be determined whether the costs are corrective action costs. "Corrective action" means an activity associated with compliance with the provision of Section 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act). In addition, it cannot be determined whether these costs are reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.505(c) 732.606(hh)).
2. The treatability (bench) study proposed in the plan is considered excessive by the Agency.
3. Invoice showing the cost per pound of compound must be submitted.



## 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



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

December 10, 2003

Phone: (618) 735-2411

Fax: (618) 735-2907

E-Mail: [unitedscience@unitedscience.com](mailto:unitedscience@unitedscience.com)

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

Attn: John Kim

**Re: LPC# 0390155020 – McClean County  
Bloomington/Brock Oil Company  
601 North Clinton Street  
LUST Incident No. 20000434  
LUST Technical File  
USI Project #1800024**

**RECEIVED**  
Division of Legal Counsel  
DEC 11 2003  
Environmental Protection  
Agency

Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, Brock Oil Company, is requesting a 90-day extension of the 35-day appeal period in regards to the IEPA correspondence included.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at 618-735-2411 extension 125.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Corey Eversgerd  
Project Manager

Enclosures

CE:jlr

B

## CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on January 14, 2004, 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

Corey Eversgerd, 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  
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