

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

PREMCOR REFINING GROUP, INC.,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04-66
(RCRA - Ninety Day Extension)

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OCT 17 2003
STATE OF ILLINOIS
Pollution Control Board

NOTICE


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

Edward W. Dwyer
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

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: October 15, 2003

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 C. 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
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Dated: October 15, 2003

This filing submitted on recycled paper.

SEP 15 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 RENE E. CIPRIANO, DIRECTOR

9/15 orig: T. Mroz
FEDEX

cc: B. Jones
J. Dill

217/524-3300

September 10, 2003

CERTIFIED MAIL
7002 3150 0000 1219 8896

Premcor Refining Group, Inc.
Attention: Thomas Mroz, Site Remediation Manager
1700 East Putnam Avenue, Suite 500
Old Greenwich, Connecticut 06870

COPY

Re: 1190500002 -- Madison County
Premcor
Log No. C-830-M-2; C-831-M-2
Received: June 2, 2003
RCRA Closure

Dear Mr. Mroz:

This is in response to a May 30, 2003 submittal made on behalf of the Premcor Refining Group, Inc. by Monte Nienkerk, Clayton Group Services regarding RCRA closure activities at the above-referenced facility. As you know, Illinois EPA approved RCRA closure plans for two former hazardous waste management units referred to as the "Dissolved Air Flotation Unit" and the "Roll-Off Box Container Storage Area" on June 28, 2001 (Illinois EPA Log Nos. C-830 and C-831 respectively). On January 10, 2003, Illinois EPA issued a Violation Notice indicating that these units had not been properly closed and also pointed out that another release had occurred in the vicinity of the Roll-Off Box Container Storage Area that needed to be addressed during RCRA closure efforts at this unit.

Mr. Nienkerk's submittal included a two page cover letter, a completed LPC-PA18 form and a document entitled "RCRA Closure Evaluation and Sampling Report." Section 1.1 of this document indicates that its purpose is to evaluate whether the subject areas can be "clean-closed" based on the results of investigations previously conducted in the areas (including one recently conducted by Clayton Environmental Services). The conclusion section of the document indicates that the conditions in neither area meet clean-closure requirements at this time. The recommendation section of this document indicates that further evaluation of these areas is necessary.

Illinois EPA reviewed Mr. Nienkerk's submittal as a request to modify the approved closure plan for the Dissolved Air Flotation Unit and the Roll-Off Box Container Storage Area at the above-referenced facility. The subject request cannot be approved at this time for the following reasons:

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1. Contrary to the statement made in Section 1.2.2, Figure 2 does not show the boundaries of the Roll-Off Box Container Storage Area or the Laydown Area.
2. No information was provided regarding the locations where releases from roll-off boxes were observed during a November 26, 2002 Illinois EPA inspection and which were addressed in the January 10, 2003 Violation Notice). In addition, while the report indicates some material was removed from these areas, no analytical information was provided indicating that all contaminated material in the vicinity of these releases had been removed.

A review of Illinois EPA's files found that the leaking roll-off boxes observed November 26, 2002 were located just north of and between T-118 and the Flare Stack. No sampling has been done in this area. The entire area shown on the attached site layout map must be addressed through RCRA closure efforts.

3. Section 2.1 of the submittal contains information regarding closure efforts at the DAF Unit.
 - a. This section references Appendix D which is not legible;
 - b. No information was provided to support statements that there is actually a concrete base between the DAF Unit and the adjacent Sanitary Clow Unit. If there is indeed such a concrete base, then the approved closure plan for this unit requires that the base be steam cleaned, triple rinsed and inspected for integrity; soil samples must then be collected beneath any joints/cracks/defects in the base.
4. A statement is made in Section 3.2 that some of the polynuclear aromatic hydrocarbons detected above TACO Tier 1 levels in the Roll-Off Container Storage Area are not associated with the hazardous wastes managed in the area (F037, K048, K171). This is not a correct statement, as all PNAs are found in refinery-related wastes. It must be noted that Illinois EPA's closure plan approval letter for this unit required that all samples be analyzed for all the PNAs using Method 8310 of SW-846.
5. Section 6.0 (Recommendation) states, "It is recommended that the DAF and Roll-off Container storage Areas be further evaluated. The contaminants detected in these two areas are not at concentrations that pose an immediate threat to human health or the environment. The roll-off container storage area is no longer used, lessening the potential for workers to come into contact with the contaminated soil. The DAF area is either covered with concrete or gravel, also lowering the potential for contact with the contaminated soil. Information on a further evaluation of these areas or a method to

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address the contamination after further study of the data and engineering constraints in these areas should be prepared."

No information was provided regarding the procedures which will be followed in further evaluating these areas as proposed, or in preparing a method to address the contamination at these areas (after further study of the data and engineering constraints in the areas). In addition, no schedule is proposed for completing closure of these including the proposed efforts

6. Illinois EPA's closure plan approval letters for both areas required that all soil samples collected at these two units be analyzed for: (1) benzene, toluene, ethylbenzene and xylene; (2) polynuclear aromatic hydrocarbons using Method 8310 of SW-846; and (3) chromium, cyanide, nickel, lead and pH.
 - a. None of the samples collected by Clayton were analyzed for pH nor for the complete list of polynuclear aromatic hydrocarbons in Method 8310.
 - b. The samples collected by Burns and McDonnell for the DAF unit were not analyzed for total chromium, total lead, or total nickel; instead they were analyzed for TCLP chromium, TCLP lead and TCLP nickel (see Tabular summary in Appendix C).
7. Given the deficiencies noted above, no determination can be made that the horizontal and vertical extent of soil contamination at the Roll Off Container Storage Area has been established.

A revised document addressing the deficiencies noted above and how the requirements of 35 Ill. Adm. Code 725, Subpart G will be met in completing closure of the subject units must be submitted to Illinois EPA for approval. Guidance regarding the development of closure plans and modification requests is attached.

This letter shall constitute Illinois EPA's final decision on the subject submittal. Within 35 days of the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed ninety days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

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

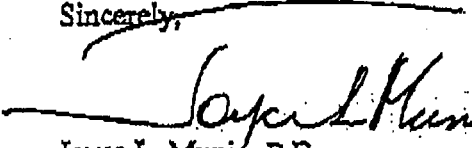
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Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed 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 matter, please contact James K. Moore, P.E. at 217/524-3295.

Sincerely,



Joyce L. Munie, P.E.
Manager, Permit Section
Bureau of Land

JLM:JKM:bjh\031261s.doc
JKM

Attachments: Site Layout Map
IEPA RCRA Closure Plan Guidance



HODGE • DWYER • ZEMAN

ATTORNEYS AT LAW

EDWARD W. DWYER
E-mail: edwyer@hdzlaw.com

October 14, 2003

VIA FACSIMILE
(Original via U.S. Mail)

John J. Kim, Esq.
Associate Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

RE: LPC #1190500002 – Madison County
Premcor Refining Group Inc.
Premcor Refinery Hartford, Illinois
RCRA Closure Plans
Log No. C-830-M-2;C-831-M-2
Our File No. – PREM 002

Dear John:

On behalf of our client, Premcor Refining Group Inc. ("Premcor"), pursuant to my discussions with you and consistent with Sections 40(a) and (b) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a), (b)), we are requesting that the Illinois Environmental Protection Agency ("Agency") join Premcor in its request to extend the 35-day period for petitioning for an appeal of the Agency's September 10, 2003, letter. (See copy attached hereto.) The Agency's September 10, 2003, decision letter treated Premcor's May 30, 2003, submittal, by its consultant Clayton Group Services, as a request to modify the approved closure plan for Premcor's Dissolved Air Flotation Unit and Roll-Off Box Container Storage Area and denied that request. Premcor is currently engaged in discussion and negotiation of a Consent Order with the Agency and the Illinois Attorney General's office ("IAGO") related to investigation and

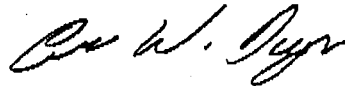
John J. Kim, Esq.
October 14, 2003
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remedial activities at its Hartford, Illinois, Refinery, including the Dissolved Air Flotation Unit and Roll-Off Box Container Storage Area. Premcor hereby requests an extension for a total of 90 days, or until January 13, 2004, in order to allow continuing discussions with the Agency (and IAGO) regarding the technical and/or legal issues related to the closure of the above units and its Hartford Refinery, which will include issues raised in the Agency's September 10, 2003, denial letter.

Please contact me with any questions you may have regarding the request in this letter, and to inform me as to whether the Agency agrees to extend the time period for appeal. The deadline for filing an extension request with the Illinois Pollution Control Board is October 15, 2003.

I apologize for the lateness of this request. Thank you for your cooperation in this matter.

Sincerely,



Edward W. Dwyer

EWD:kjg
enclosure
pc: Jeffrey Dill, Esq. (via facsimile; w/o enclosure)

PREM:002/Corr/Kim Ltr - Extension


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 15, 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 Certified 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

Edward W. Dwyer
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


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