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CLERK'S OFFICE

JUN 14 2004

STATE OF ILLINOIS  
Pollution Control Board

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

JIM'S MOBIL, )  
 )  
Petitioner, )  
 )  
v. ) PCB No. 04- 220  
 ) (LUST Appeal - Ninety Day Extension)  
ILLINOIS ENVIRONMENTAL )  
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

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 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: June 10, 2004

JUN 14 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

JIM'S MOBIL,	)	
	)	
Petitioner,	)	
v.	)	PCB No. 04- 220
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,	)	
Respondent.	)	

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

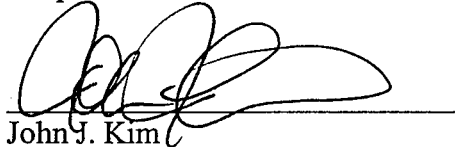
NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. 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 September 13, 2004, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On May 10, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On May 24, 2004, 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 May 11, 2004. (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: June 10, 2004

This filing submitted on recycled paper.

1895142-ML



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

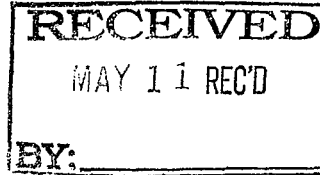
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1257 3761

MAY 10 2004

Jim's Mobil  
Attention: James Dodd  
3303 Sherman  
Alton, Illinois 62002



Re: LPC #1190105075 -- Madison County  
Alton/Jim's Mobil  
2700 Washington Avenue  
LUST Incident No. 982564 & 990167  
LUST Technical File

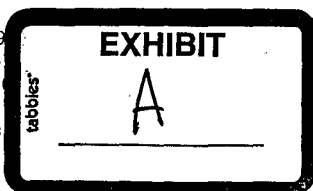
Dear Mr. Dodd:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plans (plans) submitted for the above-referenced incident. These plans, dated January 5, 2004 and February 3, 2004, were received by the Illinois EPA on January 20, 2004 and February 19, 2004. 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 plans are modified. The following modifications are necessary, in addition to those provisions already outlined in the plans, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

1. The plan fails to indicate confirmation soil sampling will occur after the excavation activities have been completed. Therefore, the Illinois EPA is requiring confirmation soil sampling to be conducted after excavation activities have been completed on a 40' grid scheme. The 40 feet appears reasonable since the excavation area is approximately 150' x 125'. These samples will be analyzed for BETX, PNAs and Lead.
2. The plan indicates the excavation will extend to a depth of 15 feet below ground surface. However, the Illinois EPA is requiring the excavation depth be limited to 12 feet below ground surface. The limitation of the depth of the excavation is due to the minimum depth of the water bearing unit encountered on site and the proposed use of the City of Alton Groundwater Ordinance for the existing groundwater contamination.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 9  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (3  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (21  
MARION - 2309 W. Main



V. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
City St., Peoria, IL 61614 - (309) 693-5463  
25 South First Street, Champaign, IL 61820 - (217) 278-5800  
09 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
518) 993-7200

3. The plan fails to include an evaluation of the soil contamination in the soil boring BH-2 in order to determine the proposed Highway Authority Agreement (HAA) will be sufficient to "remediate" the contamination in Washington Avenue. This can be accomplished by using the equations R14 and R26 of 35 Ill. Adm. Code Part 742. In addition, the plan fails to include a site map to scale illustrating the area(s) the HAA will be used to "remediate" the contamination in Washington Avenue. Therefore, the Illinois EPA is requiring that information be submitted with the High Priority Corrective Action Completion Report as required in 35 Ill. Adm. Code Section 742.1020(c)(2).
4. The plan fails to identify the current owner(s) of each property identified in delineating all properties under which groundwater is located that exceeds the applicable groundwater remediation objectives. Therefore, the Illinois EPA is requiring such information to be included in the High Priority Corrective Action Completion Report.

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

This letter is not a final decision or action on the budgets dated January 5, 2004 and February 3, 2004 that were received by the Illinois EPA on January 20, 2004 and February 19, 2004.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)).

NOTE: This letter does not constitute Illinois EPA approval of any costs incurred during the completion of activities proposed in the plan.

All future correspondence must be submitted 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 Mindy Weller at 217/782-6762.

Sincerely,



Harry A. Chappel, P.E.  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAC:MW:mw\982564&990167.DOC

Attachment: Attachment A

cc: 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



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)

May 24, 2004

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

MAY 28 2004

Environmental Protection  
Agency

**Re: LPC# 1190105075--Madison Co.  
Alton/Jim's Mobil  
2700 Washington Ave.  
LUST Incident No. 982564 & 990167**

Dear Mr. Kim,

United Science Industries, Inc. (USI), on behalf of our client, Jim's Mobil, is requesting a 90-day extension to 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 ext. 185.

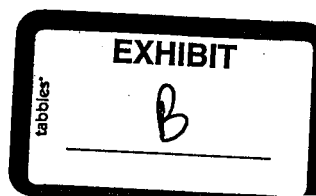
Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Matt Cherry  
Project Manager

Enclosures

MC:bg





## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 10, 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

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



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Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
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