

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

AUG 09 2004

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

STATE OF ILLINOIS
Pollution Control Board

PCB No. 05- 25
(LUST - 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

Ann C. Barron
Bryan Cave LLP
One Metropolitan Square
211 North Broadway
Suite 3600
St. Louis, MO 63102-2750

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: August 5, 2004

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 G. 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: August 5, 2004

This filing submitted on recycled paper.



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 1253 5556

JUL 02 2004

Clark Retail Enterprises, Inc. in c/o
The Premcor Refining Group Inc.
Environmental Remediation
Attention: Mr. Timothy J. Mauntel, RG, PE
201 East Hawthorn St.
Hartford, Illinois 62048

Re: LPC # 1790505081 – Tazewell County
Morton / Clark Retail Enterprises
600 South Main St.
LUST Incident No. 20001505 and 20001548
LUST Technical File

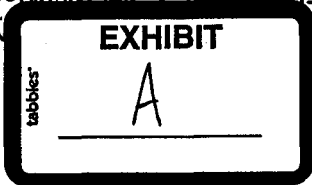
Dear Mr. Mauntel:

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 June 4, 2004, was received by the Illinois EPA on June 9, 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)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is rejected for the following reason: It does not appear as though the proposed corrective action would sufficiently reduce the levels of contaminants in the groundwater to prevent further off-site migration.

Specifically, the proposed MPX system was operated onsite from August 30, 2000 to August 5, 2002 with the removal of 42,800 gallons of water and free product. However, the levels of benzene remaining in the groundwater appear to be unchanged from before implementation of the MPX system. In addition, with regard to the proposed Tier 2 TACO objectives, the offsite point of compliance should be the storm sewer which is within the calculated 44' distance to Tier 1 Class II groundwater cleanup objectives (35 IAC Part 620 Class II groundwater standards).

ROCKFORD - 4102 North Main Street, Rockford, IL 61103 - (815) 967-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 (847) 294-3000
ELGIN - 395 South State, Elgin, IL 60120 - (847) 498-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5862 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-3300
SPRINGFIELD - 4500 S. Sixth Street West, Springfield, IL 62706 • CARLE PLACE - 1700 N. Main Street, Carle Place, IL 62334 - (618) 316-5120
MADISON - 2309 W. N. Madison, Madison, IL 62451 - (618) 993-7200



Illinois EPA believes that the most efficient method of remediation would be the excavation and disposal of the silty-sand layer at a depth of approximately 9' to 11', as well as any contaminated overburden and the removal of any groundwater encountered during this excavation effort. Map 3 of the subject submittal contains a diagram depicting the extent of soil contamination. Contaminated soils underlying this area, in particular the soils in the northern half and, to the extent practicable, the soils around the UST pit (the source of the contamination) should be removed.

Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is rejected since the associated Corrective Action Plan was not approved. Please note that costs that have already been incurred may be resubmitted at this time.

Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised plan, and budget if applicable, within 90 days of the date of this letter to:

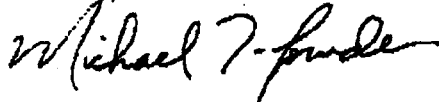
Illinois Environmental Protection Agency
Bureau of Land - #24, Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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 Michael A. Heaton at 217/524-3312.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:mlh001505f7.doc

Attachments: Appeal Rights

cc: Mr. Craig Gocker -- Environmental Management & Technologies, 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



RECEIVED
Division of Legal Counsel

Ann C. Barron
Voice: 314-259-2687
acbarron@bryancave.com

JUL 23 2004

July 21, 2004

**Environmental Protection
Agency**

**VIA FACSIMILE & REGULAR MAIL
217-782-9807**

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# 17905081 – Tazewell County
Morton/Clark Retail Enterprises
600 South Main Street
LUST Incident No. 20001505 and 20001548
LUST Technical File

Dear Mr. Kim:

On behalf of our client, The Premcor Refining Group Inc. ("Premcor"), pursuant to 415 ILCS 5/40(a)(1), we are requesting that the Illinois Environmental Protection Agency ("Agency") join Premcor in Premcor's request to extend the 35-day period for petitioning for an appeal of the Agency's final decision rejecting Premcor's High Priority Corrective Action Plan dated June 4, 2004. Premcor received the denial letter via certified mail no earlier than July 9, 2004. Thus, the deadline for filing an extension request with the Illinois Pollution Control Board is August 13, 2004.

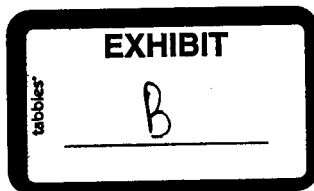
Premcor hereby requests an appeal extension of 90 days, or until November 11, 2004. This extension will allow further discussions between Premcor and the Agency regarding the High Priority Corrective Action Plan and revisions to the plan and alternative remedial action.

I have enclosed a copy of the Agency's July 2, 2004 denial letter for your review. Please feel free to 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.

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St. Louis, MO 63102-2750
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United Arab Emirates (Dubai)
Washington, DC

And Bryan Cave,
A Multinational Partnership,
London



July 21, 2004
Page 2

Thank you in advance for your attention to these matters.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ann C. Barron".

Ann C. Barron

ACB:acb

Enclosures

cc: Steve Mulkey
Craig Gocker


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on August 5, 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

Ann C. Barron
Bryan Cave LLP
One Metropolitan Square
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Respondent


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