

RECEIVED  
CLERK'S OFFICE

DEC 21 2004

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS  
Pollution Control Board

REED'S SERVICE, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB No. 05- 115  
 ) (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

Beth Giacomo, 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: December 17, 2004

DEC 21 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

REED'S SERVICE,	)	
	)	
	)	Petitioner,
	)	
v.	)	
	)	PCB No. 05- 115
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 March 21, 2005, 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. The 125<sup>th</sup> day is March 20, 2004, a Sunday. In support thereof, the Illinois EPA respectfully states as follows:

1. On November 12, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On November 30, 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’s request included information that represented that the final decision was received on November 15, 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 L. 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: December 17, 2004



# 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

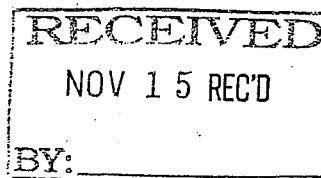
217-782-6762

CERTIFIED MAIL

NOV 12 2004

7002 3150 0000 1113 9364

Reed's Service  
Attention: Don Reed  
306 North Court Street  
Grayville, Illinois 62844-1205



RE: LPC 1930155011 - White County  
Crossville - Reed's Service  
108 South Cross Street  
LUST Incidents 992785 & 20000296  
LUST TECHNICAL FILE

Dear Mr. Reed:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Classification Completion Report (report) submitted for the above referenced incident. This report, dated July 21, 2004, was received by the Illinois EPA on July 22, 2004. The report proposes the information which is summarized in Attachment 1. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code.

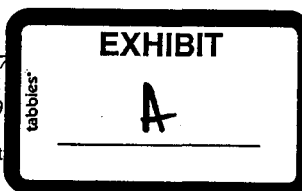
The Site Classification Completion Report is rejected for the reasons which are explained in Attachment 2 (Section 57.7(b)(1) of the Act; 35 Illinois Administrative Code 732.309(b) or 732.312(j) and 732.503(b)).

The Illinois EPA also has additional comments. These comments are summarized in Attachment 3.

The Illinois EPA suggests the potential resolutions which are explained in Attachment 4.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are explained in Attachment 5.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-31  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309)  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217)  
MARION - 2309 W. Main St



Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
St., Peoria, IL 61614 - (309) 693-5463  
5 South First Street, Champaign, IL 61820 - (217) 278-5800  
Mall Street, Collinsville, IL 62234 - (618) 346-5120  
(8) 993-7200

Any questions regarding this letter should be directed to Michael Piggush via phone (217-782-3101), fax (217-524-4193), or e-mail (epa4200@epa.state.il.us).

Sincerely,



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

Attachments (5):

1. Summary of Report Proposal.
2. Site Classification Completion Report Disapproval Reasons.
3. Additional Comments.
4. Suggested Resolutions.
5. Appeal Rights.

cc: United Science Industries  
Division File

## ATTACHMENT 1

### SUMMARY OF REPORT PROPOSAL

RE: LPC 1930155011 - White County  
Crossville - Reed's Service  
108 South Cross Street  
LUST Incidents 992785 & 20000296  
LUST TECHNICAL FILE

The report proposes the following information:

1. The report proposes that releases have occurred from the following underground storage tank systems:
  - a. 1-1,000 gallon gasoline underground storage tank system.
  - b. 1-2,000 gallon gasoline underground storage tank system.
  - c. 1-1,000 gallon diesel fuel underground storage tank system.
  - d. 1-1,000 gallon heating oil underground storage tank system.
2. The report proposes that the indicator contaminants would be the following: BETX & PNAs.
3. The report assumes a Class 1 groundwater designation, in accordance with 35 Illinois Administrative Code 620.210.
4. The report proposes that the underground storage tank systems were removed.
5. The report proposes that an off-site source of PNA contamination in groundwater has been encountered.
6. The report requests approval of a High Priority site classification, utilizing Classification by Exposure Pathway Exclusion, in accordance with 35 Illinois Administrative Code 732.312(h).

## ATTACHMENT 2

### SITE CLASSIFICATION COMPLETION REPORT DISAPPROVAL REASONS

RE: LPC 1930155011 - White County  
Crossville - Reed's Service  
108 South Cross Street  
LUST Incidents 992785 & 20000296  
LUST TECHNICAL FILE

The Illinois EPA does not approve of the Site Classification Completion Report, for the following reasons:

1. At this time, the Illinois EPA does not agree with the discussion regarding potential off-site sources of PNA contamination in groundwater, for the following reasons:
  - a. The existing groundwater samples were not all obtained on the same date. Groundwater samples were obtained as follows:
    - i. Groundwater samples were obtained from monitoring wells MW-1 → MW-3 on March 9, 2001.
    - ii. Groundwater samples were obtained from monitoring wells MW-4 → MW-9 on September 21, 2001.
    - iii. Groundwater samples were obtained from monitoring wells MW-10 → MW-21 on January 28, 2002.
    - iv. Groundwater samples were obtained from monitoring wells MW-22 → MW-27 on February 18, 2004.

The Illinois EPA does not feel that it is appropriate to directly compare sample analyses from different monitoring wells when the groundwater samples were not all obtained on the same date.

- b. It does not appear that groundwater contours were evaluated for the February 18, 2004 groundwater sampling event.

2. A description of sample collection procedures must be provided for all samples.

The report does not demonstrate compliance with these requirements, for the following reasons:

- a. The report does not describe the procedures which were used to obtain the groundwater samples from monitoring wells MW-22 → MW-27 on February 18, 2004.

3. All quality control criteria must be satisfied for all sample analyses.

The report does not demonstrate compliance with these requirements, for the following reasons:

- a. With regard to the groundwater samples which were obtained from monitoring wells MW-22 → MW-27 on February 18, 2004, the sample analyses contained the quality control note "S".

4. The Laboratory Certification Form for the groundwater samples which were obtained from monitoring wells MW-22 → MW-27 on February 18, 2004 was not the current version of the form.

5. The Professional Engineer Certification Form does not contain the expiration date of the license of the Professional Engineer.



ATTACHMENT 3

ADDITIONAL COMMENTS

RE: LPC 1930155011 - White County  
Crossville - Reed's Service  
108 South Cross Street  
LUST Incidents 992785 & 20000296  
LUST TECHNICAL FILE

The Illinois EPA has the following additional comments:

1. All sample analyses must achieve detection limits which are less than or equal to the respective baseline remediation objectives of concern (as outlined in 35 Illinois Administrative Code 742).

With regard to the groundwater samples which were obtained from monitoring wells MW-22 → MW-27 on February 18, 2004, some of the sample analyses had elevated detection limits. Please be advised that the Illinois EPA considers samples which have elevated detection limits to be contaminated.

2. The tabular summary of sample analyses does not indicate the detection limits at which some of the sample results were listed as being not detected. In the future, the Illinois EPA requires tabular summaries to actually contain numerical values.

## ATTACHMENT 4

### SUGGESTED RESOLUTIONS

RE: LPC 1930155011 - White County  
Crossville - Reed's Service  
108 South Cross Street  
LUST Incidents 992785 & 20000296  
LUST TECHNICAL FILE

The Illinois EPA suggests the following potential resolutions:

1. Obtain an additional round of groundwater samples from the monitoring wells. Analyze the samples for BETX & PNAs. Obtain groundwater elevations from the monitoring wells. Conduct these activities on the same date.

## ATTACHMENT 5

### APPEAL RIGHTS

An underground storage tank system 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, Illinois 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, Illinois 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)

November 30, 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

DEC 01 2004

Environmental Protection  
Agency

Re: **LPC# 1930155011--White Co.  
Crossville/Reed's Service  
108 South Cross Street  
LUST Incident No. 992785 & 20000296**

Dear Mr. Kim,

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

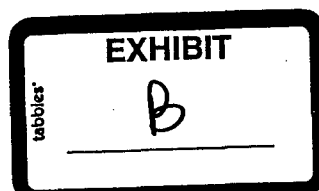
I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 189.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Beth Giacomo  
Project Manager

Enclosures



**CERTIFICATE OF SERVICE**


I, the undersigned attorney at law, hereby certify that on December 17, 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

Beth Giacomo, 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  
217/782-5544  
217/782-9143 (TDD)