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DEC 06 2005

STATE OF ILLINOIS  
Pollution Control Board

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

BIGGS BROTHERS SERVICE CENTER,	)	
Petitioner,	)	
v.	)	PCB No. 06- 88
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

Robert J. Pulfrey, 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 2, 2005

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

BIGGS BROTHERS SERVICE CENTER, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 06-88  
(LUST Appeal – Ninety Day Extension)

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 9, 2006, 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:

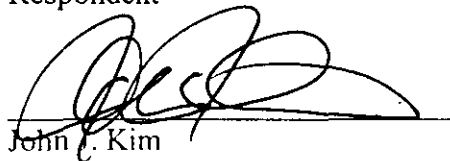
1. On November 3, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On November 15, 2005, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The final decision provided by the Petitioner indicates the decision was received on November 4, 2005. (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: December 2, 2005

This filing submitted on recycled paper.



1899032

B. P.

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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

NOV 04 REC'D

CERTIFIED MAIL

7004 2510 0001 8648 3568

NOV 03 2005

Biggs Brothers Service Center  
Attention: Sonny Biggs  
2540 Kingshighway  
Fairmont City, Illinois 62201

Re: LPC #1634255004 - St. Clair County  
Fairmont City/Biggs Brothers Service Center  
2540 Kingshighway  
LUST Incident No. 990762 & 991840  
LUST Technical File

Dear Mr. Biggs:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Revised Amended High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated July 5, 2005, was received by the Illinois EPA on July 6, 2005. 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(s):

1. The plan indicates that two different chemical oxidants, hydrogen peroxide and sodium persulfate, will be addressed for potential alternative remedial technologies for this site. However, the Illinois EPA does not currently consider sodium persulfate as an acceptable remedial oxidant for LUST sites. Therefore, the Illinois EPA has the following concerns with the plan/proposal for the use of hydrogen peroxide as a potential chemical oxidant for remediation of soil and groundwater contamination:
  - a. Theoretical calculations need to be provided indicating the following:
    1. Desired contaminant concentrations in soil and groundwater post remediation;
    2. Modeling for potential migration of the concentration left in the soil and groundwater post remediation- modeling should take into consideration the soil and groundwater contamination under the building as well;
    3. Proposed technology will achieve the contaminant concentration desired in items #1 and #2 listed above.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 988-3300  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3300  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397  
MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 993-7200



HARRISON ST., DES PLAINES, IL 60016 - (847) 294-4000  
CITY ST., PEORIA, IL 61614 - (309) 693-5463  
5 SOUTH FIRST STREET, CHAMPAIGN, IL 61820 - (217) 278-5800  
9 MALL STREET, COLLINSVILLE, IL 62234 - (618) 346-5120  
(8) 993-7200

- b. Hydrogen peroxide is a proven alternative technology for remediation of petroleum products. Therefore, it is unclear to the Illinois EPA as to the purpose of a pilot study. A bench scale test with hydrogen peroxide can be conducted by Orin, however please note that if the chosen technology for remediation for this LUST site is other than hydrogen peroxide then the costs for the bench scale testing will not be reimbursable. In addition, if the purpose for a pilot study is to determine the radius of influence in the vadose zone and/or the groundwater then a field pilot study may be necessary. If a pilot study is deemed necessary then it shall consist of two (2) to three (3) injection points (maximum) within the most contaminated soils/groundwater to determine if the target contamination concentration will be achieved;
  - c. The plan fails to discuss the potential effects of obstacles that may inhibit or influence the preferential pathway of the chemical oxidant once injected. This would require an adequate cross-section map illustrating the excavation and the free product trench;
  - d. The plan indicates if a pilot study is performed the injection points will begin at a depth at 22' below ground surface but fails to indicate the depth of the "contaminant zone." The injection of the chemical oxidant above the native material is not approved since the excavation area was filled with clean backfill beginning at 15' below ground surface; and
  - e. The plan indicates three (3) vent wells will be installed. However, the plan does not include a discussion as to the purpose/necessity for the vent wells. It appears that the vent wells may not be necessary considering the depth of the proposed injections.
2. The plan proposes to replace five (5) groundwater monitoring wells with recovery wells and utilize Petro-Trap EZY Skimmers in the recovery wells. However, according to the information provided in the plan it does not appear that the wells need replaced or the use of skimmers are necessary since the amount of free product being recovered is controlled by using the SoakEase Socks and monitoring (including hand bailing of necessary). Therefore, the replacement of the groundwater monitoring wells and use of Petro-EZY Skimmers is not approved at this time. In addition, if chemical oxidation of the contamination is utilized then it does not appear necessary to treat free product separately.
3. The plan does not include documentation that injection of the chemical, or the impact of the treatment on existing soil and groundwater, will not cause an exceedence of the primary drinking water regulations at 35 Ill. Adm. Code 611 during or after remediation (Sections 12(a) and 12(d) of the Act and 35 Ill. Adm. Code 732.407(a)). Said documentation must be submitted to the Illinois EPA's Leaking Underground Storage Tank Section as part of the plan for review and approval. Further, you may be required to submit an application for a permit to the Illinois EPA's Underground Injection Control

(UIC) Program, prior to injection, if an exceedence of the primary drinking water regulations will result during or after remediation. For additional information regarding the UIC Program, please contact Bur Filson at 217/782-6070.

Please note that pursuant to 35 Il. Adm. Code Section 742. Appendix B includes a cleanup objective for iron for the Soil Component of the Groundwater Ingestion Route and the Groundwater Route of 5 mg/L for both Class I and Class II groundwater. Calculations will be necessary to indicate that the residual iron will not exceed the cleanup objective(s).

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 following reason(s):

1. Pursuant to Sections 57.7(a) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405 and 732.503(b), the associated budget is rejected for the following reason:

A full financial review shall consist of a detailed review of the costs associated with each element necessary to accomplish the goals of the plan as required pursuant to the Act and regulations. Items to be reviewed shall include, but not be limited to, costs associated with any materials, activities, or services that are included in the budget plan. The overall goal of the financial review shall be to assure that costs associated with materials, activities, and services shall be reasonable, shall be consistent with the associated technical plan, shall be incurred in the performance of corrective action activities, and shall not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.505(c)).

Without an approvable plan, the proposed budget cannot be fully reviewed.

2. The budget includes costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A corrective action plan budget for a site classified as high priority must include, but not be limited to, an accounting of all costs associated with the development, implementation, and completion of the applicable activities (Section 57.7(c)(1)(B) of the Act and 35 Ill. Adm. Code 732.405(b)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used 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 732.606(o)).

The budget fails to include the following:

- a. Documentation/explanation of the amount hours estimated per title per task for Personnel Costs. It is unclear to the Illinois EPA why the costs for Personnel have increased over \$25,000.00 in this budget from the last budget since the majority of the revised corrective action plan is a copy of the last plan submitted;

- b. Soil PNA analysis does not appear necessary since the soil sample results post soil excavation do not indicate PNAs above the Tier I Cleanup Objectives.

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 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\990762&991840-5.DOC

cc: Robert Pulfrey, USI, 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





United Science Industries, Inc.  
P.O. Box 360  
6295 East IL Highway 15  
Woodlawn, IL 62898  
toll free 800.372.8740  
phone 618.735.2411  
fax 618.735.2907

www.unitedscience.com

November 15, 2005

**RECEIVED**  
Division of Legal Counsel

NOV 22 2005

Environmental Protection  
Agency

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

Attn: John Kim

Re: **LPC# 1634255004 – St. Clair County  
Fairmont City/Biggs Brothers  
2540 Kingshighway  
LUST Incident No. 990762  
LUST TECHNICAL FILE**

Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, Biggs Brothers, is requesting a 90-day extension of the 35-day appeal period in regards to the IEPA correspondence of November 3, 2005 which is attached.

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. 145.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Robert J. Pulfrey  
Senior Project Manager

Enclosures

RJP;srb

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NOV 21 2005

**IEPA/BOL**




**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on December 2, 2005, 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

Robert J. Pulfrey, 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  
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