

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JUN 23 2006

STATE OF ILLINOIS
Pollution Control Board

L. KELLER OIL PROPERTIES / FARINA)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 06-189 and PCB No. 06-190 ←

NOTICE OF FILING

TO: William Ingersoll Carol Webb
Illinois Environmental Protection Agency Hearing Officer
1021 North Grand Avenue East Illinois Pollution Control Board
P.O. Box 19276 1021 North Grand Avenue East
Springfield, Illinois 62794-9276 P.O. Box 19274
Springfield, Illinois 62794-9274

PLEASE TAKE NOTICE that on June 23, 2006, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copies of two (2) Petitions for Review of Illinois Environmental Protection Agency Decisions and Motion to Consolidate.

Dated: June 23, 2006

Respectfully submitted,

L. KELLER OIL PROPERTIES / FARINA

By: Carolyn S Hesse
One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
338811v1


CERTIFICATE OF SERVICE

I, on oath state that I have served the attached two (2) Petitions for Review of Illinois Environmental Protection Agency Decisions and Motion to Consolidate by placing a copy in an envelope addressed to:

William Ingersoll
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 23rd Day of June, 2006.


Carolyn S. Hesse

RECEIVED
CLERK'S OFFICE
JUN 23 2006
STATE OF ILLINOIS
Pollution Control Board

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

L. KELLER OIL PROPERTIES, Inc. / FARINA)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 06-189 and PCB 06-190

MOTION TO CONSOLIDATE

NOW COMES L. Keller Oil Properties, Inc. by one of its attorneys, Carolyn Hesse of Barnes & Thornburg, pursuant to 35 Ill. Adm. Code 101.406 and hereby moves to consolidate the two appeals of Illinois Environmental Protection Agency ("Agency") decisions that are being filed on this date. In support of this motion, Petitioner states as follows:

1. Both of the appeals filed at the same time as this Motion to Consolidate involve similar letters from the Agency regarding the same former gasoline service station located at 1003 West Washington Avenue, Farina, Fayette County, Illinois. This property is owned by L. Keller Oil Properties, Inc.
2. Both appeals are related to corrective action activities at that site.
3. Because the factual basis of the petitions are closely related, consolidating the petitions into one proceeding will be more convenient to the Board, the Agency and Petitioner; consolidation will also result in a more expeditious and complete determination of the issues and would not cause material prejudice to any party. Further, consolidation of the appeals will provide for a more efficient administration of justice and reduce duplication of efforts that would be required

if the appeals were handled separately. The burden of proof for the appeals is identical and will be based on nearly identical facts and background information.

WHEREFORE, Petitioner, L. Keller Oil Properties, Inc. respectfully requests that the Board grant its motion to consolidate the petitions filed on this date.

Respectfully submitted,

L. Keller Oil Properties, Inc. / Farina

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
338777v1

RECEIVED
CLERK'S OFFICE
JUN 23 2006
STATE OF ILLINOIS
Pollution Control Board

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

L. KELLER OIL PROPERTIES, Inc. / FARINA)
(Incident No. 20051539))
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 06- 190

**PETITION FOR REVIEW OF ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY DECISION**

L. Keller Oil Properties, Inc. / Farina, by its attorney, Carolyn S. Hesse of Barnes & Thornburg, pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et. seq.* (the "Act") and 35 Illinois Administrative Code Section 105.400 *et. seq.*, hereby appeals certain decisions by the Illinois Environmental Protection Agency (the "Agency").

1. L. Keller Oil Properties, Inc. ("Petitioner"), is the owner of property where a former gasoline service station was located at 1003 West Washington Avenue, Farina, Fayette County, Illinois (the "Station"). This gasoline service station had underground storage tanks (UST's) on the property, which stored gasoline, diesel fuel and heating oil.
2. LUST Incident Number 20051539 was obtained following a site investigation during which it was determined that the three gasoline USTs leaked. The site has also been assigned LPC #0514155011 - Fayette County.

3. On December 20, 2005, Petitioner sent to the Agency a 45-Day Report (“Report”) in accordance with applicable regulations. (See Exhibit 1.)
The Agency received this document on December 20, 2005.
4. On May 22, 2006, the Agency sent a letter to Petitioner (the “Letter”) that referenced the 45-Day Report and stated as follows:

Based on the information currently in the Illinois EPA’s possession, this incident is not subject to Title XVI of the Act or 35 Ill. Admin. Code 731. Therefore, the Illinois EPA leaking underground storage tank section had no reporting requirements regarding this incident.

(See Exhibit 2.)
5. The Letter also refers to Office of State Fire Marshall (“OSFM”) regulations at 41 Ill. Admin. Code 170.580 regarding confirmation of releases. Although it is not clear from the Letter, it appears that the Agency is claiming that the 45-day Report does not state that a release was confirmed within 14 days of the initial release report, and as a result, the incident is not subject to the Act or to rules regulating underground storage tanks. (See Exhibit 2.)
6. The Agency’s Letter provides no additional information regarding IEPA’s decision.
7. Although the Illinois EPA Letter of May 22, 2006, does not specifically state Petitioner’s right to file an appeal, the nature and tone of the Letter is a final decision refusing Petitioner’s request, which pursuant to Section 40 of the Act, 415 ILCS 5/40, and 35 Ill. Admin. Code 105.400 *et. seq.* provides Petitioner with appeal rights.

8. Petitioner is appealing the Agency's decision Letter dated May 22, 2006.
9. The Agency's conclusions that the incident is not subject to Title XVI of the Act or 35 Ill. Admin. Code 731 is in error and is contrary to information in the Agency's file. Because the release was discovered and reported in 2005, it is subject to Title XVI.
10. Petitioner complied with the OSFM's regulations at 41 Ill. Admin. Code 170.
11. A release of petroleum products was confirmed at the site on the day of the initial release report to the Agency and reconfirmed on the following day. Further, when the three gasoline tanks were removed on February 7, 2006, the Office of the State Fire Marshall reconfirmed the release.
12. The Office of the State Fire Marshall determined that the subject underground tanks were eligible for reimbursement from the Underground Storage Tank Trust Fund. *See* Exhibit 3.
13. The Agency's decision is contrary to information in the Agency's files.
14. An extension of the Early Action time period was requested from the Agency and in a letter dated December 5, 2005, the Agency approved an extension of the Early Action time period at this site. (*See* Exhibit 4.)
15. By letter dated January 19, 2006, the Agency acknowledged receipt of the 45-Day Report and advised Petitioner that a site investigation plan and budget must be submitted within 60-days of that letter. (*See* Exhibit 5.)
16. On January 20, 2006, Petitioner's consultant sent a letter to the Agency advising the Agency that a time extension for Early Action had been

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]

obtained and that a Site Investigation Plan and Budget would be submitted if site investigation activities were determined to be necessary after completion of Early Action activities. (See Exhibit 6.)

17. In a letter dated February 7, 2006, Petitioner's consultant advised the Agency that when the tanks were removed, "[c]ontamination was evident within the excavation and it was attributed to the initial incident." (See Exhibit 7.)
18. By letter dated May 9, 2006, the Agency approved the Stage 1 Site Investigation Plan. (See Exhibit 8.)
19. The Agency's decision set forth in the Letter from which this appeal is being taken is without merit and is contrary to the Act and implementing regulations.

WHEREFORE, L. Keller Oil Properties, Inc. / Farina respectfully requests that the Board enter an order reversing the Agency's letter dated May 22, 2006 and requiring the Agency to honor the Office of the State Fire Marshall's eligibility determination and for L. Keller Oil Properties, Inc. / Farina's attorneys' fees and costs in bringing this appeal.

Respectfully submitted,

L. Keller Oil Properties, Inc./Farina

By: Carolyn S Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
338753v1

45-DAY REPORT

Farina 711

Farina, Illinois
LPC # 0514155011—Fayette County
Incident Number 05-1539

Submitted to:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Leaking Underground Storage Tank Section, Bureau Of Land
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Prepared by:

CW³M COMPANY, INC.

701 South Grand Avenue West
Springfield, Illinois
(217) 522-8001

400 West Jackson, Suite C
Marion, Illinois
(618) 997-2238

December 2005



Project Manager: MKC

ACTION ITEMS		
X	Check LPC #	MKC
X	References, table of contents, tables, acronyms	MKC
X	Date site was inspected/mapped/waste characterization	MKC
X	All Maps Drawn (Location, Utility, Topo)	MKC
X	Request soil condition, reference, climate information	MKC
X	Tank status verified	MKC
X	45-Report form complete and updated	MKC
X	Cover letter & receipt	MKC

DOCUMENT REVIEW				
Incident Reported: 11/15/05				
Due to IEPA: 12/30/05				
Reviewer	Date Distributed	Date Completed	Date Incorporated	Comments Incorporated
Carol Rowe	12/15/05	12/16/05	12/16/05	12/16/05
Vince Smith	12/15/05	12/16/05	12/16/05	12/16/05
Jeff Wienhoff	12/15/05	12/15/05	12/16/05	12/16/05

CONTENTS

APPENDICES	ii
TABLES	ii
ACRONYMS AND ABBREVIATIONS	ii
1. INTRODUCTION	1
2. SITE LOCATION	2
3. BACKGROUND INFORMATION	2
4. EARLY ACTION ACTIVITIES	3
4.1 Tank Removal Activities	3
4.2 Soil Removal	4
4.3 Groundwater	4
4.4 Free Product	4
5. SITE CHARACTERIZATION	5
5.1 Nature and Quantity of Release	5
5.2 Surrounding Populations	5
5.3 Water Quality	5
5.4 Well Data	5
5.5 Subsurface Soil Conditions and Regional Geology	6
5.5.1 Surficial Geology	6
5.5.2 Bedrock Geology	6
5.5.3 Distribution of Aquifers	6
5.5.4 Soil Conditions	6
5.5.5 Potential for Contamination of Shallow Aquifers	6
5.6 Climatological Conditions	7
5.7 Land Use	7
6. SITE ASSESSMENT ACTIVITIES	8
6.1 Initial Abatement Measures And Site Check	8
6.2 Free Product Investigation	8
6.3 Safety Procedures and Hazard Mitigation	8
7. CONCLUSIONS AND RECOMMENDATIONS	9
8. REFERENCES	10

APPENDICES

APPENDIX A	45-Day Report Form
APPENDIX B	Site Maps and Illustrations

TABLES

Table 4-1. Underground Storage Tank Summary	3
---	---

ACRONYMS AND ABBREVIATIONS

HAZWOPER	Hazardous Waste Operations and Emergency Response
IDOT	Illinois Department Of Transportation
IEMA	Illinois Emergency Management Agency
IEPA	Illinois Environmental Protection Agency
ILCS	Illinois Code of Statutes
ISGS	Illinois State Geological Survey
ISWS	Illinois State Water Survey
JULIE	Joint Utility Locating Information for Excavators
OSFM	Illinois Office of the State Fire Marshal
OSHA	Occupational Safety and Health Administration
UST	Underground Storage Tank
USDA	United States Department of Agriculture

1. INTRODUCTION

L. Keller Oil Properties, Inc., owner of the underground storage tanks (USTs) at the Farina 711, reported a suspected release to the Illinois Emergency Management Agency (IEMA). Incident Number 05-1539 was assigned on November 15, 2005. L. Keller Oil Properties, Inc., then requested CW³M Company, Inc. to proceed with the reporting and early action requirements in accordance with the requirements of 415 ILCS 5/57-57.17. This 45-Day Report is being prepared in response to Incident Number 05-1539.

The 20-Day Certification was submitted to the Illinois Environmental Protection Agency (IEPA) on November 28, 2005. This 45-Day Report has been prepared in accordance with the requirements of 415 ILCS 5/57-57.17. The 45-Day Report Form is included in this document as Appendix A.

The preliminary geological investigation presented in this document was performed under the direction of an Illinois Licensed Professional Geologist and was completed in accordance with the Professional Geologist Licensing Act and its Rules for Administration.

A request for extension of the early action period, through April 30, 2006, was submitted to the Illinois Environmental Protection Agency on November 28, 2005, in order to allow for additional time to schedule and remove the underground storage tanks, finalize early action activities, obtain landfill authorization, make necessary arrangements for transport and disposal of contaminated backfill materials and complete the necessary clean-up and demobilization, receive and evaluate all field samples analytical results, and assemble all corrective action documentation. On December 5, 2005, the Agency approved the request through April 30, 2006 (IEPA, 2005). The 45-Day Addendum Report will be submitted within the approved time frame to document completion of the remainder of the early action activities.

2. SITE LOCATION

Farina 711 is located at I-57 & Rt 185, Farina, Fayette County, Illinois. The site is located in the NE ¼ of the NE ¼ of the NW ¼ of Section 32, Township 5 North of the Centralia Baseline and Range 4 East of the Third Principal Meridian.

3. BACKGROUND INFORMATION

Farina 711 reported an apparent release to the IEMA and Incident Number 05-1539 was assigned to the notification.

4. EARLY ACTION ACTIVITIES

Following IEMA notification of the apparent release, L. Keller Oil Properties, Inc., requested that CW³M proceed with reporting requirements and early action activities in accordance with 415 ILCS 5/57-57.17.

While on site on December 6, 2005, CW³M personnel inspected the USTs and mapped the site. On November 16, 2005, CW³M personal obtained a waste characterization sample. The tanks were inspected to ensure that as much of the regulated substance as possible had previously been removed. Additional inspections will be conducted prior to UST removals to monitor for recoverable liquids in the tanks.

4.1 TANK REMOVAL ACTIVITIES

CW³M is in the process of scheduling removal of the tanks. Tank information is included in Table 4-1.

Table 4-1. Underground Storage Tank Summary

Tank Number	Tank Volume (gallons)	Tank Contents	Incident Number	Release Information	Current Status
1	8,000	Gasoline	05-1539	Unknown	Out of Service
2	8,000	Gasoline	05-1539	Unknown	Out of Service
3	8,000	Gasoline	05-1539	Unknown	Out of Service
4	12,000	Diesel	05-1539	None	Out of Service
5	1,000	Heating Oil	05-1539	None	Out of Service

Prior to removal of the tanks, Joint Utility Locating Information for Excavators (JULIE) will be contacted to locate all utilities on the site. The tanks will be inspected again for any residual product that may have remained or water that may have accumulated.

4.2 SOIL REMOVAL

No soil or backfill materials have been removed at this time.

4.3 GROUNDWATER

Groundwater has not been encountered at the site.

4.4 FREE PRODUCT

No free product has been found at the site.

5. SITE CHARACTERIZATION

5.1 NATURE AND QUANTITY OF RELEASE

Based on visual observation and petroleum odors, a potential release of petroleum has occurred; however, the nature and quantity of the release is unknown at this time. Additional information will be provided in the 45-Day Report Addendum, following completion of all early action requirements.

5.2 SURROUNDING POPULATIONS

The population of Farina, Illinois is 575 (IDOT, 1999). The site is surrounded by commercial, residential, and agricultural properties.

5.3 WATER QUALITY

According to the Illinois Pollution Control Board, three Class III Groundwater contributing area exist; however, they are located in McHenry County, Monroe County, and St. Clair County. Therefore, CW³M will consider the groundwater at this site to be Class I unless demonstrated otherwise pursuant to 35 Ill. Adm. Code § 620.210.

5.4 WELL DATA

A survey of water supply wells for the purpose of identifying and locating all community water supply wells within 2,500 feet of the UST systems and all potable water supply wells within 200 feet of the UST systems is in progress. The Illinois State Water Survey (ISWS), the Illinois State Geological Survey (ISGS) and the IEPA Division of Public Water Supplies were contacted via Source Water Assessment Program online for information on water supply wells in the vicinity of the site on December 1, 2005. Additionally, the local unit of government with authority over the site will be contacted to determine if there is a local ordinance or policy regulating the usage of potable water supply wells. Information provided from the agencies will be documented in a subsequent report.

5.5 SUBSURFACE SOIL CONDITIONS AND REGIONAL GEOLOGY

5.5.1 Surficial Geology

According to the 1988 "Stack-unit map", the area consists of less than 6 meters (19.7 ft) of the Glasford Formation underlain by less than 6 meters (19.7 ft) of the shales from Pennsylvania bedrock (ISGS, 1988). The Glasford Formation classification is consistent with the "G" classification from the "Berg Circular" discussed below in Section 5.5.5.

5.5.2 Bedrock Geology

Under at least 20 feet of surficial deposits, lies Pennsylvanian bedrock (ISGS, 1984). The eastern Illinois Pennsylvanian rocks are largely composed of clastic rocks, sandstone, and in certain parts of the system siltstone, shale, coal and limestone can be found (ISGS, 1975).

5.5.3 Distribution of Aquifers

Fayette County is a favorable source for groundwater possibilities. Some of the water-yielding deposits, for Fayette County, come from sand and gravel deposits at depths below 50 to 150 feet, with a few occurring as deep as 200 feet (ISGS, 1957).

5.5.4 Soil Conditions

The Cisne land complex consists of poorly-drained, very slowly permeable soil with a seasonal high water table of 0 to 2 feet below land surface. The Cisne land complex has a low to high shrink-swell potential and a low organic matter content. (USDA, 1997).

5.5.5 Potential For Contamination Of Shallow Aquifers

This section provides a description of the anticipated regional geology. Specific data on site soils will be developed if site evaluation is required for this site. The literature that may be reviewed to determine consistency with ISGS Circular 532, also known as the "Berg Circular," is identified in Section 8 of this document.

ISGS Circular Number 532, the Berg Circular, indicates that the site is located in an area classified as "G". The area "G" is representative of a region composed of relatively impermeable bedrock.

The geologic limitations listed within the Berg Circular 532, concerning “G” sequence, states that the potential for contaminating shallow aquifers is very low (ISGS, 1984).

5.6 CLIMATOLOGICAL CONDITIONS

Fayette County has typical south-central Illinois temperatures, with mild winters and hot summers. The average annual precipitation is about 43 inches. The months of January and February are usually the driest months, and spring and summer months of March through June being the wettest. The warmest month is July and the coolest month is normally January (Weather.com, 2005).

5.7 LAND USE

The site is surrounded by residential and commercial properties and is near Interstate 57.

6. SITE ASSESSMENT ACTIVITIES

6.1 INITIAL ABATEMENT MEASURES AND SITE CHECK

Upon discovery of the possible petroleum release, IEMA was notified, and tank removals are being scheduled with the Office of the State Fire Marshal (OSFM).

CW³M collected a soil sample for waste characterization analysis on November 16, 2005. The results of the waste characterization analysis will be documented in a subsequent report.

During removal of the tanks, the excavation will be assessed to determine if removal of contaminated backfill would be necessary to prevent further release. Samples of the walls and floor shall be conducted following source removal.

6.2 FREE PRODUCT INVESTIGATION

No free product has been observed during CW³M site investigation activities. The free product investigation will continue, as necessary, throughout the early action period.

6.3 SAFETY PROCEDURES AND HAZARD MITIGATION

To ensure the health and safety of site workers and neighboring residents and properties during excavation and tank removal activities, the on-site supervisor will be an Occupational Safety and Health Administration (OSHA) Certified Excavation Competent Person. All site workers will have completed the OSHA 40-Hour Hazardous Waste Operations and Emergency Response (HAZWOPER) Site Safety training and refreshers. Persons who have not completed the necessary safety training will be prevented from entering the work area.

7. CONCLUSIONS AND RECOMMENDATIONS

It was determined that a release had occurred from the USTs on the property. To avoid further migration of contamination, removal of the USTs was deemed prudent. The removal of the USTs will be conducted under the supervision of the OSFM. If deemed necessary to prevent further release, contaminated backfill material will be removed to a licensed landfill.

A better understanding of the extent of any release will be gained after tank removal and early action operations have been completed. An addendum to this Report will be submitted to the IEPA, within the approved time frame, to document these additional early action activities.

8. REFERENCES

IDOT, 1999. Illinois Department of Transportation, Official Highway Map, 1999-2000.

IEPA, 2005. Illinois Environmental Protection Agency, *Early Action Correspondence, Farina 711, December 5, 2005.*

ISGS, 1957. Lidia F. Selkregg, Wayne A. Pryor, and John P. Kempton, *Groundwater Geology in South-Central Illinois*, Illinois State Geological Survey, Circular 225, 1957.

ISGS, 1975. H. B. William, et al., *Handbook of Illinois Stratigraphy*, Illinois State Geological Survey, Bulletin 95, 1975.

ISGS, 1984. R. Berg, *et al*, *Potential for Contamination of Shallow Aquifers in Illinois*, Illinois State Geological Survey, Circular 532, 1984.

ISGS, 1988. R. Berg, and J. Kempton, Illinois State Geological Survey Circular 542, *Stack-Unit Mapping of Geologic Materials in Illinois to a Depth of 15 Meters*, 1988.

USDA, 1997. United States Department of Agriculture, Soil Conservation Service, in cooperation with Illinois Agricultural Experiment Station, *Soil Survey of Fayette County, Illinois*, July 1997.

Weather.com, 2005. Temperature and Precipitation Annual Averages, www.weather.com, accessed December 1, 2005.

APPENDIX A

45-DAY REPORT FORM

**45-DAY REPORT
FARINA 711
FARINA, ILLINOIS**

APPENDIX B

SITE MAPS AND ILLUSTRATIONS

**45-DAY REPORT
FARINA 711
FARINA, ILLINOIS**

INDEX OF DRAWINGS

Drawing Number	Description	File Name
0001	Location Map	SiteMap.doc
0001a	Topographic Map	TopoMap.doc
0002	Site/Utilities Map	site.dwg



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

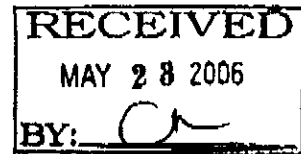
217/782-6762

CERTIFIED MAIL

7004 2510 0001 8590 3920

MAY 28 2006

L. Keller Oil Properties
Attention: Charles Keller
P.O. Box 70
Effingham, IL 62401



Re: LPC #0514155011 -- Fayette County
Farina / L. Keller Oil Properties
1003 West Washington Avenue
Leaking UST Incident No. 20051539
Leaking UST Technical File

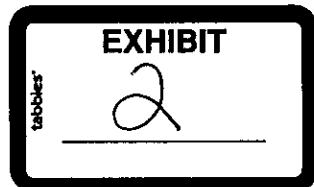
Dear Mr. Keller:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-day Report (report) submitted for the above-referenced incident. This report, dated December 20, 2005, was received by the Illinois EPA on December 20, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Based on the information currently in the Illinois EPA's possession, this incident is not subject to Title XVI of the Act or 35 Ill. Adm. Code 731. Therefore, the Illinois EPA Leaking Underground Storage Tank Section has no reporting requirements regarding this incident.

According to the information contained within the 45-day Report and other information in the division file, the above-referenced Incident number was assigned as a report of a suspected release of petroleum from the UST system pursuant to 41 IAC Section 170.560. Pursuant to 41 IAC, Section 170.580(b), owners and operators shall investigate and confirm all suspected releases within 14 days by conducting a site assessment pursuant to 41 IAC Section 170.580(c). Additionally, pursuant to 35 IAC 734.210(a), early action and other reporting duties are required upon confirmation of a release. Pursuant to 35 IAC, Section 734.115 "confirmation of a release" means the confirmation of a release of petroleum in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 IAC Section 170. It does not appear as though a release was confirmed within 14 days as required by the Section 170 regulations.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



Page 2

If you have any questions or require further assistance, please contact Carol Hawbaker at 217/782-5713

Sincerely,



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

HAC:CLH

c: CW3M Company
BOL File



Office of the Illinois State Fire Marshal

"Partnering With the Fire Service to Protect Illinois"

General Office

217-785-0900

FAX

217-782-1062

Divisions

ARSON INVESTIGATION

217-782-8118

BOILER and PRESSURE

VESSEL SAFETY

217-782-2886

FIRE PREVENTION

217-785-4714

MANAGEMENT SERVICES

217-782-4080

INFIRS

217-785-6828

HUMAN RESOURCES

217-785-1028

PERSONNEL STANDARDS

and EDUCATION

217-782-4542

PETROLEUM and

CHEMICAL SAFETY

217-785-5878

PUBLIC INFORMATION

217-785-1021

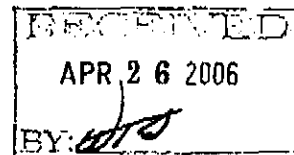
WEB SITE

www.state.il.us/ofsfm

CERTIFIED MAIL - RECEIPT REQUESTED #7003 3110 0004 1274 7237

April 6, 2006

L. Keller Oil Properties, Inc.
c/o CW3M Company
P.O. Box 571
Carlinville, IL 62626



In Re:

Facility No. 6-007996
IEMA Incident No. 05-1539
Farina 711
I-57 & Rt. 185
Farina, Fayette Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on March 27, 2006 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$15,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

- Tank 1 8,000 gallon Gasoline
- Tank 2 8,000 gallon Gasoline
- Tank 3 8,000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

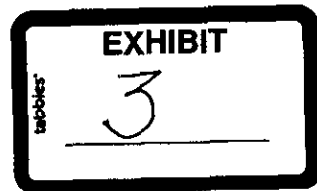
1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:

"Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law

Aviation fuel

1035 Stevenson Drive • Springfield, Illinois 62703-4259

Printed on Recycled Paper



Heating oil

Kerosene

Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.

4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.102(a) (2)).

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

The following tanks are also listed for this site:

Tank 4 12,000 gallon Diesel
Tank 5 1,000 gallon Heating Oil
Tank 6 15,000 gallon Gasoline

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020 or (217) 785-5878.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deanne Lock".

Deanne Lock
Administrative Assistant
Division of Petroleum and Chemical Safety

cc: IEPA
Facility File



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

217/782-6762

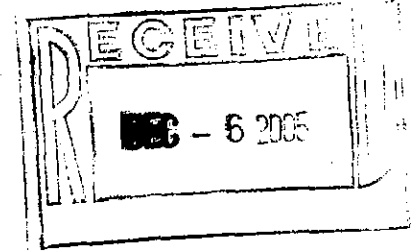
DEC 05 2005

CERTIFIED MAIL

7004 2510 0001 8655 0963

L. Keller Oil Properties
P.O. Box 70
Effingham, IL 62401

Re: LPC # 0514155011--Fayette County
Farina/L. Keller Oil Properties
1003 West Washington Avenue
LUST Incident No. 20051539
LUST Technical File



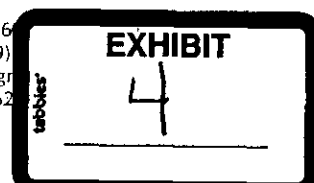
Dear Sir or Madam:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the correspondence submitted for the above-referenced incident. This Early Action Extension was received by the Illinois EPA on November 28, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The correspondence requested that the period for which early action costs be considered reimbursable be extended beyond the initial 45-day period. The Illinois EPA has determined that early action activities for the above-referenced incident may be conducted beyond the initial 45-day period. The initial 45-day period for which early action costs shall be considered reimbursable is extended to April 30, 2006.

Please note the Illinois EPA cannot extend the date on which the 45-Day Report is due. However, the 45-day period during which underground storage tank (UST) removal and early action activities are to be completed for reimbursement purposes may be extended pursuant to 35 Ill. Adm. Code Section 732.202(g). Therefore, the 45-Day Report must be submitted within 45 days of release confirmation.

An amended 45-Day Report or other report documenting the activities conducted during the early action extension period must also be submitted to the Illinois EPA. Please note that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g), and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.



Page 2

Submit all future correspondence to:
Illinois Environmental Protection Agency
Bureau of Land -- #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9267

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544).

If you have any questions or need further assistance, please contact me at the telephone number listed above.

Sincerely,



Douglas W. Clay, P.E., Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

cc: Carol Rowe
Division File



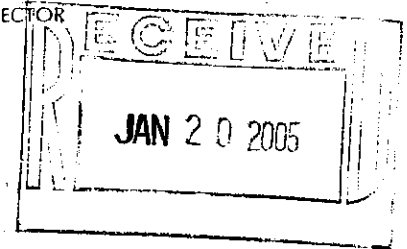
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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



JAN 19 2006

L. Keller Oil Properties
Attn: Charles Keller
P.O. Box 70
Effingham, Illinois 62401

Re: LPC #0514155011 -- Fayette County
L. Keller Oil Properties
1003 West Washington Avenue
LUST Incident No. 20051539
LUST Technical File

Dear Owner/Operator:

The Illinois Environmental Protection Agency (Illinois EPA) has received the 45-Day Report for the above-referenced release. The report was dated December 20, 2005 and was received by the Illinois EPA on December 20, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

At a later time, the Illinois EPA will conduct a full technical review of the 45-Day Report and any other report submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 732.Subpart B, in conjunction with any other plan or report selected for review (35 Ill. Adm. Code 732.504(a)(7)).

The Illinois EPA has determined that, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 732.100 and 732.105, a site investigation plan and budget must be submitted within sixty days of the date of this letter. Please note the Illinois EPA does not require the submission of a budget if the owner or operator does not intend to seek reimbursement from the Underground Storage Tank Fund (Fund).

In addition, an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives at 35 Ill. Adm. Code 742 without conducting a site investigation. If the owner or operator chooses not to investigate the site in accordance with the procedures established in Section 57.7(a) of the Act, the owner or operator may not be entitled to full payment if a request for reimbursement from the Fund is submitted.



Page 2

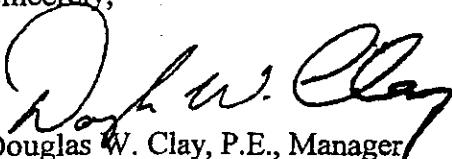
Submit all future correspondence to:

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.

If you have any questions or need further assistance, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,



Douglas W. Clay, P.E., Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

DWC:DKS:mls\063483.doc

cc: CW³M Company
Division File

CW^M Company701 W. South Grand Avenue
Springfield, IL 62704**Environmental Consulting Services**Phone: (217) 522-8001
Fax: (217) 522-8009

January 20, 2006

Mr. Douglas W. Clay, P.E., Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #Unknown—Fayette County
Farina/L. Keller Oil Properties, Inc. (Farina 711)
I-57 & Illinois Route 185
LUST Incident Number: 2005-1539
LUST Technical Reports—Schedule for Submittal of Site Investigation Plan

Dear Mr. Clay:

On behalf of L. Keller Oil Properties, Inc., owner of the underground storage tanks at the subject property, I would like to verify the reporting schedule for the above-referenced site.

L. Keller Oil Properties, Inc. submitted a 45-Day Report for the site on December 20, 2005. The IEPA requested submittal of a Site Investigation Plan and Budget no later than March 20, 2006. However, an extension of the early action period through April 30, 2006, was approved by the IEPA on December 5, 2005. The 45-Day Report Addendum will be submitted no later than April 30, 2006.

Based on past experience with other sites, we assume that the March 20, 2006, submittal date for the Site Investigation Plan and Budget will be revised by the IEPA upon receipt of the 45-Day Report Addendum. We also assume that the Agency realizes that it is necessary for us to complete the early action activities before we can determine if site investigation is necessary. Furthermore, complete information from early action is necessary in order to prepare an adequate work plan.

Upon acknowledgment of the review of the 45-Day Report Addendum, and if required by the IEPA, we will prepare and submit the Site Investigation Plan and Budget. If you have any questions or require additional information, please contact Mr. Vince Smith or me at (217) 522-8001. Your attention to this matter is greatly appreciated.

Sincerely,



Carol E. Rowe, P.G.
Senior Environmental Geologist

xc: Mr. Charles F. Keller, *L. Keller Oil Properties, Inc.*
Mr. William T. Sinnott, *CW^M Company, Inc.*

I:/Keller05-1539/IEPACor\SIPDus.doc

701 W. South Grand Avenue
Springfield, IL 62704
(217) 522-8001400 W. Jackson, Suite C
Marion, IL 62959
(618) 997-2238

EXHIBIT

6

tabbies

CW[®]M Company701 W. South Grand Avenue
Springfield, IL 62704**Environmental Consulting Services**Phone: (217) 522-8001
Fax: (217) 522-8009

February 7, 2006

Mr. Douglas W. Clay, P.E., Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #Unknown—Fayette County
Farina/L. Keller Oil Properties, Inc. (Farina 711)
I-57 & Illinois Route 185
LUST Incident Number: 2005-1539
LUST Technical Reports—Release Confirmation/Incident Re-Reporting

Dear Mr. Clay:

On behalf of L. Keller Oil Properties, Inc./Farina 711 please be advised that the UST removals were completed on February 7, 2006 under the supervision of OSFM Tank Specialist, Terry Weedman at the above referenced site. The tanks were removed from service in response to Incident Number 2005-1539. Contamination was evident within the excavation and it was attributed to the initial incident. Removal of the contaminated soil was subsequently initiated.

Mr. Weedman stated that standard OSFM procedure was to require owners/operators to report a release regardless of status of a pre-existing release. The UST system removal was conducted in response to Incident Number 2005-1539 as part of the early action measures.

The second incident, Incident Number 2006-0136 was reported on February 7, 2006. As there was no indication or evidence of a new release, on behalf of L. Keller Oil Properties, Inc., we respectfully request that the re-reported incident or release confirmation incident and all associated reporting requirements be dismissed.

701 W. South Grand Avenue
Springfield, IL 62704
(217) 522-8001

400 W. Jackson, Suite C
Marion, IL 62959
(618) 997-2238

EXHIBIT

tabbles

7

The 45-Day Report was submitted to the Illinois Environmental Protection Agency within 45 days of the reported release. Information on activities performed during the time period beyond the initial 45 days will be submitted to the IEPA in an addendum. If you have any questions or require additional information, please contact Mr. Vince Smith or me at (217) 522-8001. Your attention to this matter is greatly appreciated.

Sincerely,



Carol L. Rowe, P.G.
Senior Environmental Geologist

xc: Mr. Charles F. Keller, *L. Keller Oil Properties, Inc.*
Mr. William T. Sinnott, *CWM Company, Inc.*

I:\Keller05-1539\IEPA Cor\RelCont2ndInc.doc



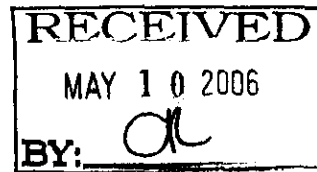
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

May 9, 2006



L. Keller Oil Properties
Attn: Charles Keller
P.O. Box 70
Effingham, IL 62401

Re: LPC #0514155011 -- Fayette County
L. Keller Oil Properties
1003 West Washington Avenue
Leaking UST Incident No. 20051539
Leaking UST Technical File

Dear Owner/Operator:

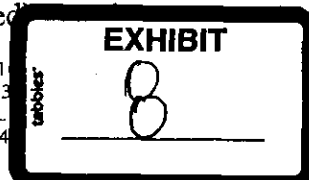
The Illinois Environmental Protection Agency (Illinois EPA) has received the 45-Day Report, which included a Stage 1 Site Investigation Plan and Budget certification, for the above-referenced release. The report was dated April 24, 2006 and was received by the Illinois EPA on April 27, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

At a later time, the Illinois EPA will conduct a full technical review of the 45-Day Report and any other report submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.Subpart B, in conjunction with any other plan or report selected for review (35 Ill. Adm. Code 734.505).

Pursuant to your certification, the Stage 1 Site Investigation Plan is approved and must be conducted in accordance with 35 Ill. Adm. Code 734.315. The budget, if applicable, is approved, and costs must not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E. Please be advised that, if you do not meet the eligibility requirements as determined by the Office of the State Fire Marshal, you may not be entitled to payment from the Underground Storage Tank Fund for costs incurred. You must proceed with the Stage 1 site investigation in accordance with 35 Ill. Adm. Code 734.315.

The Illinois EPA has determined that, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.305, a site investigation plan and budget for the subsequent stage of investigation (including the results of the Stage 1 site investigation and a summary of actual costs) or a site investigation completion report (if the extent of contamination is defined

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60018
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5462
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



Page 2

submitted within 90 days of the date of this letter. Please note that the Illinois EPA does not require the submission of a budget if the owner or operator does not intend to seek payment from the Underground Storage Tank Fund (Fund).

In addition, an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives at 35 Ill. Adm. Code 742 without conducting a site investigation. If the owner or operator chooses not to investigate the site in accordance with the procedures established in Section 57.7(a) of the Act, the owner or operator may not be entitled to full payment if a request for payment from the Fund is submitted.

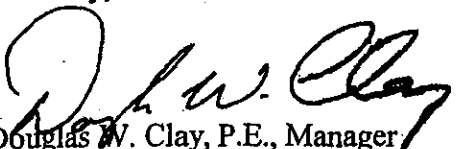
Submit all future correspondence to:

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.

If you have any questions or need further assistance, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,


Douglas W. Clay, P.E., Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

DWC:DKS:dks\

c:  Inc.
BOL File