

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

PEOPLE OF THE STATE OF ILLINOIS)

Petitioner,)

v.)

PCB NO. 12-35

(Enforcement – Water)

SIX-M CORPORATION, INC.,)

WILLIAM MAXWELL, and)

MARILYN MAXWELL,)

Respondents.)

NOTICE OF FILING AND PROOF OF SERVICE

To: John T. Therriault, Acting Clerk
Illinois Pollution Control Board
100 West Randolph Street
State of Illinois Building, Suite 11-500
Chicago, IL 60601

Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, IL 62706

Phillip R. Van Ness
Webber & Thies, P.C.
202 Lincoln Square
P.O. Box 189
Urbana, IL 61801

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

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a MOTION TO DISMISS INDIVIDUAL RESPONDENTS AND SUGGESTION OF DEATH DIRECTED TO BOARD, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 25th of October, 2011.

Respectfully submitted,
SIX M. CORPORATION, INC. and WILLIAM
MAXWELL
Respondents,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

Case No. 1:00-cv-00000-AMC
Case Name: [REDACTED]
Filing Date: 01/10/2001
Filing Time: 10:00 AM
Filing User: [REDACTED]

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Respondents.)

**MOTION TO DISMISS INDIVIDUAL RESPONDENTS AND
SUGGESTION OF DEATH DIRECTED TO BOARD**

NOW COME Respondents, Six-M Corporation, Inc., and William Maxwell, by their undersigned counsel, pursuant to Section 101.500 of the Board's Procedural Rules (35 Ill. Admin. Code §101.500(a)) and Section 2-619 of the Code of Civil Procedure (735 ILCS 5/2-619), and move to dismiss William Maxwell and Marilyn Maxwell, stating as follows:

Introduction

This lawsuit stems from a suspected release at the property of Walker Tire Service, on May 13, 1996. (Compl. ¶ 17) More specifically, People complain in both counts of the failure to perform a plan approved by the Agency on April 24 and October 17, 2006 to investigate off-site impacts of a release. (Compl. ¶ 26 & ¶ 32)¹ There are no allegations in the Complaint sufficient to hold William Maxwell and Marilyn Maxwell liable under these theories. Furthermore, as attested hereto in the Affidavit of Tom Maxwell of Six M. Corporation, William Maxwell retired before the events in question and Marilyn Maxwell is deceased.

¹ Technically, the most recent corrective action plan was approved December 4, 2007 (Exhibit C), but for purposes of this filing, there would appear to be no material difference.

I. Six-M Corporation, doing business as Walker Tire Service, was the owner and operator of the underground storage tanks removed from the property.

Six-M Corporation, Inc. owns and operates Walker Tire Service. (Affidavit of Tom Maxwell) Six-M Corporation, Inc. does business as Walker's Tire Service, sometimes shortened to Walker's Service. According to the records of the Office of the State Fire Marshall, "Walker Tire Service" was the owner of the underground storage tanks and is eligible for reimbursement from the LUST Fund for corrective action at the site. (Exhibit A.) On May 13, 1996, Tom Maxwell called the Illinois Emergency Management Agency, on behalf of Walker Tire Service, to report a suspected release of gasoline. (Affidavit of Tom Maxwell; Compl ¶ 17) Thereafter, the Office of the State Fire Marshal issued an eligibility and deductibility determination for "Walker Service Station." (Exhibit B) Six M. Corporation, Inc. d/b/a Walker Tire Service has performed substantial corrective action activities, for which Walker Tire Service, has been reimbursed from the LUST Fund. (Exhibit C; Affidavit of Tom Maxwell) All of the plans and budgets for this work, including the unperformed plan, were approved for Walker Tire Service to perform. (Exhibit C)

II. Motion to Dismiss William Maxwell.

While Respondent concedes that William Maxwell was actively managing the tire service operation at one time, that time was well before the incidents alleged in the complaint which serve as the basis for liability. By the time of the suspected release in 1996, William Maxwell was retired.

The People have made one specific allegation with respect to William Maxwell, that is

that he signed one of the notifications for underground storage tanks. A true and correct copy of said notification is attached hereto as Exhibit D. This document indicates that William Maxwell was signing the notification on behalf of Walker's Service, not in an individual capacity. Any ambiguities in said notification are irrelevant in light of subsequent registrations in the name of Six M Corporation. (Exhibit E)

Since the alleged facts arise within the context of a state-overseen cleanup program, the identity of the party responsible for undertaking any corrective action is not subject to factual dispute. Pursuant to its statutory obligations under Section 57.9(c) of the Illinois Environmental Protection Act (415 ILCS 5/57.9(c)), the Office of the State Fire Marshall has formally determined that Walker Service Station is the owner or operator of the subject tanks. (Exhibit B) The Illinois Environmental Protection Agency, recognizing that ownership determination has reimbursed Walker Tire Service (Exhibit C), which it would not have done had it believed William Maxwell owned the tanks. (Exhibit A (showing all tanks removed); cf. Zervos Three v. IEPA, PCB No. 10-54, at p. 86 (Jan. 20, 2011) (explaining that once the tanks are removed, ownership of cleanup responsibility necessitates an election to proceed as owner to be reimbursed from the LUST Fund).

Furthermore, the allegations fail to allege that William Maxwell "actively participated" in any of the alleged violations:

in order to state a claim for personal liability against a corporate officer under the Act, a plaintiff must do more than allege corporate wrongdoing. Similarly, the plaintiff must allege more than that the corporate officer held a management position, had general corporate authority, or served in a supervisory capacity in order to establish individual liability under the Act. The plaintiff must allege facts establishing that the corporate officer had personal involvement or active participation in the acts resulting in liability, not just that he had personal involvement or active participation in the

management of the corporation.

People ex rel. Madigan v. Tang, 346 Ill. App. 3d 277, 289 (1st Dist. 2004).

The complaint fails to allege such personal involvement and it is difficult to imagine how a person could be individually liable for failure to perform a plan. The gravamen of the complaint is the failure to perform a plan submitted by the corporation, approved by the Agency for the corporation to perform, and eligible for reimbursement from the LUST Fund. For these reasons, William Maxwell should be dismissed from the lawsuit.

III. Suggestion of Death of Marilyn Maxwell.

The only fact alleged in the Complaint specifically mentioning Marilyn Maxwell is that she is a resident of De Witt County, Illinois. (Compl. ¶ 5) Service of the Complaint was attempted on Marilyn Maxwell at the address of the service station, implying a belief on the part of the People that she is a corporate officer, though that is not alleged. We do not believe this can be construed as adequate service, nor, given that Marilyn Maxwell is deceased, can any action lie against her. Volkmar v. State Farm Mut. Auto. Ins. Co., 104 Ill. App. 3d 149, 151 (5th Dist. 1982) (“a dead person is a nonexistent entity and cannot be a party to a suit. Therefore, proceedings instituted against an individual who is deceased at the time of the filing of suit are a nullity. Such proceedings are void ab initio and do not invoke the jurisdiction of the trial court.”)

Undersigned Respondents have not entered an appearance on behalf of Marilyn Maxwell, but given that service of process was attempted at Six-M property (and service of subsequent filings as well) and since Respondent is in possession of knowledge of her death, we hereby file this suggestion of death to promote a speedy resolution of this issue.

IV. Procedural Basis of Relief Requested

Section 101.500(a) authorizes the Board to entertain any motion permissible under the Illinois Code of Civil Procedure. (35 Ill. Admin. Code § 101.500(a)) Section 2-619 of the Illinois Code of Civil Procedure authorizes a motion for dismissal within the time for pleading on the basis of "affirmative matter avoiding the legal effect of or defeating the claim." (735 ILCS 5/2-619(a)(9)) If the grounds do not appear on the face of the pleading attacked, the motion shall be supported by affidavit. Id. The Board has entertained such a motion in the past. Stanhibel, v. Tom Halat, PCB 7-17 (Mar. 1, 2006)

In considering such a motion, the Board must accept all well-pled facts as true. However, there are few, if any, well pled facts in the complaint concerning the individual respondents. Moreover, the complainant appeared to be unaware that one of the respondents is deceased and the other retired before any of the operative events transpired. Accordingly, undersigned Respondents request dismissal of the complaint as to them.

WHEREFORE, Respondents, SIX M. CORPORATION, INC. and WILLIAM MAXWELL, pray for an order dismissing the individual Respondents from this case, or for such further relief as the Board deems meet and just.

SIX M. CORPORATION, INC. and WILLIAM
MAXWELL,
Respondents,

By their attorneys,
MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: _____
Patrick D. Shaw

Patrick D. Shaw
MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 N. Old Capitol Plaza, Ste. 325
Springfield, IL 62701
Telephone: 217/528-2517
Facsimile: 217/528-2553

THIS FILING IS SUBMITTED ON RECYCLED PAPER

**BEFORE THE POLLUTION CONTROL BOARD
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Respondent.)

AFFIDAVIT OF TOM MAXWELL

Tom Maxwell, on oath says:

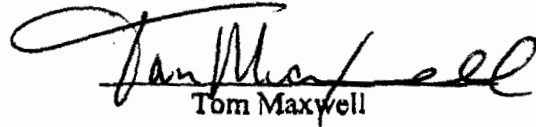
1. I am over twenty-one years old and a resident of DeWitt County, Illinois.
2. I manage daily operations at Walker Tire Service, and am Secretary of Six-M Corporation, Inc..
3. Walker Tire Service is located at 430 West Clinton, Farmer City, Illinois, and is owned and operated by Six-M Corporation, Inc.
4. My parents are William and Marilyn Maxwell.
5. My mother, Marilyn Maxwell, passed away on July 20, 2009, at the age of 77.
6. I have managed operations at Walker Tire Service since my father, William Maxwell, retired.
7. I can't remember the exact date that I took over management of Walker Tire Service from my father, but it was prior to May 13, 1996, when I called the Illinois Emergency Management Agency to report a suspected release of gasoline from one or more underground storage tanks at the property.
8. Since May 13, 1996, I have directed all aspects of the environmental response of Six-M Corporation, which primarily has meant retaining an environmental consultant to perform the work, and signing any necessary paperwork on behalf of Six-M Corporation, Inc. necessary for reimbursement from the LUST Fund or for otherwise complying with the business' regulatory obligations.
9. By reason and belief, the Illinois Environmental Protection Agency and the Office of the State Fire Marshall identify myself as the contact person for Walker Tire Service.



10. William Maxwell, being retired, has not managed or directly overseen any aspect of any environmental issues at the service station.

FURTHER AFFLANT SAYETH NOT.

The undersigned certifies, under penalty of perjury, that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, which the undersigned believes to be true.


Tom Maxwell

EXHIBIT

1

PG 2 OF 2

Division of Petroleum & Chemical Safety

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Facility Details

Facility Number: 4029427
Facility Name: Walker Tire Service
 430 W. Clinton
Address: Farmer City, IL 61842
Status: Closed
Facility Type: Self-Service Station
Owner Type: Private
Green Tag Decal: G002113
Green Tag Issue Date: 11/18/2005
Green Tag Expiration Date: 12/31/2008
Motor Fuel Dispensing Permit Inspection Date:
Motor Fuel Dispensing Permit Expiration Date:

Owner Details

Owner Name: Walker Tire Service
 430 W Clinton
Owner Address: Farmer City, IL 61842
Owner Phone Number: 309-928-9291
Owner Status: Current Owner
Purchase Date:
Type of Financial Responsibility: Commercial Insurance
Financial Responsibility Received Date: 8/10/2005

Permits (Unexpired)

No Active Permits Found

Deficiencies (Current)

No Deficiencies Found

IEMA Numbers Associated with the Facility

IEMA Number
 06-0291

LUST Fund Eligibility and Deductibility Determinations

IEMA Number	Deductible	OSFM Received Date	OSFM Response Date	Status
96-0810	15,000	9/17/1996	10/15/1996	Closed - Eligible
06-0291	15,000	3/17/2006	4/3/2006	Closed - Eligible

Tank Information

Tank Number	Capacity	Product	Status	Fee Due
1	10000	Gasoline	Removed	\$0.00
2	4000	Diesel Fuel	Removed	\$0.00
3	2000	Gasoline	Removed	\$0.00
4	1000	Used Oil	Removed	\$0.00
5	500	Gasoline	Removed	\$0.00
6	200	Diesel Fuel	Removed	\$0.00
7	300	Heating Oil	Exempt from registration	





General Office
217-785-0969
FAX
217-782-1062

Divisions
ARSON INVESTIGATION
217-782-6855
BOILER and PRESSURE
VESSEL SAFETY
217-782-2696
FIRE PREVENTION
217-785-4714
MANAGEMENT SERVICES
217-782-9889
INFIRS
217-785-1016
PERSONNEL
217-785-1009
PERSONNEL STANDARDS
and EDUCATION
217-782-4542
PETROLEUM and
CHEMICAL SAFETY
217-785-5678
PUBLIC INFORMATION
217-785-1021

CERTIFIED MAIL - RECEIPT REQUESTED #Z 760 970 520

October 28, 1996

Walker Service Station
430 West Clinton Ave
Farmer City, IL 61842

In Re: Facility No. 4-029427
IEMA Incident No. 96-0810
Walker Service Station
430 West Clinton Ave
Farmer City, DEWITT CO., IL

Dear Tom Maxwell:

The Reimbursement Eligibility and Deductible Application, received on 9-17-96 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 10,000 gallon gasoline
- Tank 2 4,000 gallon gasoline
- Tank 5 500 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;





www.epa.state.il.us

State of Illinois

[L.I.T. Search](#)

IEMA # 960810

LPC # 0390150003

IEMA Date: 5/13/1996

Site: Walker Tire

Tank Owner/Operator: Walker Tire

Contact: Tom Maxwell

Phone:

Address: 430 West Clinton Ave.
Farmer City, IL. 61842

Site (Main)	General	TitleXVI	TACO	Claims	Search
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<p>EXHIBIT</p> <p>C</p> <p><u>PG 1 OF 3</u></p>
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Illinois Environmental Protection Agency

www.epa.state.il.us

State of Illinois

L.I.T. Search

IEMA # 960810

LPC # 0390150003

Site: Walker Tire

Event Description	Date	Resp. Due	Decision	Mailed
Site Classification Work Plan Budget	9/27/1996	1/25/1997	MOD	10/3/1996
Site Classification Work Plan	9/27/1996	1/25/1997	APR	10/3/1996
Site Classification Completion Report	4/7/1997	8/5/1997	APR	4/15/1997
High Priority Corrective Action Plan	5/22/1998	9/19/1998	MOD	6/3/1998
High Priority Corrective Action Plan Budget	8/25/1998	12/23/1998	MOD	8/27/1998
High Priority Corrective Action Plan	2/16/1999	6/16/1999	MOD	3/17/1999
High Priority Corrective Action Plan Budget	2/16/1999	6/16/1999	DEN	3/17/1999
High Priority Corrective Action Plan	4/20/1999	8/18/1999	MOD	5/20/1999
High Priority Corrective Action Plan Budget	4/20/1999	8/18/1999	MOD	5/20/1999
High Priority Corrective Action Plan	5/20/2003	9/17/2003	DEN	6/12/2003
High Priority Corrective Action Plan Budget	5/20/2003	9/17/2003	DEN	6/12/2003
High Priority Corrective Action Plan	7/18/2003	11/15/2003	DEN	9/25/2003
High Priority Corrective Action Plan Budget	7/18/2003	11/15/2003	DEN	9/25/2003
High Priority Corrective Action Plan Budget	9/30/2003	1/28/2004	MOD	10/10/2003
High Priority Corrective Action Plan	2/17/2004	6/16/2004	MOD	3/31/2004
High Priority Corrective Action Plan Budget	2/17/2004	6/16/2004	MOD	3/31/2004
Amended Corrective Action Plan	10/16/2007	2/13/2008	MOD	12/4/2007
Amended Corrective Action Plan Budget	10/16/2007	2/13/2008	APR	12/4/2007

Site (Main)	Tank Operator	General	TACO	Claims	Search
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EXHIBIT
 C
PG 2 OF 3



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State of Illinois

L.I.T. Search

IEMA # 960810

LPC # 0390150003

Site: Walker Tire

Bills Received	Status Code	Amount Requested	Amount Paid	Voucher Date	Deductible
8/9/1999	VOP	83506.53	83506.53	1/14/2000	0
11/6/1996	VOP	37747.6	22747.6	7/23/1997	15000
9/9/1997	VOP	21239.97	20985.68	2/18/1998	0
5/22/1998	VOP	226480.22	223318.2	11/17/1998	0
6/23/2000	VOP	17000	17000	7/14/2000	0
12/19/2002	VOP	23862.8	22992.8	2/3/2003	0
2/25/2003	RIE	7967.58	0		0
11/14/2003	VOP	106458.4	106458.14	1/20/2004	0
5/3/2004	VOP	30773.93	30773.92	8/13/2004	0
11/15/2004	VOP	600145.41	600145.41	6/8/2005	0
9/19/2006	VOP	15223.64	15223.64	3/10/2008	0
2/27/2008	VOP	16043.52	16043.52	10/19/2009	0
5/20/2009	VOP	6684.67	6684.67	5/26/2011	0

Site (Main)	Tank Operator	General	Title XVI	TACO	Search
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Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 2050-0049
APPROVAL EXPIRES 6-30-88

FOR
TANKS
IN
IL

RETURN
COMPLETED
FORM
TO

UST Coordinator, Division of Fire Prevention
Office of State Fire Marshal



P.O. Box 3803
Springfield, IL 62708-3803

STATE USE ONLY
I.D. Number 37-1166748-14755
Date Received 4-18-86

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means—

(a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and

(b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:

1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. tanks used for storing heating oil for consumptive use on the premises where stored;
3. septic tanks;

4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;
5. surface impoundments, pits, ponds, or lagoons;
6. storm water or waste water collection systems;
7. flow-through process tanks;
8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Bill Maxwell

Street Address

R.R. #1

County

DeWitt

City State ZIP Code

Farmer City ILL 61842

Area Code Phone Number

309 928-2321

Type of Owner (Mark all that apply)

- Current State or Local Gov't Private or Corporate
 Former Federal Gov't (GSA facility I.D. no.) Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section I, mark box here)

Facility Name or Company Site Identifier, as applicable

Walker's Service

Street Address or State Road, as applicable

West on R+54

County

DeWitt

City (nearest) State ZIP Code

Farmer City ILL 61842

Indicate number of tanks at this location

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands

III. CONTACT PERSON AT TANK LOCATION

Name (if same as Section I, mark box here)

Job Title

OWNER

Area Code

309

Phone Number

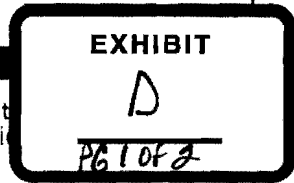
928-9291

IV. TYPE OF NOTIFICATION

Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information submitted information is true, accurate, and complete.



Name and official title of owner or owner's authorized representative

OWNER

Signature

Bill Maxwell

Date Signed

4-18-86

CONTINUE ON REVERSE SIDE

VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank at this location.)

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)		Tank No. 1	Tank No. 2	Tank No. 3	Tank No. 4	Tank No.
1. Status of Tank (Mark all that apply <input checked="" type="checkbox"/>)	Currently in Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Temporarily Out of Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Permanently Out of Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Brought into Use after 5/8/86	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Estimated Age (Years)		15	15	15	15	
3. Estimated Total Capacity (Gallons)		10,000	4,000	2000	250	
4. Material of Construction (Mark one <input checked="" type="checkbox"/>)	Steel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Concrete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fiberglass Reinforced Plastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other, Please Specify					
5. Internal Protection (Mark all that apply <input checked="" type="checkbox"/>)	Cathodic Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Interior Lining (e.g., epoxy resins)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other, Please Specify					
6. External Protection (Mark all that apply <input checked="" type="checkbox"/>)	Cathodic Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Painted (e.g., asphaltic)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Fiberglass Reinforced Plastic Coated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, Please Specify						
7. Piping (Mark all that apply <input checked="" type="checkbox"/>)	Bare Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Galvanized Steel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Fiberglass Reinforced Plastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cathodically Protected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, Please Specify						
8. Substance Currently or Last Stored In Greatest Quantity by Volume (Mark all that apply <input checked="" type="checkbox"/>)	a. Empty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Petroleum					
	Diesel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gasoline (including alcohol blends)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other, Please Specify					
	c. Hazardous Substance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please Indicate Name of Principal CERCLA Substance OR					
	Chemical Abstract Service (CAS) No.					
Mark box <input checked="" type="checkbox"/> if tank stores a mixture of substances	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Additional Information (for tanks permanently taken out of service)	a. Estimated date last used (mo/yr)	/	/	/		
	b. Estimated quantity of substance remaining (gal.)					
	c. Mark box <input checked="" type="checkbox"/> if tank was filled with inert material (e.g., sand, concrete)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Notification for Underground Storage Tanks

FOIA APPROVED
OIAF NO. 2050-0049
APPROVAL EXPIRES 6-30-88

DIVISION PETROLEUM/CHEMICAL SAFETY
ILLINOIS STATE FIRE MARSHAL
1035 STEVENSON DRIVE
SPRINGFIELD, IL

62703-4259

STATE USE ONLY
I.D. Number 4-029427
Date Received MAR 13 1992

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:

1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. _____
3. septic tanks;

4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;
5. surface impoundments, pits, ponds, or lagoons;
6. storm water or waste water collection systems;
7. flow-through process tanks;
8. liquid traps or associated gathering lines directly related to oil and gas production and gathering operations;
9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Stix M Corp.

Street Address (mailing address)

430 W CLINTON

County

DEWITT

City State ZIP Code

FARMER City I 61842

Area Code Phone Number

309 928-9291

Type of Owner (Mark all that apply)

- Current State or Local Gov't Private or Corporate
 Former Federal Gov't (GSA facility I.D. no.) Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section I, mark box here)

Facility Name or Company Site Identifier, as applicable

Street Address or State Road, as applicable (exact street address)

County

City (nearest)

State

ZIP Code

Indicate number of tanks at this location

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands

(# of tanks remaining in ground)

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here)

Doug Maxwell

Job Title

OWNER

Area Code

309-928-9291

Phone Number

IV. TYPE OF NOTIFICATION

Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this notification, and that based on my inquiry of those individuals immediately responsible for obtaining the information submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative

Doug Maxwell

Signature (must be original)

Doug Maxwell

Date Signed

3-11-92

CONTINUE ON REVERSE SIDE

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VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank at this location)

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)	Tank No. 1	Tank No. 2	Tank No. 3	Tank No.	Tank No.
1. Status of Tank (Mark all that apply <input checked="" type="checkbox"/>) Currently In Use Temporarily Out of Use Permanently Out of Use Brought into Use after 5/8/86	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Estimated Age (Years)	20	20	5		
3. Estimated Total Capacity (Gallons)	10,000	4,000	2,000		
4. Material of Construction (Mark one <input checked="" type="checkbox"/>) Steel Concrete Fiberglass Reinforced Plastic Unknown Other, Please Specify	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Internal Protection (Mark all that apply <input checked="" type="checkbox"/>) Cathodic Protection Interior Lining (e.g., epoxy resins) None Unknown Other, Please Specify	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. External Protection (Mark all that apply <input checked="" type="checkbox"/>) Cathodic Protection Painted (e.g., asphaltic) Fiberglass Reinforced Plastic Coated None Unknown Other, Please Specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Piping (Mark all that apply <input checked="" type="checkbox"/>) Bare Steel Galvanized Steel Fiberglass Reinforced Plastic Cathodically Protected Unknown Other, Please Specify	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Substance Currently or Last Stored in Greatest Quantity by Volume (Mark all that apply <input checked="" type="checkbox"/>) a. Empty b. Petroleum Diesel Kerosene Gasoline (including alcohol blends) Used Oil Other, Please Specify c. Hazardous Substance d. Unknown If for heating, mark use: () Heating Premises ONLY () Back-Up Generator () Other Above Pertains To Tank NOS. Please Indicate Name of Principal CERCLA Substance OR Chemical Abstract Service (CAS) No. Mark box <input checked="" type="checkbox"/> if tank stores a mixture of substances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Additional Information (for tanks permanently / temporarily taken out of service) a. Estimated date last used (mo/yr) b. Estimated quantity of substance remaining (gal.) c. Mark box <input checked="" type="checkbox"/> if tank was filled with inert material (e.g., sand, concrete) If filled w/inert material, date filled?	/	/	/		

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