

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PHILLIPS 66 COMPANY,	)	
Petitioner,	)	
	)	
v.	)	PCB 18-
	)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	

**NOTICE**

Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Edward Kuhn  
Contract Program Manager, Phillips 66  
Company  
c/o GHD  
222 South Church Street, Suite 400  
Charlotte, N.C. 28202

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Deputy General Counsel  
Dated: April 30, 2018  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PHILLIPS 66 COMPANY,	)	
Petitioner,	)	
	)	
v.	)	PCB No. 18-
	)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL	)	Extension)
PROTECTION AGENCY,	)	
Respondent.	)	

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Deputy General Counsel, 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 August 26, 2018, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

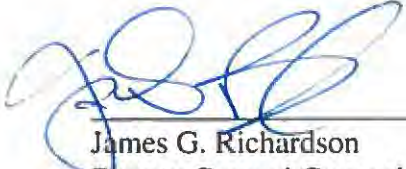
1. On or about March 27, 2018, the Illinois EPA issued a final decision to the Petitioner.
2. On April 26, 2018, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Petitioner indicates that it received the final decision electronically on April 23, 2018.

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



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James G. Richardson  
Deputy General Counsel

Dated: April 30, 2018

1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217-524-3300

MAR 27 2018

CERTIFIED MAIL

7017 2680 0001 0213 0240

Phillips 66 Company  
Edward Kuhn  
1338 Hundred Oaks Drive, Suite A  
Charlotte, NC 28217

Re: LPC #0971905194 – Lake County  
Waukegan / Phillips Petroleum Company  
2500 West Washington  
Leaking UST Incidents #970898, 980908, and 980299  
Leaking UST Technical File

Dear Mr. Kuhn:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report was dated December 5, 2017 and was received by the Illinois EPA on December 8, 2017. Citations in this letter are from the Environmental Protection Act [(415 ILCS 5) (Act)] and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the report is rejected for the reasons listed below:

1. The owner/operator did not collect soil samples from locations representative of soil that is the most contaminated as a result of the release. Therefore, the Illinois EPA will require the owner/operator to conduct soil sampling near the source area in accordance with 35 Ill. Adm. Code 734.210(h)(1).
2. To define the extent of the contamination associated with the used oil tank designated by the Office of the State Fire Marshal, the owner/operator must collect soil samples in accordance with 35 Ill. Adm. Code 734.310.
3. The owner/operator has not provided supporting documentation in accordance with 35 Ill. Adm. Code 734.350(c) demonstrating that the owner was unable to obtain access to the offsite property affected by the release.
4. The owner/operator must investigate the indoor inhalation exposure route in accordance with 35 Ill. Adm. Code Part 742.

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Pursuant to Section 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires that a Corrective Action Plan be submitted by April 1, 2018 to:

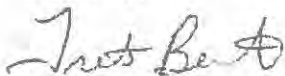
Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block 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 assistance, please contact Scott Rothering at [Scott.Rothering@illinois.gov](mailto:Scott.Rothering@illinois.gov) or 217-785-1858.

Sincerely,



Trent L. Benanti, P.E.  
Acting Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

Attachment: Appeal Rights

c: Edward J. Stowell, ATC Group Services, LLC (electronic copy),  
[edward.stowell@atcassociates.com](mailto:edward.stowell@atcassociates.com)  
BOL 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) 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:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson 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

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on April 30, 2018 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the methods and to the persons identified below:


Electronic Service

Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

USPS First Class Mail

Edward Kuhn  
Contract Program Manager, Phillips 66 Company  
c/o GHD  
222 South Church Street, Suite 400  
Charlotte, N.C. 28202

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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