

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
JUL 20 2011
STATE OF ILLINOIS
Pollution Control Board

THE PREMCOR REFINING GROUP INC.,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 12- 18
(LUST Appeal – Ninety Day
Extension)

ORIGINAL

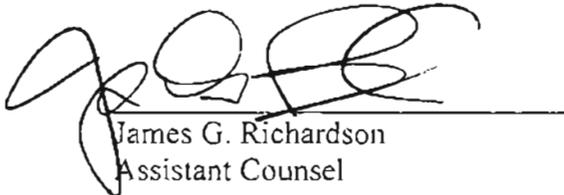
NOTICE

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

Craig S. Gocker
Environmental Management &
Technologies, Inc.
3010 Gill Street
Bloomington, Illinois 61704

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
Assistant Counsel

Dated: July 18, 2011
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

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THE PREMCOR REFINING GROUP INC.,)
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PROTECTION AGENCY,)
Respondent.)

PCB No. 12-18
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ORIGINAL

**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, Assistant 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 October 25, 2011, 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:

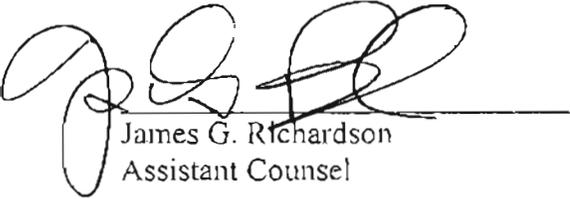
1. On June 20, 2011, the Illinois EPA issued a final decision to the Petitioner.
2. On July 14, 2011, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on or about June 22, 2011.

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



James G. Richardson
Assistant Counsel

Dated: July 18, 2011

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) 782-2029
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

JUN 20 2011

7009 2820 0001 7485 4546

The Premcor Refining Group Inc.
Attention: Timothy Mauntel
201 East Hawthorne Street
Hartford, Illinois 62048

RECEIVED
JUN 23 2011
PREM COR

Re: LPC #1150155172 -- Macon County
Decatur / Clark Oil #2075
3740 East Williams
Leaking UST Incident No. 20100106
Leaking UST Technical File

Dear Mr. Mauntel:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Investigation Completion Report (report) submitted for the above-referenced incident. This report, dated March 31, 2011, was received by the Illinois EPA on April 5, 2011. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The report is rejected for the reasons listed in Attachment A. (Sections 57.7(a)(5) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a))

The actual site investigation costs were not submitted to the Illinois EPA. Please be advised that budget forms reporting the actual costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund for any related costs (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, a revised report must be submitted within 120 days of the date of this letter to:

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

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Morton • 2309 W. Main St., Suite 116, Morton, IL 62959 • (618) 993-7200

Page 2

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

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

If you have any questions or need further assistance, please contact Melinda Friedel, P.E. at 217/785-5736.

Sincerely,



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

Attachment: Attachment A
Appeal Rights

c: Craig Gocker / Environmental Management & Technologies, Inc.
BOL File

Attachment A

Re: LPC #1150155172 -- Macon County
Decatur / Clark Oil #2075
3740 East Williams
Leaking UST Incident No. 20100106
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Please note that all information requested on the Site Investigation Completion Report form must be submitted. If the information has been previously provided for this site, it would be acceptable to reference that report and state where the information can be found.

1. Within 30 days after completing the site investigation, the owner or operator shall submit to the Illinois EPA for approval a site investigation completion report. At a minimum, a site investigation completion report must contain the following:
 - a. A history of the site with respect to the release;
 - b. A description of the site, including but not limited to the following:
 - i. General site information, including but not limited to the site's and surrounding area's regional location; geography, hydrology, geology, hydrogeology, and topography; existing and potential migration pathways and exposure routes; and current and projected post-remediation uses;
 - ii. One or more maps meeting the requirements of Section 734.440 that show the locations of all borings and groundwater monitoring wells completed as part of site investigation, and the groundwater flow direction;
 - iii. One or more maps showing the horizontal extent of soil and groundwater contamination exceeding the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
 - iv. One or more map cross-sections showing the horizontal and vertical extent of soil and groundwater contamination exceeding the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
 - v. Soil boring logs and monitoring well construction diagrams meeting the requirements of 35 Ill. Adm. Code 734.425 and 734.430 for all borings drilled and all groundwater monitoring wells installed as part of site investigation;

- vi. Analytical results, chain of custody forms, and laboratory certifications for all samples analyzed for the applicable indicator contaminants as part of site investigation;
 - vii. A table comparing the analytical results of samples collected as part of site investigation to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and
 - viii. The water supply well survey documentation required pursuant to 35 Ill. Adm. Code 734.445(d) for water supply well survey activities conducted as part of site investigation; and
- c. A conclusion that includes, but is not limited to, an assessment of the sufficiency of the data in the report.

(Sections 57.1(a) and 57.7(a)(5) of the Act and 35 Ill. Adm. Code 734.330)

The owner/operator has not demonstrated that groundwater has been delineated to Tier 1 objectives for all applicable indicator contaminants. Analytical results have not been provided for PNAs.

Details on current and projected post-remediation land use for the subject site were not submitted.

Based on the information provided on soil boring logs, it appears that soil samples identified as 1237-8A (8') and 1237-8B (8') were collected below the groundwater table. A soil boring log was not included for 1237-17. Soil samples must not be collected from below the groundwater table.

A monitoring well should be installed in the source area. Soil sampling for PNAs will not be necessary since previous sampling delineated PNAs to Tier 1 objectives.

An additional groundwater sample should be collected from MW-2 for BTEX analysis since the most recent sample was collected over a year ago.

- 2. Details must be provided on how it was determined that a release did not occur from the kerosene UST before it can be shown that the extent of soil contamination has been fully delineated to Tier 1 objectives.
- 3. Static groundwater elevations in each well must be determined and recorded following well construction and prior to each sample collection to determine the gradient of the groundwater table, and must be reported in the corresponding site investigation plan, site investigation completion report, or corrective action completion report. (Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.430(c))

Information on depth to groundwater and direction of groundwater flow must be provided for the subject site.

4. At a minimum, the owner or operator must conduct a water supply well survey to identify all potable water supply wells located at the site or within 200 feet of the site, all community water supply wells located at the site or within 2,500 feet of the site, and all regulated recharge areas and wellhead protection areas in which the site is located. (Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.445(a))
5. Documentation of the water supply well survey conducted pursuant to 35 Ill. Adm. Code 734.445 must include, but not be limited to, the following:
 - a. One or more maps, to an appropriate scale, showing the following:
 - i. The location of the community water supply wells and other potable water supply wells identified pursuant to 35 Ill. Adm. Code 734.445, and the setback zone for each well;
 - ii. The location and extent of regulated recharge areas and wellhead protection areas identified pursuant to 35 Ill. Adm. Code 734.445;
 - iii. The current extent of groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and
 - iv. The modeled extent of groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. The information required under this subsection is not required to be shown in a site investigation report if modeling is not performed as part of site investigation;
 - b. One or more tables listing the setback zones for each community water supply well and other potable water supply wells identified pursuant to 35 Ill. Adm. Code 734.445;
 - c. A narrative that, at a minimum, identifies each entity contacted to identify potable water supply wells pursuant to 35 Ill. Adm. Code 734.445, the name and title of each person contacted at each entity, and field observations associated with the identification of potable water supply wells; and
 - d. A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the water supply well survey was conducted in accordance with the

requirements of 35 Ill. Adm. Code 734.445 and that the documentation submitted pursuant to this subsection includes the information obtained as a result of the survey.

(Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.445(d))

Results of a water supply well survey were not provided.

6. Notwithstanding any requirement under 35 Ill. Adm. Code 734 for the submission of a site investigation plan or budget, an owner or operator may proceed to conduct site investigation activities in accordance with 35 Ill. Adm. Code 734.Subpart C prior to the submittal or approval of an otherwise required site investigation plan or budget. However, any such plan or budget must be submitted to the Illinois EPA for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of 35 Ill. Adm. Code 734 prior to receiving payment for any related costs or the issuance of a No Further Remediation Letter. (Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.310(e))

Please note that actual costs for site investigation have not been submitted.

7. For future reference, one representative sample of backfill must be collected for each 100 cubic yards of material returned to the excavation. (35 Ill. Adm. Code 734.210(h)(1)(D))

A representative backfill sample should not be collected from a depth similar to the bottom of the excavation and should never be collected from below the groundwater table.

8. Soil boring 1237-8B exceeds minimum requirements since a Stage 3 site investigation was not required for this incident. Work in excess of the minimum requirements is considered ineligible for reimbursement.

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:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

RECEIVED
CLERK'S OFFICE
JUL 20 2011
STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

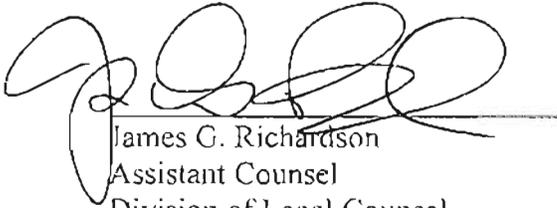
I, the undersigned attorney at law, hereby certify that on July 18, 2011 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

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

Craig S. Gocker
Environmental Management &
Technologies, Inc.
3010 Gill Street
Bloomington, Illinois 61704

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ORIGINAL



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Assistant Counsel
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