

City of Taylorville

A GREAT PLACE TO LIVE



OFFICE OF THE MAYOR

Greg Brotherton

October 18, 2011

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Chicago, Illinois 60601

RE: City of Taylorville / Taylorville Municipal Airport
LPC # 021 060 5089
Incident # H2010-1302
Taylorville, Christian County

RECEIVED
CLERK'S OFFICE
OCT 21 2011
STATE OF ILLINOIS
Pollution Control Board

PCB 2012-057

To Whom It Concerns:

This letter constitutes the City's of Taylorville filing of an appeal to the early action pay voucher, for the Taylorville Municipal Airport, Incident # H2010-1302, LPC # 021 060 5089. Nothing in this document, shall necessarily be construed to limit our appeal only to the issues and reasoning covered in this document.

The site consisted of two underground fuel tanks, a 5,000 gallon tank containing aviator gasoline, and a 10,000 gallon tank containing Jet Fuel A. The initial exploratory samples, taken on November 17, 2010, and analyzed for the indicator contaminants for aviator gasoline and Jet Fuel A, as specified by 35 IAC 734.405 (hereafter called for indicator contaminants). The samples were analyzed on November 30, 2010, and showed significant contamination for benzene (indicative of aviator gasoline contamination) and dibenzo (a,h) anthracene (indicative of Jet Fuel A contamination). See Amended 45 Day Report Section B, Section D.1, Section D.3, Section D.7.a, Section E.3, Appendix E3 – Tables 1 and 2, and Appendix E7.a for further information.

Upon sample analysis, the site was reported to the Illinois Emergency Management Agency (IEMA), and the site was assigned an incident number. The Office of the State Fire Marshall (OSFM) determined that the site was eligible for LUST fund reimbursement, and the OSFM assigned a deductible of \$5,000 for the site (See Amended 45 Day Report Appendix E9, OSFM Eligibility and Deductible paperwork). As winter weather became problematic, and because the remediation project was awaiting Federal Aviation Administration approval, the Illinois Environmental Protection Agency (IEPA) granted an extension to early action (See Amended 45 Day Report Appendix H, Extended Early Action Approval).

Tank removal and other early action remedial activity commenced the week of March 14, 2011. Various issues presented themselves during the tank removal and remedial activities. Upon tank removal, which was accomplished on March 16, 2011, the site presented extraordinary challenges which necessitated an overage of cubic yardage during extended early action for the site. Immediately upon removal, a large amount of sand sloughed off into the hole, mixing with the contaminated soil. The slough off extended well beyond four (4) feet limit of the south and east end of the tank excavation, and also extended beyond the four (4) feet limit of the west end of the tank excavation. The hole also filled with water; 6,300 gallons of water pumped out of the hole on March 17, 2011. As the hole refilled with water overnight, the water was proven to be groundwater. Including the water from March 17, 2011, a total of 14,800 gallons of groundwater was pumped from the site. A sheen was observed on the groundwater.

The groundwater issue worsened the event of sand off into the hole. As the sand mixed with contaminated material, and the excavation became grossly misshapen by the slough-off, it became impossible to distinguish the physical limits of the excavation, and all of the material in the hole became mixed together and contaminated. The material was hauled away to the landfill as contaminated material. This was the most effective way to protect the environment, to prevent this large source of contaminated material to remain in contact with groundwater. See Amended 45 Day Report Sections C.3, C.4, C.7, E.10, E.12 and Appendix E12.

Another issue which contributed to the extraordinary material removed is the fact that this site has both tank and piping leaks. The piping run 140 feet approximate, is longer than typical, and contributed additional material which needed to be removed.

The fill is high for extended early action because the material which was hauled away needed to be replaced.

The regulations state that for a 5,000 gallon tank and a 10,000 gallon tank combined, no more than 441 total cubic yards may be removed during early action, and no more than 531 total cubic yards may be filled (35 IAC 734 Appendix C). The City of Taylorville requests that, due to the extraordinary issues of the site, that a total of 734.98 cubic yards removed, with the 1.05 bulking factor and 821.16 yards be allowed for fill under extended early action.

In addition, because above ground structures, such as fencing, had to be demolished to do the work, the City of Taylorville requests that \$9,947.46 for demolished above ground structure be reimbursed under early action.

Sincerely,
The City of Taylorville



Greg Brotherton, Mayor

10-1114

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, ILLINOIS 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, INTERIM DIRECTOR

RECEIVED
SEP 15 2011

217/782-6762

SEP 14 2011

CERTIFIED MAIL # BY:.....

7009 3410 0002 3747 7792

City of Taylorville
Attn: KAM Solutions, P.C.
2417 Marshall Avenue
Mattoon, IL. 61938

Re: LPC #0210605089 – Christian County
Taylorville / Taylorville Municipal Airport
1501 South Spessor Street, Route 48
Incident-Claim No.: 20101302 -- 60278
Queue Date: June 20,2011
Leaking UST Fiscal File

Dear Mr. Brotherton:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated April 6, 2011 and was received by the Illinois EPA on June 20, 2011. The application for payment covers the period from November 30, 2010 to April 15, 2011. The amount requested is \$127,383.77.

On June 20, 2011, the Illinois EPA received your complete application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$86,840.89 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the

ROCKFORD - 4302 N. MAIN ST., ROCKFORD, IL 61103 - (815) 987-7760
ELGIN - 595 SOUTH STATE, ELGIN, IL 60123 - (647) 608-3131
CHAMPAIGN - 2125 S. FIRST ST., CHAMPAIGN, IL 61820 - (217) 278-5800

DES PLAINES - 9511 HARRISON ST., DES PLAINES, IL 60016 - (847) 294-4000
PEORIA - 5407 N. UNIVERSITY, ARBOR HALL #113, PEORIA, IL 61614 - (309) 693-5463
MARION - 2309 W. MAIN ST., SUITE 116, MARION, IL 62959 - (618) 993-7200

COLLINSVILLE - 2009 MALL STREET, COLLINSVILLE, IL 62234 - (618) 346-5120

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Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

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 require further assistance, please contact Catherine S. Elston of my staff at 217-785-9351.

Sincerely,



Hernando A. Albarracin, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:CSL



ATTACHMENT

c: Leaking UST Claims Unit
Cathy Elston

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 Pollution Agency
Div. 10
1021 North Central Avenue East
Post
Springfield, IL 62794-9276
217/782-5544

Attachment A
Accounting Deductions

Re: LPC #0210605089 -- Christian County
Taylorville / Taylorville Municipal Airport
1501 South Spessor Street, Route 48
Incident-Claim No.: 20101302 -- 60278
Queue Date: June 20, 2011
Leaking UST FISCAL FILE

Citations in this attachment 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).

Item # Description of Deductions

1. \$19,011.69, deduction for costs for the removal, treatment, transportation, and disposal of more than four feet of fill material from the outside dimensions of the UST, as set forth in 35 Ill. Adm. Code 734.Appendix C, during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f), and/or costs for the replacement of contaminated fill materials with clean fill materials in excess of the amounts set forth in 35 Ill. Adm. Code 734.Appendix C during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f). Such costs are ineligible for payment from the Fund pursuant to Section 57.6(b) of the Act and 35 Ill. Adm. Code 734.630(a).

The maximum amount of contaminated soil allowed by the regulations for one 5,000 gallon tank and one 10,000 gallon tank is 441 cubic yards but 734.98 cubic yards were excavated, transported and received at the landfill for disposal for a difference of 293.98 cubic yards.

2. \$6,583.73, deduction for costs for the removal, treatment, transportation, and disposal of more than four feet of fill material from the outside dimensions of the UST, as set forth in 35 Ill. Adm. Code 734.Appendix C, during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f), and/or costs for the replacement of contaminated fill materials with clean fill materials in excess of the amounts set forth in 35 Ill. Adm. Code 734 Appendix C during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f). Such costs are ineligible for payment from the Fund pursuant to Section 57.6(b) of the Act and 35 Ill. Adm. Code 734.630(a).

The maximum amount of backfill allowed by the regulations for one 5,000 gallon tank and one 10,000 gallon tank is 531 cubic yards but 821.16 cubic yards were purchased for a difference of 290.16 cubic yards

3. \$9,947.46, deduction for costs for above grade structures, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not

eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

The dismantling and recycling of the chain link fence, fuel island and parking bumpers exceeds the minimum requirements necessary to comply with the Act.

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