

TRANSCRIBED



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GURAYA, INC. (ORION STANDARD)
 SERVICE),)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
 Respondent.)

PCB 18- **13**
 (LUST Appeal – Ninety Day
 Extension)

RECEIVED
 CLERK'S OFFICE
 OCT 04 2017
 STATE OF ILLINOIS
 Pollution Control Board

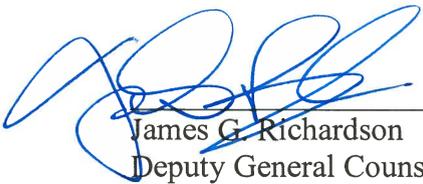
NOTICE

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

Robert Brennan
 Golars Environmental and Remediation
 Services
 15755 North Point Boulevard
 Noblesville, Indiana 46060

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: September 29, 2017
 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

RECEIVED
CLERK'S OFFICE
OCT 04 2017

STATE OF ILLINOIS
Pollution Control Board

GURAYA, INC. (ORION STANDARD SERVICE),
Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

PCB No. 18-13
(LUST Appeal – Ninety Day Extension)

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 January 4, 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:

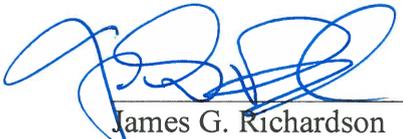
1. On August 29, 2017, the Illinois EPA issued a final decision to the Petitioner.
2. On September 26, 2017, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about September 1, 2017.

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
Deputy General Counsel

Dated: September 29, 2017

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

AUG 29 2017

CERTIFIED MAIL

7014 2120 0002 3286 1898

Orion Standard Service/ Bulk #1195
Attn: Harry Singh
1009 Division Street
Orion, Illinois 61273

Re: LPC #0730705013 -- Henry County
Orion/ Orion Standard Service/ Bulk#1195
1009 Division Street
Leaking UST Incident No. 952216 & 20141266
Leaking UST Technical File

Dear Mr. Singh:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Plan(s) and Budget(s) submitted for the above-referenced incident. The plan, dated March 9, 2017, was received by the Illinois EPA on March 14, 2017. Additionally, an email dated June 23, 2017 modifying the plan and budget was received on the June 23, 2017 by Illinois EPA. 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).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act (Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)):

The Illinois Environmental Protection Agency (Illinois EPA) received on the same day the email correspondence dated June 23, 2017 that modified the proposed corrective action plan.

In addition, the Illinois EPA is modifying the proposed by the following:

1. The "Free Product Removal System Design Modifications, Repairs, and Startup" portion of the Plan are denied.
2. The "Free Product Removal O & M (operation and maintenance)" portion of the Plan are denied.
3. The Agency is approving three bio injections as proposed by CABENO Environmental Field Services, LLC instead of the one bio injection as proposed by Golars, LLC.
4. The Agency is approving two surfactant injection as proposed by Golars, LLC.
5. The Illinois EPA is also requiring monthly free product checks with monthly electronic reporting. The monthly electronic reporting must be sent to South, Shirlene Shirlene.South@Illinois.gov. Failure to submit the monthly reports by the end of each calendar month shall be considered a violation of the approved plan.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Egin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

The IEPA has modified the plan because the owner /operator has failed to demonstrate pursuant to 35 IAC Part 734.340(a)(1) that the proposed alternative technology as proposed has a substantial likelihood of successful achieving compliance with all applicable regulations and remediation objectives necessary to comply with the Act and regulations and to protect human health and safety and the environment;

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits. The proposed injection points are considered Class V wells and are regulated by the Illinois EPA's Underground Injection Control (UIC) Program. Pursuant to 35 Ill. Adm. Code 704.148, you must submit a Class V Injection Well Inventory Form to the UIC Program and attach a copy of this letter. The form, as well as its instructions and well codes, may be downloaded from <http://www.epa.state.il.us/land/regulatory-programs/underground-injection-control.html>. For additional information regarding the UIC Program, please contact Bur Filson at 217/782-6070.

In addition, the budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.7(c), 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

If the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c) of the Act).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, if payment from the Fund will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted. Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

Further, pursuant to 35 Ill. Adm. Code 734.145, it is required that the Illinois EPA be notified of field activities prior to the date the field activities take place. This notice must include a description of the field activities to be conducted; the name of the person conducting the activities; and the date, time, and place the activities will be conducted. This notification of field activities may be done by telephone, facsimile, or electronic mail—and must be provided at least two weeks prior to the scheduled field activities.

Pursuant to Sections 57.7(b)(5) and 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 Completion Report that achieves compliance with applicable remediation objectives be submitted within 30 days after completion of the plan to:

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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 within four years after the approval of this plan, compliance with the applicable remediation objectives has not been achieved and a Corrective Action Completion Report has not been submitted, the Illinois EPA requires the submission of a status report pursuant to Section 57.7(b)(6) of the Act.

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 Shirlene South at 217/558-0347.

Sincerely,



Stephen A. Colantino
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

SAC:sls:SS\

Attachment: Attachment A

c: Golars (electronic copy), RBrennan@golars.com, jimcooper6433@live.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 Therriault, Assistant 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

Attachment A

Re: LPC #0730705013 -- Henry County
Orion/ Orion Standard Service/ Bulk#1195
1009 Division Street
Leaking UST Incident No. 20141266
Leaking UST Technical File

SECTION 1

As a result of Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$0.00	Drilling and Monitoring Well Costs
\$2,698.20	Analytical Costs
\$72,353.84	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$104,698.68	Consulting Personnel Costs
\$10,454.83	Consultant's Materials Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

SECTION 2

1. The Illinois EPA has adjusted the amount approved for Remediation and Disposal Costs by \$28,925.00 to account for the modifications to the plan.
2. \$2,225.60 deduction for a reduction in the personnel title listed in Section 734. APPENDIX E Personnel Titles and Rates. Pursuant to Section 734.850(b) personnel costs must not exceed the amounts set forth in Appendix E and the personnel costs must be based on the work performed, regardless the title of the person performing the work. The senior project manager rate has been reduced to a senior account technician rate of \$69.51 per hour.

The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable and 35 Ill. Adm. Code 734.630(dd).

3. \$17,980.37 for costs for proposed Free Product Budget #2(11-16-15 thru 6-30-16) which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Technical and supporting documentation has not been provided to justify the additional costs above the budget amount approved by the agency for the task.

4. \$17,643.11 for costs for proposed free Product Budget #2 (7-1-16 thru 12-31-16) which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Technical and supporting documentation has not been provided to justify the additional costs above the budget amount approved by the agency for the task.

5. \$6,157.32 for costs for free product removal system design modifications, repairs, and startup that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Activities not consistent with the approved and modified plan.

6. \$5,897.80 for costs for free product removal system design modifications, repairs, and startup that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Activities not consistent with the approved and modified plan

7. \$30,086.64 for costs for free product system O & M that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Activities not consistent with the approved and modified plan

8. \$10,518.32 for costs for free product system O & M that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 III. Adm. Code 734.510(b).

Activities not consistent with the approved and modified plan

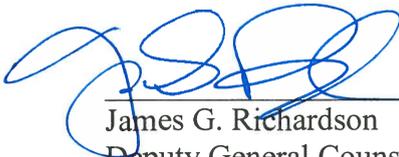
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on the afternoon of September 29, 2017 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:

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

Robert Brennan
Golars Environmental and Remediation Services
15755 North Point Boulevard
Noblesville, Indiana 46060

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Deputy General Counsel
Division of Legal Counsel
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