

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

GURAYA, INC.,	)	
Petitioner,	)	
	)	
v.	)	PCB 19-
	)	(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

Robert H. Brennan  
Golars Environmental & 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: November 7, 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**

GURAYA, INC.,	)	
Petitioner,	)	
	)	
v.	)	PCB No. 19-
	)	(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 February 7, 2019, 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 October 2, 2018, the Illinois EPA issued a final decision to the Petitioner.
2. On November 5, 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. Upon information and belief, Petitioner received the final decision on or about October 5, 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: November 7, 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

**CERTIFIED MAIL**

**7017 2680 0001 0205 6014**

OCT 02 2018

Harry Singh  
Guraya, Inc.  
1009 Division Street  
Orion, Illinois 61273

Re: LPC #0730705013 – Henry County  
Orion / Orion Mart  
1009 Division Street  
Leaking UST Incident #20141266  
Leaking UST Technical File

Dear Mr. Singh:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Removal Plan Budget (budget) submitted for the above-referenced incident. This budget dated May 9, 2018 was received by the Illinois EPA on May 17, 2018. 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 budget is modified pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based upon the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note the costs must be incurred in accordance with the approved plan. Be aware the amount of payment from the UST Fund may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630(s) and 734.655.

If it is determined that a revised budget is necessary to complete free product removal, an amended budget must be submitted to the Illinois EPA for review pursuant to 35 Ill. Adm. Code 734.215(g). Pursuant to 35 Ill. Adm. Code 734.215(f), any such budget must be submitted to the Illinois EPA prior to payment or issuance of a No Further Remediation (NFR) Letter.

All future correspondence must be submitted to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
1021 North Grand Avenue East  
PO BOX 19276  
Springfield, IL 62794-9276

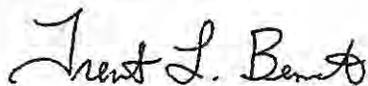
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Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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 questions or need assistance, please contact Shirlene South at 217/558-0347.

Sincerely,



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

Attachments: Attachment A  
Appeal Rights

c: Robert Brennan. Golars LLC (electronic copy)  
BOL File

Attachment A

Re: LPC #0730705013 – Henry County  
Orion / Orion Mart  
1009 Division Street  
Leaking UST Incident #20141266  
Leaking UST Technical File

**SECTION 1**

Based on the modifications in Section 2, the following amounts are approved:

\$0.00	Drilling and Monitoring Well Costs
\$0.00	Analytical Costs
\$4,000.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$2,247.57	Consulting Personnel Costs
\$0.00	Consultant's Materials Costs

Handling charges will be determined when the Illinois EPA reviews the application for payment. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

**SECTION 2**

1. \$3,795.31 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with field work coordination and project planning.*

2. \$3,528.03 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with free product system, soil boring, injection well, monitoring well, and recovery well installation, subcontractor coordination, free product system enhancement, operation, and management, and travel.*

3. \$3,848.76 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with free product recovery (September 3 and 25, 2015), field data, forms, and expenses management, health and safety plan preparation, and well gauging tables, free product recovery tables, and boring logs preparation.*

4. \$2,138.20 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with injection oversight and travel.*

5. \$2,031.29 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with free product system enhancement coordination, meetings, and travel (June 15-16, 2015).*

6. \$1,761.61 for Engineer III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Engineer III costs are associated with free product system enhancement communications with the subcontractor and staff and subcontractor work review.*

7. \$10,370.27 for Geologist III costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Geologist III costs are associated with remediation system installation and contractor oversight (site time and travel from Hillside, IL) (9 days).*

8. \$1,943.84 for Senior Project Manager costs, 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). In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Project Manager costs are associated with additional free product removal budget preparation and review (December 1, 2014 – September 30, 2015). The Illinois EPA does not consider it reasonable to re-evaluate everything.*

9. \$437.36 for Senior Administrative Assistant costs, 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).

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Administrative Assistant costs are associated with additional free product removal budget preparation, assembly, copying, mailing, and pdf building. The Illinois EPA does not consider it reasonable to re-evaluate everything.*

10. \$236.91 for Senior Professional Engineer costs, 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).

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Project Manager costs are associated with review and certification of a free product removal budget.*

11. \$971.92 for Senior Project Manager costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Project Manager costs are associated with additional review and evaluation of a free product removal application for payment (December 1, 2014 – September 30, 2015), signing, and notarizing.*

12. \$546.70 for Senior Administrative Assistant costs, which lack supporting documentation. Such costs are ineligible for payment from the Underground Storage Tank Fund (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.

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Administrative Assistant costs are associated with preparation of a free product removal application for payment, signing, and notarizing.*

13. \$157.94 for Senior Professional Engineer costs, 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).

In addition, for site investigation or corrective action costs, which are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

*The Senior Professional Engineer costs are associated with review and certification of a free product removal application for payment.*

### 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 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:

Clerk of the Board  
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 November 7, 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

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Deputy General Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
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