



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9

217/785-0830
TDD 217/782-9143

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 12, 1997

Mr. Jim Mezo,
Individually and d/b/a James Mezo Oil Co.
P.O. Box 220
Benton, IL 62812
P 344 290 800

Re: VIOLATION NOTICE E-1997-01058
Incident #971159
Attributable to James Mezo Oil Co.
Date Incident Discovered: June 30, 1997
Wamac/Marion County/Illinois

Dear Mr. Mezo:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon review of available information and investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations or permits as set forth in Attachment 1 to this letter. Attachment 1 includes an explanation of the activities that Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period for completion of the necessary activities. However, due to the nature and seriousness of the violations cited in Attachment 1, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response to this Violation Notice, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in Attachment 1 and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that activity. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject it within 30 days of receipt.

If a timely written response to this Violation Notice is not provided, it shall be considered a

**PEOPLE'S
EXHIBIT**

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waiver of the opportunity to respond and to meet, and the Illinois EPA may proceed with a referral to a prosecutorial authority.

The Illinois EPA encourages the use of pollution prevention methods to help achieve compliance with environmental requirements. By switching to nonhazardous raw materials, improving housekeeping practices or changing production processes to generate less pollution or waste, you may be able to save money, increase efficiency and possibly reduce regulatory requirements.

Written communications should be directed to the **Office of Chemical Safety/Emergency Response Unit**, at 1021 North Grand Avenue East, Springfield, Illinois 62702. All communications must include reference to this Violation Notice E-1997-01058.

Procedural questions regarding this matter should be directed to **Chris Pressnall**, Office of Chemical Safety, Compliance Specialist at (217) 557-1913.

Sincerely,



James Patrick O'Brien
Manager, Office of Chemical Safety

attachment

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ATTACHMENT 1

Release Incident: 971159

Attributable to James Mezo Oil Co.

Date Incident Discovered: June 30, 1997

Wamac/Marion County/Illinois

ATTACHMENT 1

I. Description of Violations

On or before June 30, 1997, James Mezo Oil Co. ("Mezo") caused or allowed approximately 50 barrels of crude oil to be released from deteriorated above ground storage tanks located at its facility on Rolston Street in Wamac, Marion County, Illinois. The crude oil from incident 971159 breached the inadequate containment berm surrounding the tank battery, traveled offsite, and entered Fulton Creek and Sewer Creek, which eventually empty into the Kaskaskia River. Soil and groundwater on and off the property were also impacted. The Illinois Environmental Protection Agency ("Illinois EPA") has never received information from Mezo indicating that a thorough investigation as to the cause or causes of the release was conducted. On July 28, 1997, over a month after incident 971159 was reported an inspector from Illinois EPA visited the site and still observed oil leaking from a tank valve. A Mezo employee tried to tighten the valve, but the leak did not stop and in fact the type valve was not intended for use on that particular tank.

According to information and belief of the Illinois EPA, residual contamination of soil and groundwater remains in area impacted by the release, and constitutes a continuing source of releases or threats of release of contaminants to waters of the state (including groundwater). Releases or the threat of releases of contaminants to surface water and/or groundwater constitute violations of Section 12(a) and (d) of the Act, which prohibits causing or allowing the release of contaminants to waters of the State. Releases which impacted soil and land surface may constitute open dumping under Section 21(a) of the Act.

II. Text of Sections 12(a) and (d) and 21(a) of the Illinois Environmental Protection Act.

Section 12

No person shall:

a. Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources or so as to violate regulations or standards adopted by the Pollution Control Board under this act.

d. Deposit any contaminants upon the land in such place and manner so as to create a water

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pollution hazard.

Section 21(a)

No person shall:

- a. Cause or allow the open dumping of any waste.

III. Narrative Description of Activities Recommended by Illinois EPA for Resolution of Violations

The Illinois EPA's Office of Chemical Safety recommends that Mezo include all activities described below as part of a proposed Compliance Commitment Agreement relative to the release cited herein. The Office of Chemical Safety believes that activities 1 and 2 described below (conduct of an investigation into cause of the release; conduct of a focused site investigation) can reasonably be completed by Mezo with appropriate reports submitted to the Illinois EPA within 45 days of your receipt of this Violation Notice. The Illinois EPA requests that Mezo provide an estimated schedule for completion of each activity recommended below. The Illinois EPA recognizes that the schedule for activities 3 through 5 will be dependent on the results of activities 1 and 2, and that adjustments to the time schedule proposed for activities 3 through 5 may be appropriate at a later date.

1. Conduct a thorough investigation by knowledgeable personnel into the cause or causes of the release and how such releases can be prevented or precluded in the future. This investigation may be conducted in accordance with the enclosed "Compliance Documentation Guide I - Criteria for Investigation of Causal Factors and Development of Preventive Responses ("Guide I")," which is provided for your convenience. Illinois EPA recommends that a comprehensive report of that investigation and recommended corrective actions be submitted to the Office of Chemical Safety of the Illinois EPA within 45 days of your receipt of this Violation Notice.
2. Conduct a focused site investigation at the emergency incident site with respect to the material released and any other material or conditions that affect the mobility and enhance the toxicity of the material released. The site investigation may address the criteria cited in the enclosed "Compliance Documentation Guide B-Criteria for focused Site Investigation and Remedial Action Plan at Emergency Incident Sites ("Guide B")", which is provided for your convenience. Illinois EPA recommends that an investigation report be prepared for the site in accordance with Guide B and be submitted to the Office of Chemical Safety within 45 days of your receipt of this Violation Notice.
3. Determine remediation objectives in accordance with Guide B and the documents and regulations cited therein. A remediation objectives report should be prepared in accordance with Guide B and submitted to the Office of Chemical Safety for review.

Mezo should indicate a proposed date for submission of this report.

3. Prepare a remedial action plan in accordance with Guide B to address contamination at locations where the contamination concentration exceeds the remediation objectives which have been approved by the Office of Chemical Safety for the incident location. The remedial action plan should be submitted to the Office of Chemical Safety for review in advance of implementation. Mezo should indicate a proposed date for submission of this remedial action plan. The remedial action plan should also contain an implementation schedule. The Office of Chemical Safety may agree in writing to amendments to portion of the schedule as requested by, if conditions during implementation justify this. [Note: If the remedial action is expected to exceed three months, the plan should include a schedule for detailed quarterly reports of progress. The content of such reports should be proposed in the remedial action plan.]

5. Prepare a remedial action completion report at the completion of the accepted remedial action plan. The remedial action completion report should be submitted to the Office of Chemical Safety by the date proposed in the accepted remedial action plan. The remedial action completion report may be prepared in accordance with "Compliance Documentation Guide C-Criteria for Remedial Action Report at Emergency Incident Sites ("Guide C")", which is provided for your convenience.

P 344 290 800 CPD 28

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <i>J. Mezo</i>	
Street & Number <i>PO Box 220</i>	
Post Office, State, & ZIP Code <i>Benton IL 62812</i>	
Postage	\$
Certified Fee	<i>1.35</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

E-1997-01058

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to recd following services extra fee):

- Addressee's A
- Restricted Delive

Consult postmaster for fee.

3. Article Addressed to:

*J. Mezo
PO Box 220
Benton IL 62812*

4a. Article Number

P 344 290 800

4b. Service Type

- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

12-16

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X J. Mezo

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Priority Mail

PS Form 3811, December 1994

E-1997-01058

102595-97-B-0179

Domestic Return Receipt