

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PIASA MOTOR FUELS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-131
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE**

John T. Therriault  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

William D. Ingersoll  
Brown, Hay & Stephens, LLP  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
wingersoll@bhslaw.com

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD *INSTANTER* with the Illinois Pollution Control Board, a copy of which is served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Dated: September 9, 2014

Respondent,

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

BY:



\_\_\_\_\_  
Scott B. Sievers  
Special Assistant Attorney General

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR LEAVE**  
**TO SUPPLEMENT ADMINISTRATIVE RECORD *INSTANTER***

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, Special Assistant Attorney General Scott B. Sievers, and for its Motion for Leave to Supplement Administrative Record *Instanter* states the following:

1. On August 22, 2014, the Respondent filed its Motion for Leave to File Administrative Record *Instanter* in this action. A week earlier, opposing counsel had indicated he had no objection to such a motion, and on information and belief the Petitioner filed no response objecting to the motion pursuant to 35 Ill. Adm. Code 101.500(d).

2. Subsequent to the filing of the aforementioned motion, opposing counsel indicated to the undersigned that he was aware of e-mails between his client and the Respondent that had not previously been disclosed to him in response to two (2) Freedom of Information Act requests. The undersigned inquired into the matter, and the e-mail attached as Exhibit A was located.

3. Consequently, the Respondent moves for leave to supplement the Administrative Record to include Exhibit A, which is Bates-stamped page 359.

WHEREFORE, the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, prays that the honorable Hearing Officer ALLOW the Respondent's Motion for Leave to Supplement Administrative Record *Instanter* to include the e-mail attached hereto as Exhibit A.

Dated: September 9, 2014

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,

BY:

  
\_\_\_\_\_  
Scott B. Sievers  
Special Assistant Attorney General

**Kaiser, Karl**

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**From:** Shane Thorpe <SThorpe@csdenviro.com>  
**Sent:** Wednesday, March 19, 2014 8:53 AM  
**To:** Kaiser, Karl  
**Subject:** Stage 1 sampling

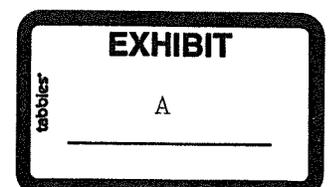
Karl,

I've taken a look at some of the data from the Steve's Service site. How do we provide cross-sections within the SICR (required under 734.330 (b)(4)) showing the horizontal and vertical extent of soil and groundwater contamination if we are only allowed to collect soil samples below the groundwater table on select occasions during corrective action? The Act requires that we define the extent of contamination during site investigation. At this particular site, we have evidence of contamination at the bottom depth of some of our deepest borings (i.e. vertical extent is still not defined in some areas). If anything, it would seem to me we need more sampling here to meet the minimum requirements of the Act, not less.

734.315 (a)(1)(A) states, in part, "The borings must be advanced through the entire vertical extent of contamination, based upon field observations and field screening for organic vapors, provided that borings must be drilled below the groundwater table only if site-specific conditions warrant." Under what conditions would site-specific conditions warrant drilling below the groundwater table other than there still being petroleum visual and/or odor/vapors? Stage 2 and 3 explicitly state that no soil samples should be collected below the groundwater table but that's not the case for Stage 1, it actually requires that a sample be collected from each five-foot interval (734.315 (a)(1)(C)).

Shane A. Thorpe  
Sr. Project Manager

CSD Environmental Services, Inc.  
2220 Yale Boulevard  
Springfield, Illinois 62703  
Phone: 217.522.4085  
Fax: 217.522.4087



*Piasa Motor Fuels, Inc. v. Illinois Environmental Protection Agency*  
Pollution Control Board No. 14-131

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD INSTANTER** upon:

John T. Therriault  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

William D. Ingersoll  
Brown, Hay & Stephens, LLP  
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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

by e-mail where indicated and by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on September 9, 2014.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Dated: September 9, 2014

Scott B. Sievers  
Attorney Registration No. 6275924  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Respondent,

BY:



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Scott B. Sievers  
Special Assistant Attorney General