

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PIASA MOTOR FUELS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	PCB No. 14-
ILLINOIS ENVIRONMENTAL	)	(UST Appeal)
PROTECTION AGENCY,	)	
Respondent.	)	

**NOTICE OF FILING**

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Appearance of William D. Ingersoll and Petition for Review on behalf of Piasa Motor Fuels, Inc. Copies of these documents are hereby served upon you.

To:	Pollution Control Board, Attn: Clerk	Division of Legal Counsel
	100 West Randolph Street	Illinois Environmental Protection Agency
	James R. Thompson Center, Suite 11-500	1021 North Grand Avenue, East
	Chicago, Illinois 60601-3218	P.O. Box 19276
		Springfield, Illinois 62794-9276

Dated: May 16, 2014

Respectfully submitted,

PIASA MOTOR FUELS, INC.

**BROWN, HAY & STEPHENS, LLP**

William D. Ingersoll  
Registration No. 6186363  
wingersoll@bhslaw.com  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-849

By:     /s/William D. Ingersoll      
Its Attorney

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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Petitioner,	)	
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v.	)	PCB No. 14-
	)	(UST Appeal)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of PIASA MOTOR FUELS, INC. in the above-captioned matter.

Respectfully submitted,

PIASA MOTOR FUELS, INC.

Dated: May 16, 2014

By: /s/William D. Ingersoll  
William D. Ingersoll

**BROWN, HAY & STEPHENS, LLP**  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PIASA MOTOR FUELS, INC.,	)	
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Petitioner,	)	
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v.	)	
	)	PCB No. 14-
ILLINOIS ENVIRONMENTAL	)	(UST Appeal)
PROTECTION AGENCY,	)	
Respondent.	)	

**PETITION FOR REVIEW**

NOW COMES Petitioner, PIASA MOTOR FUELS, INC. (“Petitioner”), by and through its attorneys, BROWN HAY & STEPHENS, LLP, and pursuant to Section 40 and Section 57.8(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/40 and 40, 57.8(i) and 35 Ill. Adm. Code Part 105<sup>1</sup>, hereby requests review of the decision by the Illinois Environmental Protection Agency (“Agency” or “IEPA”) regarding Petitioner’s Stage 2 Site Investigation Plan and the requirements of the Leaking Underground Storage Tank (“LUST”) Program. In support of its Petition, Petitioner states as follows:

1. Petitioner is the owner of a former gasoline service station that included underground storage tanks (“USTs”) located at 4101 Alby Street, Alton, Illinois. The tanks have been removed and the service station is no longer selling fuel. The site has been assigned IEPA Bureau of Land Identification Number 1190105178.

2. A notification of release was made to the Illinois Emergency Management Agency (“IEMA”) on June 2, 2006 (Incident No. 20060672). The Office of the Illinois State

<sup>11</sup> Hereinafter citations to the Board regulations will be made by section number only.

Fire Marshal (“OSFM”) issued an Eligibility and Deductibility Determination on August 9, 2006 that the release was eligible for reimbursement from the LUST Fund, with a \$10,000 deductible.

3. On March 13, 2014, Petitioner submitted a Stage 2 Site Investigation Plan to the Agency for its approval.

4. By letter dated April 8, 2014, the Agency issued its decision on the March 13, 2014 submittal. *See* Exhibit A. The Agency’s decision modified the plan as related to certain sampling that the plan reported occurred during Stage 1 activities.

5. The Agency’s April 8, 2014 decision letter was mailed via Certified Mail that was delivered to Petitioner on April 11, 2014. This Petition for Review is filed within 35 days of the Petitioner’s receipt of the Agency’s final decision and is timely in accordance with Section 40 of the Act and the Pollution Control Board procedural rule at Section 105.104.

6. The decisions within the letter that relate to this Petition are:

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The Illinois EPA has determined that the modifications listed below are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

1. **It is the Illinois EPA's understanding that the activities noted in this plan have already been completed, without prior Illinois EPA approval. Please be advised that Illinois EPA does not approve of the soil sampling that was performed below the water table. It has not been demonstrated that such samples were warranted as part of Stage I and such samples are specifically prohibited in Stage II. Therefore the Illinois EPA is modifying the plan to exclude all activities associated with such sampling. The associated budgets must reflect the same exclusions.**

The actual costs for Stage 1 were not submitted to the Illinois EPA. Please be advised that budget forms reporting the actual costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund for any related costs (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). **Please be advised that pursuant to the above modification the Stage I actual costs should not include costs associated with soil sampling below the water table.**

In addition, the current Stage II budget/ Actual Costs are rejected for the following reason(s) listed below (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill Adm. Code 734.505(b) and 734.510(b)). **Please be advised that pursuant to the' above modification the Stage II Budget/Actual Costs cannot be assessed at this time due to the fact that it includes costs associated with soil sampling below the water table that the Illinois EPA has rejected.**

7. The Petitioner does not challenge the modification made as to soil samples in Stage 2 activities. The Agency was correct in stating soil samples from below the water table “are specifically prohibited in Stage 2.” *See* Section 734.320(a)(1).

8. There is no such prohibition regarding Stage 1 investigations. Relevant language appears in the soil investigation requirements in both Section 734.315(a)(1)(A) and (B) and reads:

*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.*

9. The Agency merely contends that there has not been a demonstration that soil samples below the water table were warranted in Stage 1. The Agency points out that the work was done without Agency approval, and apparently believes that some “demonstration” was required as to site-specific justification. That seems more than the Act and regulations require for Stage 1 activities. Rather, site-specific conditions are evaluated on an ongoing basis during field work. The field observations and field screening that is required can show the on-scene experts whether these site-specific conditions exist. Second guessing these experts later is

contrary to the intent of Stage 1 requirements. Further, the sample results as reported show contamination exceeding Tier 1 remediation objectives down to the extent of the boring. That data provides real backup to the observations and decisions made in the field. Sample results are shown in pages extracted from the Petitioner's March 13, 2014 submittal as the attached Exhibit B.

10. The one necessary component of the Stage 1 Site Investigation Plan is specified in mandatory terms in Section 734.315(b):

*The Stage 1 site investigation plan must consist of a certification signed by the owner or operator, and by a Licensed Professional Engineer or Licensed Professional Geologist, that the Stage 1 site investigation will be conducted in accordance with this Section.*

11. Petitioner's Stage 1 Site Investigation Plan had previously been submitted and approved. (Exhibit C) and completely satisfied regulatory requirements. It only should require the exercise of professional judgment consistent with the certification. Absent some considerable, if not outrageous, deviation from regulatory obligations, the exercise of that professional judgment should not be revisited during the review of a subsequent plan. This is especially true when, as here, the Stage 1 sample results were not submitted for review but as background information.

WHEREFORE, for the above reasons, Petitioner respectfully requests that the Pollution Control Board grant the following:

- a. Find that the Agency's April 8, 2014 final decision, at least as to Stage 1 activities is arbitrary, capricious and not supported by statutory or regulatory authority;
- b. Reverse the Agency's determination and require approval of Petitioner's proposal.
- c. Award Petitioner reasonable attorney's fees and expenses related to bringing this action;
- d. Other relief as the Pollution Control Board deems appropriate.

Respectfully submitted,

**PIASA MOTOR FUELS, INC.**

By:           /s/William D. Ingersoll            
          Its Attorney

Dated: May 16, 2014

**BROWN, HAY & STEPHENS, LLP**

William D. Ingersoll

Registration No. 6186363

205 S. Fifth Street, Suite 700

P.O. Box 2459

Springfield, IL 62705-2459

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

CERTIFIED MAIL

APR 08 2014

7012 0470 0001 3001 1357

Piasa Motor Fuels, Inc.  
Attn: Matthew Schrimpf  
P.O. Box 484  
Alton, Illinois 62002

Re: LPC #1190105178 -- Madison County  
Alton/Piasa Motor Fuels, Inc. (Steve's Service)  
4101 Alby Street  
Leaking UST Incident No. 20060672  
Leaking UST Technical File

Dear Mr. Schrimpf:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Stage 2 Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated March 13, 2014, was received by the Illinois EPA on March 14, 2014. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 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 Illinois EPA has determined that the modifications listed below are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

- 1. It is the Illinois EPA's understanding that the activities noted in this plan have already been completed, without prior Illinois EPA approval. Please be advised that Illinois EPA does not approve of the soil sampling that was performed below the water table. It has not been demonstrated that such samples were warranted as part of Stage I and such samples are specifically prohibited in Stage II. Therefore the Illinois EPA is modifying the plan to exclude all activities associated with such sampling. The associated budgets must reflect the same exclusions.**

The actual costs for Stage 1 were not submitted to the Illinois EPA. Please be advised that budget forms reporting the actual costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund for any related costs (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). **Please be advised that pursuant to the above modification the Stage I actual costs should not include costs associated with soil sampling below the water table.**



Page 2

In addition, the current Stage II budget/Actual Costs are rejected for the following reason(s) listed below (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). **Please be advised that pursuant to the above modification the Stage II Budget/Actual Costs cannot be assessed at this time due to the fact that it includes costs associated with soil sampling below the water table that the Illinois EPA has rejected.**

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.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Stage 3 Site Investigation Plan, and budget if applicable, or Site Investigation Completion Report within 30 days after completing the site investigation to:

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.

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 Karl Kaiser at (217) 524-4650.

Sincerely,



Michael T. Lowder  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

MTL::KEK\

Attachment: Appeal Rights

c: Shane Thorpe, CSD Environmental Services, Inc.  
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:

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 Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

Subsurface stratigraphy determined from site specific borings indicates that the combined thickness of the Peoria Loess and Roxana Silt extends to a depth of twenty (20) feet below ground surface, which correlates to the maximum boring depth to date. However, it appears that a couple of the borings may have encountered the Fort Russell Till near their termination depth, as the transition is not always readily distinguishable in the field.

4. **Results of Stage 1 or 2 site investigation:**  
 a. **Map(s) showing locations of all borings and groundwater monitoring wells completed to date and groundwater flow direction;**

This report summarizes the activities completed during Stage 1 of Site Investigation and proposes further investigation to be completed as a Stage 2 Site Investigation in order to define the extent of on-site soil and/or groundwater contamination. **Table 1.0** summarizes the soil borings and soil samples collected during State 1 and 2 of Site Investigation.

**Table 1.0 – Summary of Stage 1 Site Investigation Borings & Soil Samples**

Soil Sample	Date	Boring Name	Boring Depth	GW Depth in Boring	Soil Sample Depth
Stage 1					
B-3A	11-28-06	B-3	20 ft.	10 ft.	3 ft.
B-3B					10 ft.
B-3C					14 ft.
B-3D					17.5 ft.
B-4A	11-27-06	B-4 (MW-1)	20 ft.	9.5 ft.	5.5 ft.
B-4B					10 ft.
B-4C					14 ft.
B-4D					17 ft.
B-5A	11-27-06	B-5 (MW-2)	20 ft.	9 ft.	3 ft.
B-5B					10 ft.
B-5C					14 ft.
B-5D					17.5 ft.
B-6A	11-27-06	B-6	20 ft.	9 ft.	3 ft.
B-6B					9.5 ft.
B-6C					13 ft.
B-6D					16.5 ft.
B-7A	11-27-06	B-7	20 ft.	9 ft.	3 ft.
B-7B					9.5 ft.
B-7C					14 ft.
B-7D					17 ft.
B-8A	11-28-06	B-8	20 ft.	10 ft.	3 ft.
B-8B					10 ft.
B-8C					14 ft.
B-8D					18.5 ft.
B-9A	11-28-06	B-9	20 ft.	10 ft.	3 ft.
B-9B					10 ft.
B-9C					14 ft.
B-9D					18.5 ft.

Soil Sample	Date	Boring Name	Boring Depth	GW Depth in Boring	Soil Sample Depth
B-10A	11-28-06	B-10 (MW-3)	20 ft.	9.5 ft.	3 ft.
B-10B					10 ft.
B-10C					14 ft.
B-10D					17.5 ft.
B-11A	11-28-06	B-11	16 ft.	8 ft.	3 ft.
B-11B					8.5 ft.
B-11C					12 ft.
B-11D					15.5 ft.
B-12A	11-27-06	B-12 (MW-4)	20 ft.	9 ft.	3 ft.
B-12B					9 ft.
B-12C					13 ft.
B-12D					18.5 ft.
B-13A	11-27-06	B-13	20 ft.	9.5 ft.	15 ft.
B-13B					17.5 ft.
B-13C					19.5 ft.
B-14A	11-27-06	B-14 (MW-5)	20 ft.	8 ft.	3 ft.
B-14B					9 ft.
B-14C					13.5 ft.
B-14D					19 ft.

Note: All soil samples were analyzed for BTEX and MTBE.

CSD Environmental Services, Inc. (CSD) and Heartland Drilling & Remediation, Inc. (HDR) advanced a total of twelve (12) soil borings (B-3 through B-14), five of which were completed as monitoring wells (MW-1 through MW-5), on November 27 and 28, 2006. The work was completed in order to satisfy Stage 1 Site Investigation requirements, in accordance with 35 Ill. Adm. Code 734.315.

A total of four soil samples were submitted from each soil boring for laboratory chemical analysis of benzene, toluene, ethylbenzene and total xylenes (BTEX) and methyl-tertiary butyl ether (MTBE), with the exception of boring B-13 where three samples were submitted for laboratory analysis. The results of the Stage 1 soil BTEX and MTBE analyses are summarized in **Table 2.0**. Copies of the laboratory reports, chain of custody forms and laboratory certifications are provided in **Appendix A**. Boring logs are provided in **Appendix B**, while monitoring well completion reports are contained in **Appendix C**.

**Table 2.0 – Summary of Stage 1 Soil BTEX & MTBE Results  
November 27 & 28, 2006 (Results listed in mg/kg)**

Sample ID	Depth (ft.)	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE
B-3A	3 ft.	0.0199	0.0774	<0.0391	<0.117	<0.0391
B-3B	10 ft.	<b>0.578</b>	0.0662	0.774	3.260	0.173
B-3C	14 ft.	<b>3.190</b>	0.0353	3.210	3.590	<b>1.660</b>
B-3D	17.5 ft.	0.0119	<0.0291	<0.0291	<0.0873	<b>1.520</b>
B-4A	5.5 ft.	<b>0.0655</b>	0.0554	<0.0315	<0.0944	<0.0315
B-4B	10 ft.	<b>0.744</b>	0.0307	0.563	0.641	<b>0.253</b>
B-4C	14 ft.	<b>4.960</b>	0.863	<b>26.900</b>	<b>103.000</b>	<b>0.576</b>
B-4D	17 ft.	<b>1.770</b>	0.0381	0.284	0.987	<b>0.592</b>
B-5A	3 ft.	<0.00931	<0.0372	<0.0372	<0.112	<0.0372
B-5B	10 ft.	<b>1.450</b>	0.0606	2.630	5.110	<b>1.330</b>
B-5C	14 ft.	<b>2.510</b>	<0.0349	0.692	1.490	<b>2.180</b>
B-5D	17.5 ft.	<b>0.109</b>	<0.0345	<0.0345	<0.103	0.0583

Sample ID	Depth (ft.)	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE
B-6A	3 ft.	<b>0.822</b>	1.350	7.290	<b>48.800</b>	0.0491
B-6B	9.5 ft.	<b>3.580</b>	<b>23.200</b>	12.500	<b>64.500</b>	0.193
B-6C	13 ft.	<b>2.550</b>	6.450	<b>18.800</b>	<b>87.100</b>	<b>0.420</b>
B-6D	16.5 ft.	<b>0.436</b>	0.229	0.457	2.140	0.257
B-7A	3 ft.	<b>0.835</b>	1.510	0.720	<b>5.740</b>	0.235
B-7B	9.5 ft.	<b>4.440</b>	9.920	10.100	<b>46.800</b>	<b>0.661</b>
B-7C	14 ft.	<b>3.400</b>	0.177	5.410	<b>5.740</b>	<b>1.220</b>
B-7D	17 ft.	<b>0.0640</b>	<0.0306	0.0968	0.129	0.061
B-8A	3 ft.	<b>4.950</b>	0.197	4.990	<b>7.870</b>	<b>4.750</b>
B-8B	10 ft.	<b>8.500</b>	0.503	<b>21.400</b>	<b>64.100</b>	<b>12.600</b>
B-8C	14 ft.	<b>15.300</b>	2.460	<b>36.900</b>	<b>171.000</b>	<b>4.510</b>
B-8D	18.5 ft.	<b>0.0792</b>	<0.0318	0.160	0.593	<b>0.436</b>
B-9A	3 ft.	<b>6.440</b>	0.511	6.090	<b>9.800</b>	<b>5.250</b>
B-9B	10 ft.	<b>10.200</b>	0.715	<b>28.500</b>	<b>94.200</b>	<b>14.600</b>
B-9C	14 ft.	<b>7.090</b>	1.620	<b>15.300</b>	<b>74.800</b>	<b>3.970</b>
B-9D	18.5 ft.	<b>0.217</b>	<0.0360	<0.0360	<0.108	<b>1.770</b>
B-10A	3 ft.	<0.00874	<0.0349	<0.0349	<0.105	<0.0349
B-10B	10 ft.	<b>0.222</b>	<0.0320	0.0669	0.142	0.103
B-10C	14 ft.	<b>1.370</b>	0.0679	5.850	<b>9.320</b>	0.241
B-10D	17.5 ft.	<0.00794	<0.0317	<0.0317	<0.0952	0.0851
B-11A	3 ft.	0.025	<0.0368	<0.0368	<0.110	<0.0368
B-11B	8.5 ft.	<b>0.0813</b>	<0.0358	<0.0358	<0.107	<0.0358
B-11C	12 ft.	<b>0.219</b>	<0.0301	0.0422	<0.0903	0.0412
B-11D	15.5 ft.	0.0143	<0.0407	<0.0407	<0.122	<0.0407
B-12A	3 ft.	<b>0.0527</b>	0.0572	0.0464	0.129	<0.0371
B-12B	9 ft.	<b>0.863</b>	1.040	<b>19.700</b>	<b>50.100</b>	<0.0371
B-12C	13 ft.	<b>2.750</b>	8.120	8.090	<b>32.200</b>	<b>0.384</b>
B-12D	18.5 ft.	<b>0.970</b>	0.222	3.400	<b>8.850</b>	<b>0.558</b>
B-13A	15 ft.	<b>0.453</b>	0.136	<b>33.400</b>	<b>67.300</b>	<0.0333
B-13B	17.5 ft.	<b>2.000</b>	0.172	11.500	<b>36.000</b>	<0.0371
B-13C	19.5 ft.	<b>1.870</b>	<0.0343	0.0436	0.113	0.0446
B-14A	3 ft.	<b>0.0900</b>	<0.0327	0.178	<0.0982	<0.0327
B-14B	9 ft.	<b>1.150</b>	0.0401	3.230	3.230	0.140
B-14C	13.5 ft.	<b>1.860</b>	0.0524	<b>13.800</b>	0.263	0.257
B-14D	19 ft.	<b>0.979</b>	0.0399	0.0326	<0.0958	0.210
<b>Tier 1 SRO</b>		<b>0.030</b>	<b>13.0</b>	<b>12.0</b>	<b>5.60</b>	<b>0.320</b>

Results shown in bold and highlighted exceed the applicable Tier 1 SRO.

Following installation of monitoring wells MW-1 through MW-5, their elevations were surveyed in reference to a temporary site benchmark with an assumed elevation of 100.00 feet. Once the monitoring wells were properly developed and prior to groundwater sampling, the depth to groundwater was measured using a battery-powered water level indicator. Relative groundwater elevations were then generated by subtracting the measured depth to groundwater from the surveyed well casing elevation. The groundwater elevations were then used to determine the direction of groundwater flow. **Figure 2.0** provides a map depicting groundwater flow direction (to the South) on December 14, 2006. **Table 3.0** summarizes the elevation data used to generate **Figure 2.0**.

The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 6/4, 6/67 - 67.17). Failure to disclose this information may result in a civil penalty of not to exceed \$50,000.00 for the violation and an additional civil penalty of not to exceed \$10,000.00 for each day during which the violation continues (415 ILCS 6/42). Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 6/67.17). This form has been approved by the Forms Management Center.

**Illinois Environmental Protection Agency  
Leaking Underground Storage Tank Program  
Stage 1 Site Investigation Certification**

**A. Site Identification**

IEMA Incident # (6- or 8-digit): 20060672 IEPA LPC# (10-digit): 1190105178

Site Name: Piasa Motor Fuels, Inc. (Steve's Service)

Site Address (Not a P.O. Box): 4101 Alby Street

City: Alton County: Madison ZIP Code: 62002

Leaking UST Technical File

**B. Signatures**

**UST Owner or Operator Signature:**

All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

**UST Owner or Operator and Licensed Professional Engineer or Licensed Professional Geologist Certification of Stage 1 Site Investigation Plan and Budget (applies to Part 734 sites continuing beyond early action):**

Pursuant to 35 Ill. Adm. Code Part 734.315(b) and 734.310(b), I certify that the Stage 1 site investigation will be conducted in accordance with 35 Ill. Adm. Code 734.315 and that the costs of the Stage 1 site investigation will not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E. This certification is intended to meet the requirements for a plan and budget for the Stage 1 site investigation required to be submitted pursuant to 35 Ill. Adm. Code 734.315 and 734.310.

A summary of the actual costs for conducting the Stage 1 site investigation will be submitted concurrently with the results of the Stage 1 site investigation and the Stage 2 site investigation plan and budget.

**UST Owner or Operator**

Name: Piasa Motor Fuels, Inc.

Contact: R. William Schrimpf

Address: P.O. Box 484

City: Alton

State: Illinois

ZIP Code: 62002

Phone: (618) 254-7341

Signature: RW Schrimpf

Date: 7/18/06

**Licensed Professional Engineer or Geologist**

Name: Joseph W. Truesdale, P.E., P.G.

Company: CSD Environmental Services, Inc.

Address: 2220 Yale Boulevard

City: Springfield

State: Illinois

ZIP Code: 62703

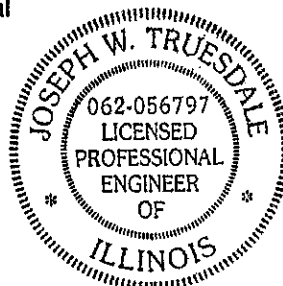
Phone: (217) 522-4088

Ill. Registration No.: 062-056797

Signature: Joseph W. Truesdale

Date: 7/20/06

L.P.E. or L.P.G. Seal





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

July 31, 2006

Piasa Motor Fuels  
David Bone  
P.O. Box 484  
Alton, IL 62002

Re: LPC #1190105178 -- Madison County  
Piasa Motor Fuels  
4101 Alby Street  
Leaking UST Incident No. 20060672  
Leaking UST Technical File

Dear Owner/Operator:

The Illinois Environmental Protection Agency (Illinois EPA) has received the 45-Day Report, which included a Stage 1 Site Investigation Plan and Budget certification, for the above-referenced release. The report was dated July 20, 2006 and was received by the Illinois EPA on July 21, 2006. Citations in this letter 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).

At a later time, the Illinois EPA will conduct a full technical review of the 45-Day Report and any other report submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.Subpart B, in conjunction with any other plan or report selected for review (35 Ill. Adm. Code 734.505).

Pursuant to your certification, the Stage 1 Site Investigation Plan is approved and must be conducted in accordance with 35 Ill. Adm. Code 734.315. The budget, if applicable, is approved, and costs must not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E. Please be advised that, if you do not meet the eligibility requirements as determined by the Office of the State Fire Marshal, you may not be entitled to payment from the Underground Storage Tank Fund for costs incurred. You must proceed with the Stage 1 site investigation in accordance with 35 Ill. Adm. Code 734.315.

The Illinois EPA has determined that, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.305, a site investigation plan and budget for the subsequent stage of investigation (including the results of the Stage 1 site investigation and a summary of actual

Page 2

costs) or a site investigation completion report (if the extent of contamination is defined) must be submitted within 90 days of the date of this letter. Please note that the Illinois EPA does not require the submission of a budget if the owner or operator does not intend to seek payment from the Underground Storage Tank Fund (Fund).

In addition, an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives at 35 Ill. Adm. Code 742 without conducting a site investigation. If the owner or operator chooses not to investigate the site in accordance with the procedures established in Section 57.7(a) of the Act, the owner or operator may not be entitled to full payment if a request for payment from the Fund is submitted.

Submit all future correspondence to:

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 you have any questions or need further assistance, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,



Douglas W. Clay, P.E., Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

DWC:DKS:DKS\

c: CSD Environmental Services, Inc.  
BOL File



CERTIFICATE OF SERVICE

I, William D. Ingersoll, certify that I have this date served the attached Notice of Filing, Appearance and Petition for Review, by means described below, upon the following persons:

To: Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218  
(Via Electronic Filing)

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(Via First-Class Mail and Email)

Dated: May 16, 2014

**BROWN, HAY & STEPHENS, LLP**

William D. Ingersoll  
Registration No. 6186363  
wingersoll@bhslaw.com  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-8491

By: /s/William D. Ingersoll  
William D. Ingersoll