

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JAN 27 2004

STATE OF ILLINOIS
Pollution Control Board

KELLER OIL COMPANY /
SULLIVAN SUPER K,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 04- 133
(UST Appeal)

NOTICE OF FILING

TO: John Kim
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on January 27, 2004, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of an Appearance and Petition for Review of Illinois Environmental Protection Agency Decision.

Dated: January 27, 2004

Respectfully submitted,

Keller Oil Company / Sullivan Super K,

By:

Carolyn S. Hesse
One of Its Attorneys


Carolyn S. Hesse
Barnes & Thornburg
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
202337v1

CERTIFICATE OF SERVICE

I, on oath state that I have served the attached Appearance and Petition for Review of Illinois Environmental Protection Agency Decision by placing a copy in an envelope addressed to:

John Kim
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 27th Day of January, 2004.


Carolyn S. Hesse

JAN 27 2004

STATE OF ILLINOIS
Pollution Control Board

V.

Respondent.

PCB 04- 152
(UST Appeal)

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JAN 27 2004

STATE OF ILLINOIS
Pollution Control Board

KELLER OIL COMPANY /
SULLIVAN SUPER K,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 04- 133
(UST Appeal)

**PETITION FOR REVIEW OF ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY DECISION**

Keller Oil Company / Sullivan Super K ("Sullivan Super K"), by its attorney, Carolyn S. Hesse of Barnes & Thornburg, pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et. seq.* (the "Act") and 35 Illinois Administrative Code Section 105.400 *et. seq.*, hereby appeals certain decisions by the Illinois Environmental Protection Agency (the "Agency").

1. Keller Oil Company / Sullivan Super K ("Petitioner"), is the owner of a gasoline service station located 104 South Hamilton, Sullivan, Moultrie County, Illinois (the "Station"). This gasoline service station had underground storage tanks (UST's) on the property, which stored gasoline and diesel fuel.
2. LUST Incident Number 992030 was obtained following a site investigation. The site has also been assigned LPC #1390305037- Moultrie County.

3. On June 5, 2001, CW³M, the contractor hired by Sullivan Super K to assist Sullivan Super K with corrective action at the Station, sent to the Agency a Site Investigation Report and Corrective Action Plan and Budget to perform corrective action at the Station. (See Exhibit 1.)
4. On September 24, 2001, the Agency sent a letter to Petitioner rejecting the June 5, 2001, High Priority Corrective Action Plan and Budget. The letter included a list of additional information requested by the Agency and acknowledged that the corrective action included bioremediation. (See Exhibit 2.) CW³M provided the additional information requested by the Agency on September 24, 2001 and on subsequent dates.
5. By letter dated June 7, 2002, the Agency approved the Amended High Priority Corrective Action Plan dated March 5, 2002, but cut part of the budget for this plan. (See Exhibit 3.) On behalf of Petitioner, CW³M submitted on July 5, 2002, additional information related to the budget, including costs for the pilot study required for bioremediation projects. (See Exhibit 4.)
6. On October 28, 2002, the Agency again requested a modification of the proposed budget (See Exhibit 5), and CW³M provided the requested information on November 22, 2002. (See Exhibit 6.)
7. On February 24, 2003, the Agency approved the proposed budget subject to the Agency's modifications to the proposed budget. (See Exhibit 7.)
8. By cover letter dated May 19, 2003, CW³M forwarded on behalf of Petitioner a Phase II Corrective Action Plan (CAP) and Budget which

included the results of the *in-situ* bioremediation treatability study and proposed full-scale implementation of *in-situ* bioremediation.

9. On August 8, 2003 the Agency sent to Petitioner a letter rejecting the High Priority Corrective Action Plan. The letter listed five questions/comments, including questions about the "exact specifications of the bioslurry material," including "manufacturer's specifications and amount of oxygen released per pound of material." The Agency also required that site names and IEPA generator numbers be provided for sites for which the proposed remediation technology had been approved. (See Exhibit 8.)
10. In response, by letter dated October 31, 2003, CW³M, on behalf of Petitioner, provided to the Agency information relating to the bioslurry material. CW³M also responded to the Agency's comments and provided a list of 161 site names and generator numbers where the Agency approved bioremediation. This list was obtained from the Agency's database. (See Exhibit 9.)
11. On December 26, 2003, CW³M received a letter dated December 24, 2003 rejecting the High Priority Correction Action Plan for the reason that "the method of remediation cannot be approved." The Agency also disapproved the budget to perform the work. (See Exhibit 10.)
12. The Agency's letter of December 24, 2003, provides no additional information regarding why IEPA disapproved a remediation technology that it had approved previously.

13. The Agency's December 24, 2003, letter includes an attachment labeled appeal rights as the Agency's decision is a final decision, appealable to the Illinois Pollution Control Board.
14. The Agency has violated 35 Ill. Admin. Code 732.503(b) because the Agency's December 24, 2003, letter did not provide Petitioner written notice with the following information:
 - (1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
 - (2) An explanation of the Sections of the Act or regulations that may be violated if the plan or report is approved; and
 - (3) A statement of specific reasons why the cited Sections of the Act or regulations may be violated if the plan or report is approved.

WHEREFORE, Keller Oil / Sullivan Super K respectfully requests that the Board enter an order requiring the Agency to approve the Corrective Action Plan and Budget to allow the cleanup to proceed at this facility and for Keller Oil / Sullivan Super K's attorneys' fees and costs in bringing this appeal.

Respectfully submitted,

Keller Oil Company / Sullivan Super K

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
202331v1

Environmental Consulting Services

June 5, 2001

Mr. Scott R. Rothering, Project Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1390305037—Moultrie County
L. Keller Oil Properties, Inc./Sullivan Super K
104 South Hamilton
Incident Number 99-2030
LUST Technical File—Site Investigation Report and Corrective Action Plan

Dear Mr. Rothering:

Enclosed, please find the Site Investigation Report and Corrective Action Plan and Budget for the L. Keller Oil Properties, Inc./Sullivan Super K, located in Sullivan, Illinois.

If you have any questions or require additional information, please contact Vince E. Smith or me at 217/522-8001.

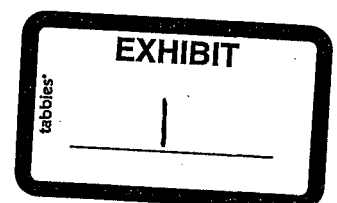
Sincerely,

Carol L. Rowe, P.G.
Senior Environmental Geologist

Enclosure

xc: Mr. Charles F. Keller, *L. Keller Oil Properties, Inc.*
Mr. William T. Sinnott, *CW^M Company, Inc.*

K99-2030/CAP\CAPcl





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-6762

SEP 24 2001

L. Keller Oil Companies
Attention: Joe Henry
#4 Avenue of Mid-America
Effingham, IL 61920

CERTIFIED MAIL

0004-1552-6675

Re: LPC # 1390305037 - Moultrie County
L. Keller Oil Properties, Inc. / Sullivan Super K
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

Dear Mr. Henry:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan and Budget submitted for the above-referenced incident. This information, dated June 5, 2001, was received by the Illinois EPA on June 7, 2001. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

Pursuant to 35 IAC Section 732.405(c) and Section 57.7(c)(4)(D) of the Act, the High Priority Corrective Action Plan is rejected for the reasons listed in Attachment A.

Pursuant to 35 IAC Sections 732.405(e) and 732.503(b) and Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act, the associated budget is rejected for the following reason(s):
The budget must be associated with an approved plan.

Pursuant to 35 IAC Section 732.401, the Illinois EPA requires a revised High Priority Corrective Action Plan and budget if applicable be submitted within days of the date of this letter to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

EXHIBIT

2

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

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

If you have any questions or need further information, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments (1)

cc: CW³M Company
Division File

ATTACHMENT A

Re: LPC #1390305037 - Moultrie County
Sullivan/Sullivan Super K
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

NOTE: Citations in this Attachment are from the Illinois Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

- 1) Prior to the approval of a Corrective Action Plan utilizing bioremediation, a pilot or biofeasibility study must be performed. This site specific study must include research or sampling which evaluates the following:
 - A) Soil types that occur within the contaminated aquifer.
 - B) Hydraulic Conductivity within the contaminated aquifer.
 - C) Dissolved Iron Concentrations within the contaminated aquifer.
 - D) PH of groundwater within the contaminated aquifer.
 - E) Groundwater temperature within the contaminated aquifer.
 - F) Background aerobic and heterotrophic bacteria counts within the contaminated aquifer.
 - G) Groundwater mineral content within the contaminated aquifer.
 - H) Available concentrations of ammonia and nitrogen in the aquifer within the contaminated aquifer.
 - I) Argument supporting the biodegradability of the indicator contaminants within the contaminated aquifer.
 - J) Calculations and testing which prove the amount of groundwater affected by the contamination.
 - K) Design area of influence which is an estimate of the volume/area of aquifer to which an adequate amount of electron acceptor and nutrient can be supplied to sustain microbial activity. Additionally, the design radius of influence must be shown for the site. Together, these determine the practicality of the design.

SEP



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

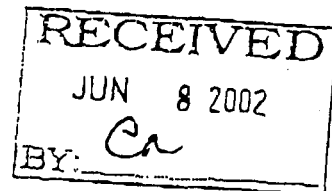
217/782-6762

CERTIFIED MAIL

7001-2510-0002-3281-9047

JUN 8 7 2002

Keller Oil Company
Attention: Joe Henry
PO Box 70
Effingham, Illinois 62401



Re: LPC #1390305037 -- Moultrie County
Sullivan/Keller Oil Company
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

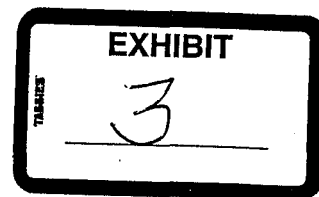
Dear Mr. Henry:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended High Priority Corrective Action Plan (plan) (Bioremediation Feasibility Study) submitted for the above-referenced incident. This plan, dated March 5, 2002, was received by the Illinois EPA on March 6, 2002. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

Pursuant to 35 IAC Section 732.405(c) and Section 57.7(c)(4) of the Act, the plan is approved. The activities proposed in the plan are appropriate to demonstrate compliance with 35 IAC Part 732 and Title XVI of the Act. 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.

In addition, the Illinois EPA is modifying the proposed budget for the High Priority Corrective Action Plan pursuant to 35 IAC Section 732.405(c) and Section 57.7(c)(4) of the Act. 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 reimbursement may be limited by 35 IAC Sections 732.604, 732.606(s), and 732.611 as well as Sections 57.8(e), 57.8(g) and 57.8(d) of the Act.

GEORGE H. RYAN, GOVERNOR



All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST 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 owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.7(c)(4)(D) and Section 40 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.

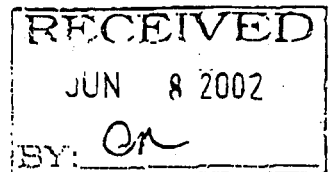
For information regarding the filing of an appeal, please contact:

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
Springfield, IL 62794-9276
217/782-5544

Page 3



If you have any questions or need further assistance, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\992030HPCAP Phase 1

Attachment: Attachment A

cc: CW³Company
Division File

Attachment A

Re: LPC # 1390305037 -- Moultrie County
Sullivan/Keller Oil Company
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

NOTE: Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

SECTION 1

The budget was previously approved for:

\$6,615.00	Investigation Costs
\$2,200.00	Analysis Costs
\$0.00	Personnel Costs
\$656.50	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$984.50	Handling Charges

The following amounts have been approved:

\$4,185.00	Investigation Costs
\$0.00	Analysis Costs
\$2,506.00	Personnel Costs
\$0.00	Equipment Costs
\$1,338.98	Field Purchases and Other Costs
\$588.96	Handling Charges

Therefore, the total cumulative budget is approved for:

\$10,800.00	Investigation Costs
\$2,200.00	Analysis Costs
\$2,506.00	Personnel Costs
\$656.50	Equipment Costs
\$1,338.98	Field Purchases and Other Costs
\$1,573.46	Handling Charges

SECTION 2

Investigation

Amount Cut: \$2000 – Monitoring Well Installation Time

Analysis

Amount Cut: \$3500.00 – Microbial Degredation laboratory costs
These charges must be certified by laboratory prior to budget approval.

Personnel

Amount Cut: \$21,842.50

\$15,591.50 – Investigation and CAP Development Charges
These costs must be broken out in specific tasks performed and time spent. This must be completed on Agency forms.

\$6,128.00 – Reimbursement
These costs must be broken out in specific tasks performed and time spent. This must be completed on Agency forms.

\$45.00 – excessive hourly charges Environmental Engineer (bioremediation pilot study)

\$60.00 – excessive hourly charges Environmental Engineer (bioremediation pilot study)

\$18.00 – excessive hourly charges Engineering Technician (bioremediation pilot study)

Equipment

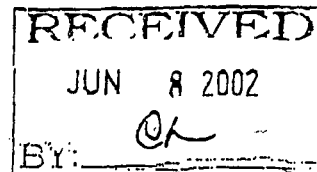
Amount Cut - \$0.00

Field Purchases and Other Costs

Amount Cut: \$14.28 – excessive costs, per mile rate
\$12.24 – Investigation & CAP Development
\$ 2.04 – Bioremediation Pilot Study

Handling Charges

Amount Cut: \$3500.00 – previous cut for lab samples. Deducted from amount eligible for handling charges.



Environmental Consulting Services

July 5, 2002

Mr. Scott R. Rothering, Project Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1390305037—Moultrie County
L. Keller Oil Properties, Inc./Sullivan Super K
104 South Hamilton
Incident Number 99-2030
LUST Technical File—Corrective Action Plan Budget Amendment

Dear Mr. Rothering:

Enclosed, please find a Corrective Action Plan Budget Amendment (CAP) for the L. Keller Oil Properties, Inc./Sullivan Super K, located in Sullivan, Illinois.

In response to your June 7, 2002 letter modifying the CAP budget, we have included a breakdown of the \$21,719.50 cut from personnel. The specific hours and tasks for investigation and reimbursement preparation are included in the "Investigation" and "Reporting" spreadsheets which follow the IEPA forms in the budget section. The investigation hours include field preparation, drilling plans, utility locations, mapping, drilling, sampling, surveying and obtaining off-site access. The other item included in the budget is the estimated cost of the microbial degradation pilot study. Although the letter requests certified costs from a laboratory, this is not practical, since the costs incurred depend upon the results of the testing. If additional testing is needed, the laboratory costs increase. The \$3,500 budgeted is a reasonable estimate of what the testing could be. We have included, as Attachment B, a copy of the most recent price schedule from Microbe Inotech Laboratories which includes the rate of \$1,620.00 for an aerobic bioremediation pilot study with nutrient chemistries. At this time, that is also what is included as a budget number. However, if the indigenous bacteria are found to be inadequate, or the chemistry is found to be out of range, a budget amendment will be necessary to retest the samples using foreign bacteria or to adjust the nutrient levels.

The unit rates for the Environmental Engineer and the Engineering Technician have been changed to reflect the rates used in the June 7, 2002 letter. Depending upon the

EXHIBIT

4

results of the treatability study, a CAP will be prepared to implement bioremediation, or proposing soil excavation and groundwater treatment.

If you have any questions or require additional information, please contact Vince E. Smith or me at 217/522-8001.

Sincerely,

Carol L. Rowe, P.G.
Senior Environmental Geologist

Enclosure

xc: Mr. Charles F. Keller, *L. Keller Oil Properties, Inc.*
Mr. William T. Sinnott, *CW³M Company, Inc.*

K99-2030/CAP\CAPBA2\CAPcl



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

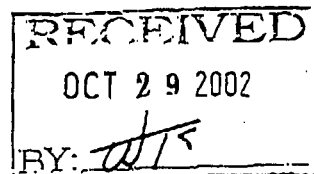
217/782-6762

CERTIFIED MAIL

OCT 28 2002

7099-3400-0014-9522-5886

Keller Oil Company
Attention: Joe Henry
PO Box 70
Effingham, Illinois 62401



Re: LPC #1390305037 -- Moultrie County
Sullivan/Keller Oil Company
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

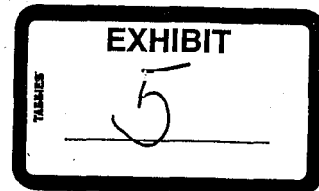
Dear Mr. Henry:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated July 5, 2002, was received by the Illinois EPA on July 5, 2002. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA is modifying the proposed budget pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). 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 reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

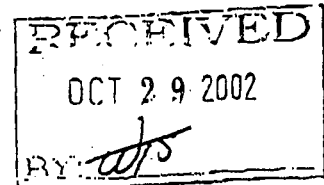
All future correspondence must be submitted to:

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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073
ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5414 N. University St., Peoria, IL 61614 - (309) 693-5462
CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907 • SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 • MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



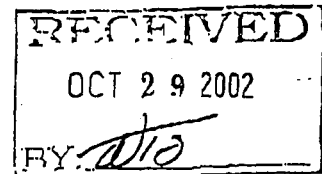
An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4)(D) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may 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



If you have any questions or need further assistance, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\992030

Attachment: Attachment A

cc: CW³M Company
Division File

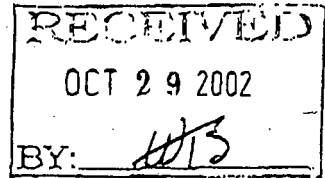
\$0.00	Investigation Costs
\$1,620.00	Analysis Costs
\$220.25	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$194.40	Handling Charges

Therefore, the total cumulative budget is approved for:

\$10,800.00	Investigation Costs
\$3,820.00	Analysis Costs
\$2,726.25	Personnel Costs
\$656.50	Equipment Costs
\$1,338.98	Field Purchases and Other Costs
\$1,767.86	Handling Charges

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073
 ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5414 N. University St., Peoria, IL 61614 - (309) 693-5462
 CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907 • SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
 COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-3120 • MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER



Section 2

Cuts from Budget Amendments

\$20,649.00 Personnel Costs. These costs must be listed separately for each task. The costs which are listed for individual tasks have been approved.

SRR\992030hpbudamen2

CW³M Company

701 W. South Grand Ave.
Springfield, IL 62704
(217) 522-8001

Environmental Consulting Services

November 22, 2002

Mr. Scott R. Rothering, Project Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1390305037—Moultrie County
L. Keller Oil Properties, Inc./Sullivan Super K
104 South Hamilton
Incident Number 99-2030
LUST Technical File—Corrective Action Plan Budget Amendment

Dear Mr. Rothering:

Enclosed, please find a Corrective Action Plan Budget Amendment (CAP) for the L. Keller Oil Properties, Inc./Sullivan Super K, located in Sullivan, Illinois.

In response to your October 28, 2002 letter modifying the CAP budget, we have included a breakdown of the personnel items. The letter did not specify which item or items went into the \$220.25 which was approved, but it is assumed that 0.25 hours for Environmental Project Geologist – drilling plans, and the 5.0 hours for Project Manager – reimbursement claim review were approved. The specific hours and tasks for investigation and reimbursement preparation are included in the IEPA forms in the budget section.

If you have any questions or require additional information, please contact me at 217/522-8001.

Sincerely,

Vince E. Smith, P.E.
Senior Environmental Engineer

Enclosure

xc: Mr. Charles F. Keller, L. Keller Oil Properties, Inc.
Mr. William T. Sinnott, CW³M Company, Inc.

EXHIBIT

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

217/782-6762

ROD R. BLAGOJEVICH, GOVERNOR

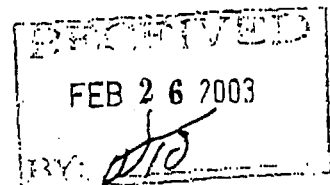
RENEE CIPRIANO, DIRECTOR

CERTIFIED MAIL

7002 2030 0001 1879 0949

FEB 24 2003

Keller Oil Company
Attention: Joe Henry
PO Box 70
Effingham, Illinois 62401



Re: LPC #1390305037 -- Moultrie County
Sullivan/Keller Oil Company
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

Dear Mr. Henry:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended High Priority Work Plan Budget (budget) submitted for the above-referenced incident. This budget, dated November 22, 2002, was received by the Illinois EPA on November 26, 2002. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

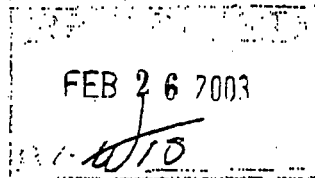
The Illinois EPA is modifying the proposed budget (35 IAC Section 732.305(c) or 732.312(j) and Section 57.7(a)(1) of the Act). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the Illinois EPA approved plan. Be aware that the amount of reimbursement may be limited by 35 IAC Sections 732.604, 732.606(s), and 732.611 as well as Sections 57.8(e), 57.8(g), and 57.8(d) of the Act.

Pursuant to 35 IAC Section 732.301 the Illinois EPA is requiring a Site Classification Completion Report be submitted within 90 days of the date of this letter to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST 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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mail Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200



An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.7(c)(4)(D) and Section 40 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
Springfield, IL 62794-9276
217/782-5544

If you have any questions or need further assistance, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\992030amcap2

Attachment: Attachment A

cc: CW³M Company
Division File

Attachment A

Re: LPC # 1390305037 -- Moultrie County
Sullivan/Keller Oil Company
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

FEB 26 2003
WTS

NOTE: Citations in this attachment are from 35 Illinois Administrative Code (35 IAC) and the Environmental Protection Act.

SECTION 1

The budget was previously approved for:

\$10,800.00	Investigation Costs
\$2,200.00	Analysis Costs
\$2,506.00	Personnel Costs
\$656.50	Equipment Costs
\$1,338.98	Field Purchases and Other Costs
\$1,573.46	Handling Charges

The following amounts have been approved:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$14,917.50	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$0	Handling Charges

Therefore, the total cumulative budget is approved for:

\$10,800.00	Investigation Costs
\$2,200.00	Analysis Costs
\$17,423.50	Personnel Costs
\$656.5	Equipment Costs
\$1,338.98	Field Purchases and Other Costs
\$1,573.46	Handling Charges

FEB 26 2003

Section 2

\$3,722.50 CAP Development, CAP Design, CAP Review costs; these costs are not reimbursable until the entire CAP is proposed (with results from pilot study).

\$2,449.00 Reimbursement Preparation, exceeds allowable costs

SRR992030atta



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

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1224 2773

AUG 08 2003

Keller Oil Company
Attention: Charles F. Keller
PO Box 70
Effingham, Illinois 62401

AUG 9 2003

CK

Re: LPC #1390305037 -- Moultrie County
Sullivan/Sullivan Super K
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

Dear Mr. Keller:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated May 2003, was received by the Illinois EPA on May 19, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the High Priority Corrective Action Plan is rejected for the following reason(s):

1. Exact specifications of the bioslurry material must be provided prior to approval of the Corrective Action Plan. This must include manufacturer's specifications and amount of oxygen released per pound of material.
2. Site names and IEPA Generator numbers must be provided for which the proposed remediation technology has been approved.
3. Completion report well diagrams indicate groundwater is located greater than twenty feet below grade. However, the proposed delivery system delivers water at ten feet below grade. It is not apparent that the bioslurry will enter the groundwater sufficiently to provide bioremediation.
4. The extent of contamination does not appear to be defined to the South.

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ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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5. A monitoring well must be placed to the West directly across Hamilton Street from the tankbed to ensure contamination is not being pushed off site.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the associated budget is rejected for the following reason(s):

The budget is not associated with an approved plan.

Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised High Priority Corrective Action Plan, and budget if applicable, within 90 days of the date of this letter 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 information, please contact Scott Rothering at 217-785-1858.

Sincerely,



Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\992030hapcaphase2den

c: CW M Company
Division 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)(D) 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

AUG 9 2003
CA

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

Environmental Consulting Services

October 31, 2003

Mr. Scott R. Rothering, Project Manager
LUST Section, Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1390305037—Moultrie County
L. Keller Oil Properties, Inc./Sullivan Super K
104 South Hamilton
Incident Number 99-2030
LUST Technical File—Corrective Action Plan Phase II

Dear Mr. Rothering:

In response to your August 8, 2003 letter rejecting the Phase II Corrective Action Plan (CAP) and Budget submitted May 19, 2003, CW³M is providing the following information and requesting a reconsideration of the rejection. Responses to the individual items listed in the letter are addressed below.

Item 1. Exact specifications for the bioslurry materials needed are not known, as each injection batch will be unique. The materials that will be or may be used are listed in Section 6.1.3 of the CAP. CW³M will design, then either purchase or prepare each batch individually, depending upon the site conditions determined from the previous analytical data and past experience with the site.

As we have attempted to explain in our previous submittals, the proposed technology does not rely on oxygen, which is extremely difficult to produce and control throughout the vadose and saturated zones. The proposed technology uses the same principle as oxygen injection, but instead relies on controlling the carbon : nitrogen : phosphorous ratio to achieve the same results. Although not considered in the mix formulation as an active ingredient, the dissolved oxygen content in fully-aerated 21° Celsius water is approximately 9.0 mg/L, which is equal to approximately 0.008 pounds of available oxygen per pound of slurry.

Item 2. The following is a list of 161 site names and generator numbers where the Agency has listed bioremediation in the alternative technology category, as obtained from the Agency's LIT Database:

EXHIBIT

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NAME	BL_ID
Borden Chemical	* N.A. ? *
Koplos Ext., Inc.	0311985184
Piasa Motor Fuels	1190455012
Kosarek Construction	1194285028
Lloyd Weimann Ice & Fuel	1194285028
Geneseo Shop N Go	0730500004
Harper Oil Co.	0990855018
Martin Oil	0310355018
Valley View School	1970905034
Harper Oil Co.	0210600010
Martin Service Station #121	0310035084
Harper Oil Co.	0490250013
Suburban Moving & Storage	0314975126
Caldwell Engineering Co.	1370200036
Pepsi Cola Bottling Co.	1190105023
Etna Oil Co.	0990855039
Martin Oil	0310455088
Wareco Service Inc.	0770150010
Interstate Brands Inc.	1370200021
Rockford Newspapers Inc.	2010305078
Demsey Dodge Chrysler Plymouth	1050255007
Celozzi Ettleson Chevy	0430355077
Mobil Oil #05A1Q	0312645015
Illinois Bell Telephone	0190105067
Delta Sonic Car Wash	0314915038
Turtle Wax Car Wash	0971155061
Hahnman Albrecht Inc.	1030305002
Kerr McGee Service Station	1470355011
Williamson County Airport	1990555032
Sycamore High School	0370555030
Contel	1890200002
Libertyville Lincoln Mercury	0970905023
Larry's 24 Hours Gas	0971900044
Pluskota Electric Co.	0313365016
Roy Houff & Co.	0430150002
Cove Auto Care Ctr.	0430600018
Busse Car Wash	0311980007
Williams, Forest	0972005023
Kinnamon Service Station	0570600002
Scotties	0310570014
Mancarl's Chrysler Plymouth Inc.	0312220011
Amoco Oil Co. #6470	0312885155

NAME	BL_ID
Raymond Truck Plaza	0910550033
Carpentersville, Village of	0890205025
Illinois Ayers	1671205208
West Frankfort Interstate Shell	0550705003
Burwell Oil Service	1794730005
Carpentersville, Village of	0890205025
Saul Rosen Buick Mazda Honda	0971905069
Muller Pinehurst Dairy Inc.	2010305437
Illinois Road Inc.	1370205041
SSCI Joint Venture	0316585036
Sugar Grove, Village of	0890855004
Niantic Oil Co.	1150405002
Delta Sonic Car Wash	0314915036
Illinois Central College	1790200023
USI Division-Tuscola Plant	0418080002
Santa Fe Railway	0994905029
Wilson Sporting Goods	0312645006
Federated Paint Mfg.	0316005311
Lloyd Weimann Ice & Fuel	1194285028
Hicks Bulk Dist. Co.	0770155030
Granite City, City of	1190405068
Granite City, City of	1190405067
Amoco Oil #15116	0370105074
Pleasantview Fire Protection	0314195013
Nokomis C.U.S.D. #12	1350455009
Tom Todd Chevy	0314975054
T.D. Petroleum	1971105021
Mercantile Bank per Rep. Gudder	1630455077
Emro Unit #7547	0770155022
Pickens Mobil	1950305017
Fruitbelt Service Co.	1270155011
Wareco Service Inc.	1990405018
Clark Oil & Refining	0312885197
Griffith Labs USA	0310035011
Southwestern Electric Coop	0050055003
Martin Oil	0314975129
Graham Oil Co.	0312883006
Stoner Co.	0316225065
Peoria Disposal Co.	1430653007
Elgin, City of	0894380046
Munie Garage	1631105018
Vandalia, City of	0510355024
Sauk Valley Comm. College	1030203008

NAME	BL ID
E.A. Raasch Inc.	0971155095
Roberts, Gernon	0190605002
Beck Oil Co.	0110855036
Mickeys Tire	1970455218
Illinois Bell Telephone	1610455093
Dillow Brother Service	1190555034
Ayerco 28 Super Center	1671205335
Clark Oil & Refining	1830955002
Box Form	0316115055
Trinity Motors Inc.	0210605027
Butler Mfg.	0950200009
Korner Quik Stop Inc.	0010055007
Cooper Oil Co.	0770155046
Illinois State Toll Hwy. Authority	0310030024
Grave Mill Garage	0430755009
Cooper Oil Co.	1210455033
Stonington Grain Coop	0210555004
U Haul Co. of Illinois	1430655314
Delta Development	0311595076
Broadview U-Haul	0310305072
Rand McNally	0312880033
Pioneer Hi-Bred International	0190905002
Rollins Leasing Corp.	1970200014
Oilman, Ralph & Sue	0894385211
GTE North Inc.	0830255024
GTE	1130205048
Warehouse Management	0430055266
Holmes Co.	0311655026
Jacoby-Schroeder Funeral Home	0830255025
A&A Carpentry & General Contractors	0310245065
Clark Oil & Refining	0310215054
Lend Lease Trucks Inc.	0310755005
G&G Car Wash	1190655027
H.A. Niebruegge Garage	1330255002
Lake Shore Petro Corp.	0312885010
Harper Oil Co.	0290255077
Libertyville Citgo	0970905119
Dover, Bernard	1970055001
1st Lien Co.	0971905213
Taylorville, City of	0210605046
Hayes OK Service	0316695031
Kean Oil Co.	1110605054
Tap Beverages	2010305916

NAME	BL ID
Northcord Inc.	1030105008
Martin Oil	0310355018
Gill, Basil	2010305642
Steward Elementary School	1030455001
Martin Oil	0316165026
Pioneer Paint Products	0311865023
Martin Oil	0430055328
Loves Park, City of	2010155014
Norco Fuels	0110855044
Martin Service Station #121	0310035064
Ebe's Service	1090150009
John's Automotive Repair	0971855055
Martin Oil	0430055328
Martin Oil	0430055328
Elmer Weber's Farm Service	0150055001
Johnson Oil Co.	0110855062
Clark Oil & Refining	1150155305
Georges 66 Station	0110855076
Emro Marketing	0290105028
Svensen's Service Stations	1150150111
Pioneer Paint Products	0311865023
Bartlow Bros. Inc.	1690205001
Lena Farmer's Exchange	1770305015
Chicago Golf Club	0431055102
Mitches Green Thumb Landscaping	0970255071
Dutton, Harold	0690055010
Standard Forwarding Co.	1610253006
VW Bowman Oil Co.	0770505054
Dutton Service Station	0690055010
Freedom Oil Co.	1671205651
D-Essence, Ltd.	1950505089
Smoot Oil Co.	0810300019
Abbott Labs	0971250004

Item 3. All of the previously installed monitoring wells have been completed at depths greater than 20 feet. Once fully developed, the greatest depth to groundwater recorded for a monitoring well has been approximately 8 feet. The proposed delivery system was designed with a depth of 10 feet in order to minimize costs and treat both the vadose and saturated zones. During the installation, if the proposed 10 foot depth does not appear to be at or very near the water table, the trench depth will be increased to assure that the injection system can treat both the vadose and saturated zones.



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

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1227 4743

DEC 24 2003

DEC 26 2003

Keller Oil Company
Charles F. Keller
PO Box 70
Effingham, IL 62401

Re: LPC #1390305037 – Moultrie County
Sullivan/Sullivan Super K
104 South Hamilton
LUST Incident No. 992030
LUST Technical File

Dear Mr. Keller:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated October 31, 2003, was received by the Illinois EPA on November 4, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the High Priority Corrective Action Plan is rejected for the following reason(s):

The method of remediation can not be approved.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the associated budget is rejected for the following reason(s):

The budget must be associated with an approved plan.

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SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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DEC 26 2003

JS

Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised High Priority Corrective Action Plan, and budget if applicable, within 60 days of the date of this letter 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 information, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\1390305037hpcapden

Attachment: Appeal Rights

c: CW^M Company
Division File

DEC 26 2003

Appeal Rights

DTJ

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)(D) 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