BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MINIT MART, LLC)	
Petitioner,)	
)	
V.)	PCB 22-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.	j	

NOTICE

Don Brown, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, IL 60601 don.brown@illinois.gov Minit Mart, LLC
Attn: Matthew Young
165 Flanders Road
Westborough, MA 01581
Matthew.Young@eg-america.com

Groundwater & Environmental Services, Inc. Attn: Melissa M. Blaha 313 Oswalt Avenue Batavia, IL, 60510 mblaha@gesonline.com

PLEASE TAKE NOTICE that I have today caused to be filed a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Melanie A. Jarvis Assistant Counsel

Melanist

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

melanie.jarvis@illinois.gov

Dated: February 23, 2022

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MINIT MART, LLC)	
Petitioner,)	
)	
V.)	PCB 22-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.	j	

REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for a hearing to May 31, 2022, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

- 1. On or about January 21, 2022, the Illinois EPA issued a final decision to the Petitioner.
- 2. On February 22, 2022, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about January 26, 2022.

Electronic Filing: Received, Clerk's Office 2/23/2022 **PCB 2022-044**

3. The additional time requested by the parties may eliminate the need for a

hearing in this matter or, in the alternative, allow the parties to identify issues and limit the

scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the

interest of administrative and judicial economy, grant this request for a ninety-day

extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Melanie A Jarvis

Melanie

Assistant Counsel

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

866/273-5488 (TDD)

melanie.jarvis@illinois.gov

Dated: February 23, 2022

THIS FILING IS SUBMITTED ON RECYCLED PAPER

2

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 23, 2022, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Minit Mart, LLC Attn: Matthew Young 165 Flanders Road Westborough, MA 01581 Matthew.Young@eg-america.com

Groundwater & Environmental Services, Inc. Attn: Melissa M. Blaha 313 Oswalt Avenue Batavia, IL, 60510 mblaha@gesonline.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Melanie A. Jarvis

Associate Counsel

Melanis &

Division of Legal Counsel

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

866/273-5488 (TDD)

melanie.jarvis@illinois.gov



Groundwater & Environmental Services, Inc.

313 Oswalt Avenue Batavia, IL 60510

T. 866.455.2419

February 22, 2022

Mr. James Richardson
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Re: LPC #1970155008 – Will County Diamond / Minit Mart #610/IL4319 3195 East Division Street LUST Incident #20210538 LUST Technical File

Dear Mr. Richardson:

On January 21, 2022, the Illinois EPA reviewed the *Corrective Action Completion Report* that was submitted and issued a denial (**Attachment A**).

On January 21, 2022, Groundwater & Environmental Services, Inc. (GES) provided response to the Illinois EPA project manager via email, indicating that n-hexane, n-heptane, and naptha (high flash aromatic) are not on the required list per 35 IAC 734.Appendix A Indicator Contaminants for racing gasoline which also can be described as a type of premium gasoline.

On January 25, 2022, the Illinois EPA project manager responded that they were looking further into the matter and a response would be received by next Tuesday after the next management meeting.

GES had not received a response to whether or not our explanation provided in said email was sufficient and whether the January 21, 2022 determination will be overturned and a No Further Remediation Letter issued.

Minit Mart wishes to appeal the denial of *Corrective Action Completion Report* and respectfully respects the agency to re-review the denied report and requests a 90-day extension to the 35-day appeal period pursuant to Sections 40 and 57.7(c)(4) of the Act.

Should you have any questions or require additional information, please contact the undersigned at mblaha@gesonline.com or at (866) 455-2419 extension 4038. Direct all official Illinois EPA correspondences to GESInbox@gesonline.com.



Sincerely,

Melissa M. Blaha Operations Manager

C: Matthew Young – EG America

Milm M. Blala

Attachment A – Illinois EPA Correspondence

Attachment A – Illinois EPA Correspondence



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 (217) 782-3397 JB PRITZKER, GOVERNOR JOHN J. KIM, DIRECTOR

(217) 524-3300

JAN 2 1 2022

CERTIFIED MAIL

7017 2680 0001 0209 3934

Minit Mart, LLC

Attention: Matthew Young

165 Flanders Road

Westborough, MA

01581

Re:

1970155008 - Will County

Diamond / Minit Mart #610-IL4319

3195 East Division Street

Leaking UST Incident 20210538 Leaking UST Technical File

Dear Mr. Young:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report was dated July 20, 2021 and was received by the Illinois EPA on July 26, 2021. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the report is rejected for the reason(s) listed below:

The appropriate indicator contaminants for racing fuel have been determined to be BETX, PNAs, nhexane, n-heptane, naphtha (high flash aromatic), and lead. Since the confirmatory soil samples have been analyzed for BTEX, PNAs, and lead, an additional investigation should be taken at this time to recreate the early action sampling locations with the soil samples being analyzed for n-hexane, n-heptane, naphtha (high flash aromatic).

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 the undersigned at (217) 524-3312 or at Mike.Heaton@illinois.gov.

Sincerely,

Michael A. Heaton

Project Manager

Leaking Underground Storage Tank Section

Merry allest

Bureau of Land

TR

Attachments: Appeal Rights

Groundwater & Environmental Services, Inc. (elecronic copy), mblaha@gesonline.com c: **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 not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

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

Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, IL 60601 (312) 814-3620

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

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East PO Box 19276 Springfield, IL 62794-9276 (217) 782-5544