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OCT 23 2003

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

WILLAREDT OIL COMPANY, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 04- 72  
(LUST Appeal – Ninety Day Extension)

**NOTICE**


Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
Suite 325  
1 North Old Capitol Plaza  
Springfield, IL 62701-1323

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: October 21, 2003

WILLAREDT OIL COMPANY,  
Petitioner,  
v.  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Respondent.

PCB No. 04- *12*  
(LUST Appeal – Ninety Day Extension)

## 1

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,  
Respondent

A handwritten signature in black ink, appearing to read "John J. Kim", is written over a horizontal line.

John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: October 21, 2003



# 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

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7002 3150 0000 1224 6153

**SEP 16 2003**

Willaredt Oil Company  
Attention: Dean Willaredt  
Post Office Box 1245  
Mattoon, Illinois 61938

Re: LPC #1150350004 -- Macon County  
Mt. Zion/ Willaredt Oil Co., Inc.  
1000 U.S. Highway 121  
LUST Incident No. 980380  
LUST Technical File

Dear Mr. Willaredt:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Classification Work Plan (plan) submitted for the above-referenced incident. This plan, dated July 2003, was received by the Illinois EPA on August 13, 2003. Citations in this letter are from the Environmental Protection Act (Act) 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 in Attachment A are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732 (Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j)).

In addition, the budget is modified pursuant to Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j). Based on the modifications listed in Section 2 of Attachment B, the amounts listed in Section 1 of Attachment B are 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.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.305(e) or 732.312(l), if reimbursement will be sought for any additional

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  
REAL 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

A

costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

NOTE: 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 reimbursable.

Pursuant to 35 Ill. Adm. Code 732.301 a Site Classification Completion Report must be submitted within 90 days of the date of this letter to:

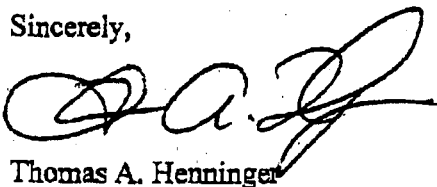
Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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 assistance, please contact Donna Wallace at 217/ 524-1283.

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:DW:dw\

Attachments: Attachment A and Attachment B

c: CSD Environmental Services, Inc.  
Division File

Attachment A

Re: LPC #1150350004 -- Macon County  
Mt. Zion/ Willaredt Oil Co., Inc.  
1000 U.S. Highway 121  
LUST Incident No. 980380  
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

- A. The Agency will approve (2) soil samples from boring locations B-7 thru B-10 and from the borings at the locations for MW#7 and MW#8. The samples are to be tested for VOCs and PNAs. The remaining proposed boring locations appear to be excessive for the minor release reported at this tank field.
- B. It will not be necessary to sample the soils for lead; since your on site lead levels were below background levels of 36.0 ppm.
- C. The Agency will approve a groundwater sample from (4) monitoring wells. The Agency will approve exiting MW#2 and MW#3 as well as the proposed MW#7 and MW#8. Groundwater samples from these wells must be tested for VOCs, PNAs and Lead.

DW:dw\

Attachment B

Re: LPC # 1150350004 -- Macon County  
Mt. Zion/ Willaredt Oil Co., Inc.  
1000 U.S. Highway 121  
LUST Incident No. 980380  
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

**SECTION 1**

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment B, the following amounts are approved:

\$2,659.00	Investigation Costs
\$3,677.65	Analysis Costs
\$6,731.00	Personnel Costs
\$313.20	Equipment Costs
\$219.40	Field Purchases and Other Costs
\$743.67	Handling Charges

**SECTION 2**

- A. \$11,384.35 for an adjustment in the number of samples to be taken as well as the deduction of lead samples taken from the soil. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act) and 35 Ill. Adm. Code 732 (Section 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)).

These adjustments were made as an adjustment in the modifications to the plan

- B. \$7,810.80 for an adjustment in drum charges, personnel hours previously approved, . encore sampler charges, camera charges, mileage and shipment charges. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

- C. \$1,090.25 for an adjustment in handling charges. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act and 35 Ill. Adm. Code 732.607):

Subcontract or Field Purchase Cost:	Eligible Handling Charges as a Percentage of Cost:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 plus 10% of amount over \$5,000
\$15,001 - \$50,000	\$1,600 plus 8% of amount over \$15,000
\$50,001 - \$100,000	\$4,400 plus 5% of amount over \$50,000
\$100,001 - \$1,000,000	\$6,900 plus 2% of amount over \$100,000

Handling charges were adjusted to meet budget modifications.

DW:dw\

## 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

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

MOHAN, ALEWELT, PRILLAMAN & ADAMI

LAWYERS

SUITE 325

1 NORTH OLD CAPITOL PLAZA

SPRINGFIELD, ILLINOIS 62701-1323

EDWARD J. ALEWELT

FRED C. PRILLAMAN

PAUL E. ADAMI

CHERYL S. NEAL

PATRICK D. SHAW

JOEL A. BENOIT\*

CHRISTOPHER D. OSWALD

\*ALSO ADMITTED IN MISSOURI

JAMES T. MOHAN, Of Counsel

TELEPHONE

(217) 528-2517

FAX

(217) 528-2553

E-MAIL

mapa@family-net.net

October 16, 2003

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

Re: Request for 90-day extension in LPC #1150350004 -  
Macon County (Willaredt Oil Company/Mt. Zion)

Dear Mr. Kim:

We are the attorneys for Willaredt Oil Company, Inc.. Pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/40 (a)(1), and 35 Ill. Adm. Code Sec. 105.208, our client requests that the Pollution Control Board grant a 90-day extension of time to appeal the Agency's September 16, 2003, decision in this matter. A true and correct copy of the said decision letter is attached hereto as Exhibit A.

The Applicant requests such extension for a period of 90 days, for the reason that the Applicant, by and through its attorneys, intends to meet with appropriate Agency personnel in the near future with the hope and expectation of working out a fair and reasonable settlement of the issues, thereby obviating the need for a formal appeal and hearing. Such efforts are more likely to succeed if they are unencumbered with the litigation responsibilities and deadlines which would apply if an immediate appeal were taken.

The Applicant hereby requests the Agency to file its concurrence with the Board so that the statutory extension may be granted.

Your prompt attention to this request would be greatly appreciated.

John J. Kim  
October 16, 2003  
Page 2

Thank you.

Very truly yours,

MOHAN, ALEWELT, PRILLAMAN & ADAMI

By 

Fred C. Prillaman

WRITER'S E-MAIL: [prillaman@mohanlaw.com](mailto:prillaman@mohanlaw.com)

FCP/sew  
Enclosure

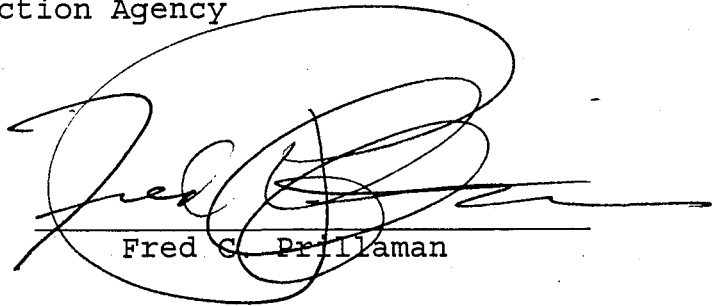
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John J. Kim  
October 16, 2003  
Page 3

Proof of Service

The undersigned certifies that a copy of the foregoing Letter of Request for Extension was served upon the following parties by enclosing the same in envelopes addressed to said parties with postage fully prepaid, and by depositing said envelope in a U.S. Post Office mail box in Springfield, Illinois on the 16th day of October, 2003:

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



Fred C. Prillaman

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701  
(217) 528-2517

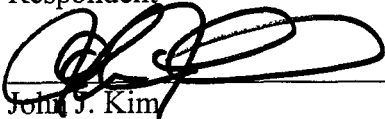
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 21, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
Suite 325  
1 North Old Capitol Plaza  
Springfield, IL 62701-1323

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)