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CLERK'S OFFICE

JUL 14 2003

STATE OF ILLINOIS
Pollution Control Board

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

MICK'S GARAGE,)
Petitioner,)
v.) PCB No. 03-126
ILLINOIS ENVIRONMENTAL) (UST Appeal)
PROTECTION AGENCY,)
Respondent.)

NOTICE

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


Curtis W. Martin
Shaw & Martin
123 South Tenth Street
Suite 302
P.O. Box 1789
Mt. Vernon, IL 62864

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, IL 62704

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION FOR LEAVE TO FILE INSTANTER THE ADMINISTRATIVE RECORD and ADMINISTRATIVE RECORD, 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: July 9, 2003

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

MICK'S GARAGE,)	
)	
Petitioner,)	
v.)	PCB No. 03-126
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
Respondent.)	

MOTION FOR LEAVE TO FILE INSTANTER THE ADMINISTRATIVE RECORD

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, hereby requests that the Illinois Pollution Control Board ("Board") grant the Illinois EPA leave to file instanter the Administrative Record for this matter. In support of this motion, the Illinois EPA states as follows:

1. The Petitioner, Mick's Garage, filed its appeal on or about May 16, 2003. The Illinois EPA received notice of the Petitioner's filing on May 19, 2003. Pursuant to 35 Ill. Adm. Code 105.116, the Administrative Record ("record") is to be filed with the Board within thirty (30) days after the filing of the petition. Accordingly, the record was due to be filed on or before June 15, 2003. That date was a Sunday, and the following business day was June 16, 2003.
2. This appeal is linked to a number of other appeals involving a common environmental consultant retained by the respective owners or operators that have filed petitions.
3. The Petitioner and the Illinois EPA have been in discussions regarding the resolution of this and all other related actions. Further, the parties have been in contact with the Hearing Officer assigned by the Board.
4. Following extensive discussions between the parties, the progress of which has been consistently and periodically provided to the Hearing Officer, the parties have agreed that a

number of other related appeals can be considered as either settled or not in need of a hearing at this time. Specifically, of 10 appeals involving the common consultant originally set for hearing in July, six have since been either resolved or will be stayed pending further efforts to resolve the underlying issues.

5. The time spent negotiating the resolution of these appeals has delayed submission of the Administrative Record, although the end results were certainly worth the effort expended. The Illinois EPA nonetheless regrets the delay, and hopes that the Board will accept this late filing.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA leave to file instant the Administrative Record.

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: July 9, 2003

This filing submitted on recycled paper.

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

JUL 14 2003

STATE OF ILLINOIS
Pollution Control Board

MICK'S GARAGE,)
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Petitioner,)
)
v.) PCB No. 03-126
ILLINOIS ENVIRONMENTAL) (UST Appeal)
PROTECTION AGENCY,)
)
Respondent.)

ADMINISTRATIVE RECORD

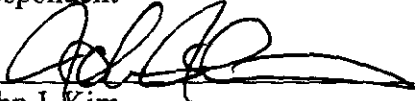
NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 105.212, hereby files this Administrative Record ("Record") of the Illinois EPA's decision in this matter. An original and requisite number of copies of this Record are herewith filed with the Illinois Pollution Control Board ("Board") and the Petitioner, Mick's Garage.

The Record consists of the following documents:

Document/Description	Page(s)
Letter from Illinois EPA to Mick's Garage dated February 7, 1992	1-2
Letter from Illinois EPA to Mick's Garage dated March 9, 1992	3
Letter from Illinois EPA to Mick's Garage dated March 24, 1993	4
Letter from United Science Industries, Inc. to Office of the State Fire Marshal dated May 17, 2000	5
Underground Storage Tank Fund Eligibility and Deductibility Application	6-8
UST Information Sheets	9-10
LUST Technical Review Notes	11-12
Memorandum from John Barrett to Doug Oakley dated August 21, 2002	13
Letter from United Science Industries to Illinois EPA dated August 8, 2002	14-22
Letter from Illinois EPA to Mary Fincher Estate/Mick's Garage dated September 4, 2002	23-26
Letter from United Science Industries to Illinois EPA dated November 12, 2002	27-35
Letter from Illinois EPA to Mary Fincher Estate/Mick's Garage dated January 10, 2003	36-38

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: July 9, 2003

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 9, 2003, I served true and correct copies of a MOTION FOR LEAVE TO FILE INSTANTER THE ADMINISTRATIVE RECORD and ADMINISTRATIVE RECORD, 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

Curtis W. Martin
Shaw & Martin
123 South Tenth Street
Suite 302
P.O. Box 1789
Mt. Vernon, IL 62864

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, IL 62704

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)



217/782-6761

Refer to: LPC #119085500² -- Madison County
Pontoon Beach/Mick's Garage
Highway 111 and I-270
LUST Incident No. 911582
LUST/Fiscal

Certified # P 681 208 905

February 7, 1992

Mick's Garage
Attn: Steve Fincher
103 Kutter Drive
East Alton, Illinois 62024

Dear Mr. Fincher:

The Application for Reimbursement from the Underground Storage Tank Fund (Fund) for the above referenced site, received by the Agency November 15, 1991, has been reviewed. It has been determined that you are eligible to seek reimbursement for corrective action costs associated with the occurrence referenced by the above Incident number, accrued on or after July 28, 1989, in excess of \$50,000.00.

It has been determined that you are ineligible to seek reimbursement for Corrective Action Costs associated with the two (2) 500 gallon heating oil/kerosene tanks for the following reason:

The owner or operator has not registered the tank in accordance with Section 22.18b(a)(4) or the Gasoline Storage Act and paid into the Underground Storage Tank Fund all fees required for the tank in accordance with Sections 4 and 5 of that Act and Regulations adopted by the Office of the State Fire Marshal.

A \$50,000.00 deductible applies to sites where the costs incurred were in response to a release of petroleum which first occurred prior to July 28, 1989; and the owner or operator had actual or constructive knowledge that such a release occurred prior to July 28, 1989. It shall be the burden of the owner or operator to prove to the satisfaction of the Agency that the owner or operator had no actual or constructive knowledge that the release of petroleum for which the claim is submitted first occurred prior to July 28, 1989. (Section 22.18b(d)(3)(C)(ii) of the Illinois Environmental Protection Act). The review of January 29, 1992 indicates that Application for Reimbursement for the above referenced sites indicates that the owner/operator knew of release in 1980. The contamination from this release has not been addressed.

According to the application, both of the 20,000 gallon diesel fuel tanks were taken out of service in 1980 due to a leak in line going from connecting tank to pump.

RELEASABLE

DEC 23 2002



Page 2

The above decision relates only to your eligibility to seek reimbursement from the Fund. Once submitted, the corrective action costs will be reviewed separately to determine if they are allowable. To avoid delays, please insure that you include all proper documentation in your submission; Professional Engineer Certification form, legible copies of all invoices, proof of payments (front and back of all checks), and Agency Standard Billing Forms documenting all work performed.

This constitutes the Agency's final decision as it relates to your eligibility and deductible amount. An underground storage tank owner or operator may appeal this decision to the Illinois Pollution Control Board (Board) pursuant to Sections 22.18b(g) and 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision (35 Ill. Adm. Code 105.102(a)(2)).

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, Illinois 60601

312/814-3620

Sincerely,

Angela Aye Tin, Manager
State Sites Unit
Leaking Underground Storage Tank Section
Division of Land Pollution Control

AAT:JEH:jar/0301r,58-59

cc: Division File
Collinsville Region
Ronald Schallawitz
Kyle Rominger
Jay Hamilton



217/782-6761

March 9, 1992

Mick's Garage
Attn: Steve Fincher
103 Kutter Drive
East Alton, Illinois 62024

Re: LPC #119085502 - Madison County
Pontoon Beach/Mick's Garage
Highway 111 & I-270
LUST Incident No. 911582
LUST/Fiscal

RECEIVED
MAR 25 1992
COLLINGSVILLE, ILL.

Dear Mr. Fincher:

The Application for Reimbursement from the Underground Storage Tank Fund (Fund) for the above referenced site has been reviewed. It has been determined that you are eligible to seek reimbursement for corrective action costs associated with the occurrence referenced by the above incident number, accrued on or after July 28, 1989, in excess of \$50,000.00.

A \$50,000.00 deductible applies to sites where the costs incurred were in response to a release of petroleum which first occurred prior to July 28, 1989; and the owner or operator had actual or constructive knowledge that such a release occurred prior to July 28, 1989. It shall be the burden of the owner or operator to prove to the satisfaction of the Agency that the owner or operator had no actual or constructive knowledge that the release of petroleum for which the claim is submitted first occurred prior to July 28, 1989. (Section 22.18b(d)(3)(C)(ii) of the Illinois Environmental Protection Act). The review of January 29, 1992 indicates that the owner/operator was aware of a release from the UST system in 1980. The contamination from this release has not been addressed.

According to the application, both of the 20,000 gallon diesel fuel tanks were taken out of service in 1980 due to a leak in line going from connecting tank to pump.

The above decision relates only to your eligibility to seek reimbursement from the Fund. Once submitted, the corrective action costs will be reviewed separately to determine if they are allowable. To avoid delays, please insure that you include all proper documentation in your submission; Professional Engineer Certification form, legible copies of all invoices, proof of payments (front and back of all checks), and Agency Standard Billing Forms documenting all work performed.

Sincerely,

Angela Aye Tin, Manager
State Sites Unit
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

ATTN: JEN-12-10675-67

RELEASABLE

AUG 13 2002

REVIEWER MD



217/782-6761

March 24, 1993

Micks Garage
Attn: Steve Fincher
103 Kutter Drive
East Alton, IL 62024

Re: LPC# 119085500² -- Madison County
Pontoon Beach/Micks Garage
Highway 111 and I-270
LUST Incident #911582
LUST/Fiscal

Dear Mr. Fincher:

The Illinois EPA is in receipt of your March 3, 1992 letter as submitted by ARDL Inc. The Agency has completed its review of the information submitted in regards to eligibility from the Underground Storage Tank Fund.

After confirmation with the Office of the State Fire Marshal, the Agency is reinstating the eligibility status of the two-five hundred gallon heating oil tanks. These two tanks are now eligible to seek reimbursement from the UST Fund.

The Agency apologizes for any inconvenience in regards to incorrectly referencing the (2) 2,000 gallon diesel fuel USTs as (2) 20,000 gallon diesel fuel USTs as stated in the Agency's letter of February 7, 1992.

If you have any questions in regards to your eligibility, please call JAY HAMILTON at 217/782-6761.

Sincerely,

Bur Filson, Manager
Northern Sub-Unit
State Sites Unit
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

JH
BF:JH:pss

bcc: ~~Division File~~
Collinsville Region
Angela Aye Tin
Jay Hamilton
Thelma Knoles
Karl Kaiser

RELEASABLE

DEC 23 2002

REVIEWER MM

1190855002 - Madison
Mick's Garage
Hunt Tech



6295 East IL Hwy 15
P.O. Box 360
Woodlawn, IL 62898

Phone (618) 735-2411
FAX (618) 735-2907

May 17, 2000

Office of the State Fire Marshal
Division of Petroleum and Chemical Safety
1035 Stevenson Drive
Springfield, IL 62703-4259

Re: Facility ID # 6-011735
Mick's Garage/Madison County
1251 E. Chain of Rocks Road
Pontoon Beach
Incident 911582


To Whom It May Concern:

Please find the Eligibility and Deductibility Application for the above site for your review.

I appreciate your time and consideration. If you have any questions or comments regarding this enclosure, please contact me at (618) 735-2411. Thank you.

Very Truly Yours,

United Science Industries, Inc.


Brad Richards
Project Manager

BR:bw

Enclosures

RECEIVED
MAY 18 2000
EPA/BOL

RELEASABLE

NOV 09 2000

REVIEWER MM

**Underground Storage Tank Fund
Eligibility and Deductibility Application**

This application must be submitted by all underground storage tank owners or operators planning to seek reimbursement of corrective action costs from the Underground Storage Tank (UST) Fund. Instructions and definitions to aid in completing the application are attached.

The application must be completed **in its entirety**. All signatures and seals must be originals signed in ink. Incomplete applications will be returned to the applicant. Any revisions to the original application must be dated and initialed by the person entering the new information. This must be the same person who signs the application. If a facility is not in compliance with registration requirements your application will be returned. **Do not submit bills with the application.**

To ensure proper routing, **DO NOT** submit the application with reports, with copies of reports or inside reports. A duplicate copy of the application is not required.

Following the review of your application, you will receive a letter stating whether you are eligible and the applicable deductible amount.

OSFM Facility ID #: 6-011735

1. Name of Applicant: Mary Fincher Estate

Tank Owner: Tank Operator: (Check those that currently apply)

Mailing Address of Applicant: PO Box 8025

City: Mitchell State: IL Zip: 62040

Contact Person: Mary Ann Williams

2. Current Owner: Mary Fincher Estate

a.) Tank: Property: Lessee: (Check those that currently apply)

Mailing Address: PO Box 8025

City: Mitchell State: IL Zip: 62040

Phone: (618) 931-4330

The OSFM is requesting disclosure of information to process your Eligibility and Deductibility Application in order to accomplish the statutory purpose as stated in 415 ILCS, Act 5, Environmental Protection Act. This is REQUIRED because failure to provide the requested information will result in this form not being processed, and there will be no eligibility or deductibility determination for purposes of the UST Fund. This form has been approved by the Forms Management Center.

RECEIVED

MAY 18 2000

b.) Date Facility Property Purchased: _____

c.) Were tanks in the ground on date of purchase? Yes ___ No ___

d.) If no, were they installed after your purchase? _____

e.) Have you ever operated these tanks; pumped product in or out during the ordinary course of operation? Yes ___ No ___

3. Previous owner/operator: _____

Tank : ___ Property: ___ Lessee: ___ (Check those that currently apply)

Current mailing address: _____

City: _____ State: _____ Zip: _____

Phone: () _____

4. Facility Name: Mick's Garage

Facility Address: 1251 E. Chain of Rocks Road

City: Ponoon Beach County: Madison

5. Occurrence for which you intend to seek reimbursement: Incident # 911582

Other incident numbers reported at the site: 990820 (Second Reporting of the Same Occurrence)

(A separate application must be filed for each occurrence. Please indicate if any of the additional incident numbers are erroneously reported incidents, or a second reporting of the same occurrence for which you intend to seek reimbursement.)

6. Person and official title notifying IEMA (previously ESDA) of the occurrence for which you intend to seek reimbursement: Steve Fincher

Date IEMA notified of the occurrence for which you intend to seek reimbursement: 6-11-91

7. Number of USTs at the site: 11

(A UST includes USTs presently at the site and USTs that have been removed).

8. Number of USTs at the site that have had a release: 11 (An UST release includes a leak from an underground tank, a release from underground piping associated with the tank, plus overfills of the UST during filling).

9. Type of release (check all that apply):

X UST leak X Overfill of an UST during filling

X Underground piping leak _____ Other (please attach description)

10. Is the UST owner or operator the U.S. government? Yes ___ No X

11. Is the UST owner or operator a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code?

Yes No

12. Is the UST located at an airport with over 300,000 operations per year and in a city of more than 1,000,000 inhabitants?

Yes No

13. Has corrective action work began?

Yes No Date

Was corrective action work completed?

Yes No Date

The following certification must be completed by the UST owner/operator:

I Brad Richards the Owner, Operator or designated agent, thereof, of Mick's Garage Leaking Underground Storage Tank site, do hereby certify under penalty of law, that this application and the supporting documentation attached hereto were prepared under my direction or supervision in accordance with a system designed to assure that quality personnel properly gathered and evaluated the information submitted therein. I affirm that the information is, to the best of my knowledge and belief, true, accurate and complete. Such affirmation is made under penalty of perjury as defined in Section 32-2 of the Criminal Code, 720 ILCS 5/32-2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly committing violations. The "Eligibility and Deductibility Determination" decided pursuant to this document is subject to the costs being associated with "Corrective Action" of Title XVI. Petroleum USTs.

Signature (Owner, Operator or designated agent):

Brad Richards

Title: Project Manager (United Science Industries, Inc.)

Date: 5/17, 15 2000

Subscribed and sworn to before me this 17 day of May, 2000.
(Application must be notarized when the certificate is signed.)

Monica Ann Piasecki
Notary Public



Note: Original signatures in ink and seals are required for the certification and notarization. Attach the UST information sheet behind this page. This form may be reproduced on a copier but cannot be altered in any way. DO NOT reproduce on a computer; this will be grounds for rejection.

UST Information Sheet

The information below must be provided for each UST at the site (USTs presently at the site and USTs that have been removed).

Please photocopy this page if more space is needed.

All spaces must be completed for each tank. If you have any questions, please refer to the instructions.

OSFM Facility ID #: 6-011735

Tank	Product Code	Size (Gallons)	Date Installed	Date Out of Service	Date Removed	Date Registered	IEMA NUMBER	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned-In-Place (Filled)
1	G	1,000	Est. 82	1983	4-7-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
2	G	4,000	Est. 56	1989	4-7-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
3	G	4,000	Est. 56	1989	4-7-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
4	G	4,000	Est. 56	1989	4-7-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
5	G	4,000	Est. 73	1989	4-8-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
6	D	2,000	Est. 63	1980	4-8-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
7	D	2,000	Est. 63	1980	4-8-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
8	D	6,000	Est. 77	1990	4-5-99	5-5-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
9	D	500	Est. 67	Est. 78	4-7-99	5-13-86	911582	6-11-91	(Y) N	(Y) N	Y (N)
10	H	500	Est. 67	Est. 78	4-5-99	5-13-86	911582	6-11-91	(Y) N	(Y) N	Y (N)

Product Codes - (Refer to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene or U - Used oil; H - Heating oil; HAZ - Hazardous Substance; N - Any product not included under another code.

Comments: _____

UST Information Sheet

The information below must be provided for each UST at the site (USTs presently at the site and USTs that have been removed).

Please photocopy this page if more space is needed.

All spaces must be completed for each tank. If you have any questions, please refer to the instructions.

OSFM Facility ID #: 6-011735

Tank	Product Code	Size (Gallons)	Date Installed	Date Out of Service	Date Removed	Date Registered	IEMA NUMBER	Date IEMA Notified	Registration Fees Paid		Has UST Had a Release		Is UST Legally Abandoned- In-Place (Filled)	
									Y	N	Y	N	Y	N
1	H	500	Est. 67	1975	4-5-99	5-13-86	911582	6-11-91	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y	<input checked="" type="checkbox"/>
2									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
3									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
4									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
5									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
6									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
7									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
8									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
9									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>
10									Y	<input type="checkbox"/>	Y	<input type="checkbox"/>	Y	<input type="checkbox"/>

Product Codes - (Refer to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene or U - Used oil; H - Heating oil; HAZ - Hazardous Substance;
N - Any product not included under another code.

Comments: _____

LUST TECHNICAL REVIEW NOTES

Reviewed by:	John Barrett	File Heading: IEPA #	1190855002 - Madison
Date Reviewed:	February 15, 2002	City/Site Name	Pontoon Beach/Mick's Garage
		Address	Hwy 111 & Chain of Rocks
		LUST Incident #	911582 - 990820
		LUST Technical File	

Document(s) Reviewed:

Site Classification Report and Corrective Action Plan

General Site Information:

IEMA date(s): 06/11/1991
Size & Product of Tanks: 11 tanks
UST System removed (Y/N): Y
Encountered Groundwater (Y/N):
Free Product (Y/N):
Current/Past Land Use:
Reimbursement (Y/N/unknown): Y
OSFM Facility ID # 6-011735
Consultant: United Science Industries

RELEASABLE

JAN 13 2003

Division File Information (Optional): (Arranged chronologically)

REVIEWER MM

Review Note Comments:

Site is OLD LAW that has not elected to proceed under Title 16.

CAP Form states that a budget is attached but I am unable to locate it in the package. Since this is 731, a budget is not required.

The cover letter for the package includes documentation that the \$50,000 deductible is in error.

Their contention is that the two deductibles assessed by the OSFM are the ones to collect.

Proposed methods of remediation:

Soil – Chemical Oxidation & Soil Abatement

Groundwater – Chemical Oxidation

To-Date there have been 36 borings of which 26 have been completed as monitoring wells.

Plan is to excavate and dispose of the contaminated soil, place a chemical oxidation compound on the base of the excavation and backfill with sand and soil with a gravel cap to grade. After backfill is complete five new/replacement wells will be placed in the areas of highest floor contamination. If shown effective, chemical oxidation will be proposed for the off-site groundwater contamination via either direct push injection or horizontal drilling injection.

Estimated amount of soil to be removed is 19,965 to 21,666 yd³ on-site with the possibility of an additional 7,060 to 7,064 yd³ off-site.

Although a budget is not included, the plan estimates a cost of \$800,000 for excavation and disposal of the soil on-site or \$35.00 per yd³.

Plan estimates 33 days to complete excavation and backfilling.

PM's Recommendation/Comments:

Although it is not specifically stated, this site is classified High Priority because of contamination off-site.

Approve the Corrective Action Plan maintain the Agency's position that the \$50,000 deductible applies.

Response Due:

Memorandum

1190855002-Madison
Mick's Garage
LUST File

To: Doug Oakley

From: John Barrett

Date: August 21, 2002

Subject: Attached memo from consultant requesting reduction in deductible.

LPC # ~~119085502~~ - Madison County
Pontoon Beach / Mick's Garage
1251 East Chain of Rocks Road
LUST Incident #911582 & 990820
LUST Technical File

I don't think that I can reduce a deductible. Tom asked me to forward a copy to you and see if you want to have another meeting about this site.

This is the site that questioned the assessment of two deductibles when there was only one release. When we looked at the file a third (older) deductible was found. You spoke with the OSFM and it was decided that the oldest deductible would rule. I do not see anything in this memo that would change that assessment. Should the consultant send this to the OSFM?

RELEASABLE

AUG 29 2002

REVIEWER MM

P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360



1190855002-madiso
Mick's Garage
Christie
Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

August 8, 2002

Mr. John Barrett
IEPA-Bureau of Land
Division of Remediation Management
LUST Section
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Re: Mick's Garage (IEMA # 911582)-LUST Deductible Determination

RECEIVED
AUG 12 2002
IEPA/BOL

Dear Mr. Barrett:

United Science Industries, Inc. currently represents Mick's Garage at 1251 Chain-of-Rocks Rd. in Pontoon Beach, Illinois in the Leaking Underground Storage Tank (LUST) program. Following a file review and client interview, this letter will hope to clarify the information regarding the deductible amount. Supporting documentation is also provided as Attachments A, B and C.

The LUST site known as Mick's Garage, a truck maintenance facility, reported a "suspected" release on June 11, 1991 to IESDA and incident no. 911582 was assigned. Please note that a "suspected release" was first reported. In 1991, it was a standard practice to report a suspected release and to later confirm a release either by a site investigation and/or a UST removal. An Application for Removal of eleven UST's was received by the OSFM on November 2, 1998 and the OSFM approved the Application on February 2, 1999. Bruce Trucking and Excavating, Inc. from Granite City, IL in the presence of Art Jacobs, the OSFM Representative, removed the UST's on April 5, 7, and 8, 1999. The OSFM representative requested a second reporting of the same occurrence on April 5 and IEMA assigned a second incident no. 990820 to the site.

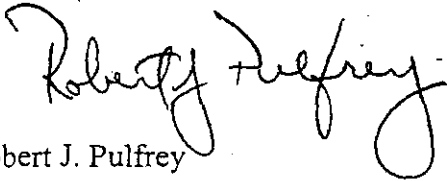
According to both the OSFM Inspector's Log of Removal and the 45 Day report, releases were noted from three (3) 4,000 gallon gasoline UST's (tanks #2, 4,5), one (1) 500 gallon diesel UST (tank#9), and two (2) 500 gallon heating oil UST's (tanks # 10 and 11). In a letter from IEPA, a question arose about a release from two (2) 2,000-gallon diesel tanks (see Attachment A). According to the best information available to our client, it was a "suspected" leak in a line connecting the tank to the pump that caused the

tanks to be taken out of service (Attachment B). However, no releases were evident at the time of the tank removal under the direction of the OSFM representative, as the Removal Log indicates (Attachment C).

We hereby ask you to consider the information provided when reaching a final decision on the deductible for this site.

Respectfully Yours,

UNITED SCIENCE INDUSTRIES, INC.

A handwritten signature in cursive script that reads "Robert J. Pulfrey". The signature is written in dark ink and is positioned above the printed name and title.

Robert J. Pulfrey
Project Manager

Attachments

ATTACHMENT A



217/782-6761

March 9, 1992

Mick's Garage
Attn: Steve Fincher
103 Kutter Drive
East Alton, Illinois 62024

Re: LPC #119085501 -- Madison County
Pontoon Beach/Mick's Garage
Highway 111 & I-270
LUST Incident No. 911582
LUST/Fiscal

Dear Mr. Fincher:

The Application for Reimbursement from the Underground Storage Tank Fund (Fund) for the above referenced site has been reviewed. It has been determined that you are eligible to seek reimbursement for corrective action costs associated with the occurrence referenced by the above incident number, accrued on or after July 28, 1989, in excess of \$50,000.00.

A \$50,000.00 deductible applies to sites where the costs incurred were in response to a release of petroleum which first occurred prior to July 28, 1989; and the owner or operator had actual or constructive knowledge that such a release occurred prior to July 28, 1989. It shall be the burden of the owner or operator to prove to the satisfaction of the Agency that the owner or operator had no actual or constructive knowledge that the release of petroleum for which the claim is submitted first occurred prior to July 28, 1989. (Section 22.18b(d)(3)(C)(ii) of the Illinois Environmental Protection Act). The review of January 29, 1992 indicates that the owner/operator was aware of a release from the UST system in 1980. The contamination from this release has not been addressed.

According to the application, both of the 20,000 gallon diesel fuel tanks were taken out of service in 1980 due to a leak in line going from connecting tank to pump.

The above decision relates only to your eligibility to seek reimbursement from the Fund. Once submitted, the corrective action costs will be reviewed separately to determine if they are allowable. To avoid delays, please insure that you include all proper documentation in your submission; Professional Engineer Certification form, legible copies of all invoices, proof of payments (front and back of all checks), and Agency Standard Billing Forms documenting all work performed.

Sincerely,

Angela Aye Tin, Manager
State Sites Unit
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

AAT-JEH-12-10675-67

ATTACHMENT B

Mick's Garage Inc.

P.O. Box 8025
Mitchell, IL 62040

July 31, 2002

Bob Puffrey

United Science Industries

6925 East IL Hwy 15

P.O. Box 360

Woodlawn, IL 62898

Dear Sir:

Enclosed is a copy of log from the onsite State Fire Marshal in reference to the previously reported leaking tank. Please let me explain our position on this matter.

When Mick's Garage was required to register our underground storage tanks, I was the one elected to fill out all the paperwork. The information provided in that paperwork was to the best of my knowledge, even though some of the information needed predated my employment at the garage. I was told to do the best that I could do but I made flagrant error in describing the reason for taking one of our tanks out of service.

In the 80's we had one diesel island in operation with two diesel pumps on the island. One pump was connected to two 2000-gallon underground fuel tanks and one pump was connected to one 6000 – gallon underground fuel tank. In or around 1980, a tractor-trailer had come through our driveway and then proceeded to back up and backed up over our one diesel fuel pump that was not in use at that moment. It pushed the pump sideways. The next vehicle we had to fuel, I tried to use the pump, but it would not dispense any fuel. I erroneously concluded that a line had been broken going to the pump and a leak had developed even though I had not seen either.

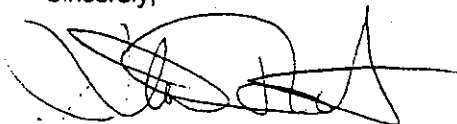
We did not need the pump as our fuel sales were very slow, so we considered the pump out of service and never used it, or the tanks connected to it, again. Only at a later date, after I had filled out our tank registration, did I find out that the diesel pump was indeed a suction pump and when it was pushed sideways, the line cracked going to the suction pump, so it would not draw any fuel through the line. This made it impossible for the line to leak, as the pump could not draw any fuel through the line.

This was in evidence at the excavation and removal of the two 2000-gallon fuel tanks. We had taken photographs of the line going to the suction pump from the tanks and the surrounding soil. We have tried to locate these photographs, but at this time have been unable to find them. It was clearly plain to see that there was never a leak at this area. Mr. Art Jacobs, the State Fire Marshal on site, concurred with our findings and states that in his log (see enclosed document).

We are asking to have the deductible determination reduced due to our inaccurate reporting of a leak that never existed. Thank you for your time.

July 31, 2002

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Fincher', with a long horizontal stroke extending to the right.

Steve Fincher
President

ATTACHMENT C



OFFICE OF THE STATE FIRE MARSHAL
 DIVISION OF PETROLEUM AND CHEMICAL SAFETY
 1035 STEVENSON DRIVE
 SPRINGFIELD, ILLINOIS 62703-4259

FACILITY # 6 011735
 PERMIT # 00427-1999 REM1
 DATE REMOVED 4-8-99
 IEMA # 99-0820

RECEIVED

APR 22 1999
 DIV. OF PETROLEUM
 CHEMICAL SAFETY

LOG OF UNDERGROUND STORAGE TANK REMOVAL

OWNER	FACILITY
NAME: <u>Fincher Mary</u>	NAME: <u>Micks GARAGE</u>
ADDRESS: <u>P.O. Box 8025</u>	ADDRESS: <u> Hwy 111 + I 270</u>
CITY: <u>Mitchell</u>	CITY: <u>Pontoon Beach</u>
STATE: <u>IL</u> ZIP: <u>62040</u>	COUNTY: <u>Madison</u> ZIP: <u>62040</u>
PHONE: _____	PHONE: <u>618 931 4330</u>

STATUS: MINOR _____ SIGNIFICANT _____ MAJOR APPEARS TO BE NO RELEASE _____

AREA OF CONTAMINATION: TANK FLOOR WALLS PIPE TRENCH OTHER _____

GROUND WATER CONTAMINATED: YES NO _____ ANY WATER WELLS IN AREA? YES _____ NO

NUMBER OF TANKS REMOVED: 6

SIZE OF EACH TANK REMOVED: 4 M 2 M 2 M 750^{Gal} 750^{Gal} 5 M M M

PRODUCT STORED: GASOLINE DIESEL GASOLINE DIESEL

DOES THIS TANK APPEAR TO HAVE LEAKED? (Y OR N) Y N N Y Y Y

NUMBER OF TANKS TO REMAIN IN GROUND: 1

SIZE OF EACH TANK: 5 M M M M M M M M M

PRODUCT STORED: DIESEL

COMMENTS: _____

REMOVAL CONTRACTOR:

NAME: Bruce Trucking & Exc

ADDRESS: 4401 Highway 162

CITY: Granite City STATE: IL

PHONE: 618 931 1053 ZIP: 62040

REGISTRATION #: 11 1041

Del. A A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

RENEE CIPRIANO, DIRECTOR

217/782-6762

SEP 04 2002

CERTIFIED MAIL

7001-2510-0002-5279-4362

Mary Fincher Estate/Mick's Garage
Mary Ann Williams, Executor
5804 Bangert Drive
Edwardsville, Illinois 62025

Re: LPC # 119085502-- Madison County
Pontoon Beach / Mick's Garage
1251 East Chain of Rocks Road
LUST Incident #911582 & 990820
LUST Technical File

Dear Ms. Fincher:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the material provided in a letter dated August 8, 2002, submitted for the above-referenced incident. This material was received by the Illinois EPA on August 12, 2002. The material was prepared by United Science Industries. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

This material was discussed with a representative of the Leaking Underground Storage Tank Claims Unit and a representative of the Office of the State Fire Marshall. From this discussion, the decision was made that the proper deductible amount is the \$50,000 that was originally assessed for this site.

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:

RELEASABLE

GEORGE H. RYAN, GOVERNOR

NOV 22 2002

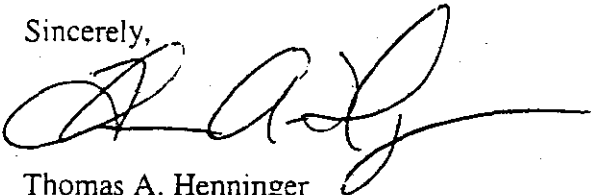
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

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 John Barrett at (217) 782-4869.

Sincerely,



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

TAH/JB

cc: United Science Industries
Division File

House Bill 4471 is now Public Act 92-0554

Governor George Ryan signed House Bill 4471 into law as Public Act 92-0554 on June 24, 2002. Public Act 92-0554 amends the Environmental Protection Act Sections 57.1, 57.2, 57.5, 57.6, 57.7, 57.8, 57.10, and 57.13 and adds Section 57.14A. The Act includes some significant changes to the handling of underground storage tank releases. Owners or operators who report a release on or after June 24, 2002 will no longer be able to perform Site Classification, pursuant to 35 Ill. Adm. Code 732.307 and 35 Ill. Adm. Code 732.312, and must now perform Site Investigation. However, if a release was reported prior to June 24, 2002, owners or operators may elect to perform Site Investigation.

Public Act 92-0554 also raised the maximum amount that may be reimbursed from the Underground Storage Tank Fund. The Illinois EPA will request that the Illinois Pollution Control Board change the Illinois Administrative Code to reflect Public Act 92-0554. This change is expected to occur in 2003.

Public Act 92-0554 may be viewed at:

<http://www.legis.state.il.us/publicacts/pubact92/acts/92-0554.html>

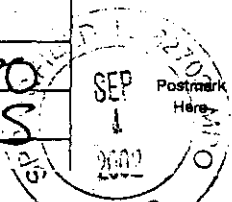
The effective date of Public Act 92-0554 was June 24, 2002.

For additional information, please call the Illinois EPA, Leaking Underground Storage Tank Section at (217) 782-6762.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0002 5279 4362

91882E I-741/ADO LTB E

Postage \$		
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		

Total Postage

Sent To
 Street, Apt. No. or PO Box No.
 City, State, ZIP+4

Mary Fincher Estate/Mick's Garage
 Mary Ann Williams, Executor
 5804 Bangert Dr.
 Edwardsville, IL 62025

P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360



Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

November 12, 2002

Illinois Environmental Protection Agency
Bureau of Land
Division of Remediation Management
LUST Section
1021 North Grand Avenue East
Springfield, IL 62792-9276
Attn: John Barrett

**Re: LPC# 1190855002 – Madison Co.
Mick's Garage
1251 East Chain of Rocks Road
LUST Incident No's. 911582 & 990820
Project #1899158
LUST Technical File**

RELEASABLE

DEC 23 2002

REVIEWER MM

Mr. Barrett:

Enclosed herewith, is the Site Characterization Report/Corrective Action Plan for the above referenced LUST site. The Site Characterization Report describes all the work performed to date to determine both the degree and extent of contamination. The Corrective Action Plan describes the proposed Corrective Action activities to remediate soil and groundwater.

Due to very high levels of soil contamination, the close proximity of the Roxanna Landfill and taking an opportunity of a special price of \$10.50 per ton for disposal of contaminated soil and \$25 per load for backfill, United Science Industries (USI) is recommending excavation and disposal as the preferred remediation method. Based on the above factors, USI has estimated the cost to be less than \$35.00 per cubic yard. In conjunction with excavation, chemical oxidizing compound will be applied to the floor to remediate the groundwater, which has been shown to be effective at several other USI LUST sites.

USI, on behalf of Mick's Garage, is requesting a resolution of the deductible determination. Attachment A is a record of conversation with the Office of State Fire

RECEIVED

NOV 15 2002

Marshall (OSFM), which maintains; two deductibles \$10,000 and \$15,000 are the proper amounts to be applied to this site. Attachment B is the OSFM Removal Log observing that the two diesel tanks in question did not have releases "as suspected" and attachment C is a valid explanation of the reporting of these "suspected" releases from the Owner/Operator.

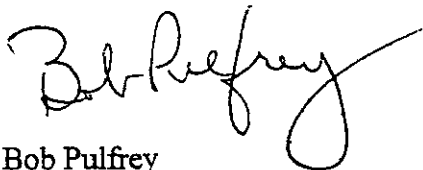
With the submission of these documents, USI maintains that the Owner/Operator has provided the burden of proof necessary to resolve the deductible. We hope this matter can be resolved quickly, so we can move forward with the important task of protecting human health and the environment.

USI, upon receipt of Owner/Operator Certifications, will be submitting costs incurred to date from the Site Investigation Plan and Plume Identification Activities. These will be sent to Doug Oakley's attention for review.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 or e-mail at bpulfrey@unitedscience.com.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.



Bob Pulfrey
Project Manager

cc: Doug Oakley
John Kim, IEPA Attorney

ATTACHMENT A

RECORD OF CONVERSATION

Route To: _____

Telephone Call (to/from)

Meeting

Organization OSFM Date 9-13-02 Time 11:00

Name Vicki Cox-Fruse Title _____

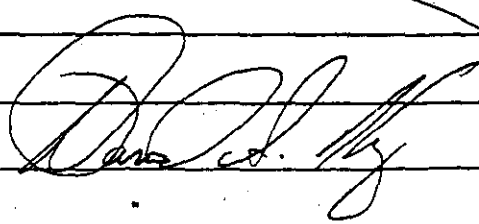
Address _____ Telephone Number (217) 785-1020

State, Zip _____

Site Name Mick's Garage Project Number 1899153

REFERENCE _____

Discussion Summary Called Vicki at OSFM to see how deductible was determined for the site. Vicki stated that the \$50,000 was Davey Oakes's decision and that the OSFM's position on the deductible was that a \$10,000 and a \$15,000 applied, but not a \$50,000. We cited the Env. Protection Act regulation specifically that idemnes the \$50,000 deductible and agreed that this site is not a 50k site.

By 

ATTACHMENT B

ies

of log from the onsite State Fire Marshal in reference to the previously reported
let me explain our position on this matter.

was required to register our underground storage tanks, I was the one elected to
work. The information provided in that paperwork was to the best of my knowledge,
the information needed predated my employment at the garage. I was told to do
so but I made flagrant error in describing the reason for taking one of our tanks out

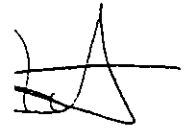
the diesel island in operation with two diesel pumps on the island. One pump was
2000-gallon underground fuel tanks and one pump was connected to one 6000 -
gallon fuel tank. In or around 1980, a tractor-trailer had come through our driveway and
back up and backed up over our one diesel fuel pump that was not in use at that
time. The pump was pushed sideways. The next vehicle we had to fuel, I tried to use the pump, but it
would not draw any fuel. I erroneously concluded that a line had been broken going to the pump
and I had not seen either.

the pump as our fuel sales were very slow, so we considered the pump out of service
and the tanks connected to it, again. Only at a later date, after I had filled out our tank
and found out that the diesel pump was indeed a suction pump and when it was pushed
sideways, it would not draw any fuel through the line. I had not checked going to the suction pump,
so it would not draw any fuel through the line. I had not checked for the line to leak,
as the pump could not draw any fuel through the line.

at the excavation and removal of the two 2000-gallon fuel tanks. We had taken
photos of the suction pump from the tanks and the surrounding soil. We have
photographs, but at this time have been unable to find them. It was clearly plain to
see that there was a leak at this area. Mr. Art Jacobs, the State Fire Marshal on site,
concurred with our report. He states that in his log (see enclosed document).

the deductible determination reduced due to our inaccurate reporting of a leak
thank you for your time.

July 31, 2002

A handwritten scribble or signature in the top left corner, consisting of several overlapping lines and loops.

ATTACHMENT C



OFFICE OF THE STATE FIRE MARSHAL
 DIVISION OF PETROLEUM AND CHEMICAL SAFETY
 1035 STEVENSON DRIVE
 SPRINGFIELD, ILLINOIS 62703-4259

RECEIVED

FACILITY # 6 011735
 PERMIT # 00427-1999 Rem
 DATE REMOVED 4-8-99
 IEMA # 99-0820

APR 22 1999
 DIV. OF PETROLEUM
 CHEMICAL SAFETY

LOG OF UNDERGROUND STORAGE TANK REMOVAL

OWNER	FACILITY
NAME: <u>Finchea Mary</u>	NAME: <u>Micks Garage</u>
ADDRESS: <u>P.O. Box 8025</u>	ADDRESS: <u> Hwy 111 + I 270</u>
CITY: <u>Mitchell</u>	CITY: <u>Panama Beach</u>
STATE: <u>IL</u> ZIP: <u>62040</u>	COUNTY: <u>Madison</u> ZIP: <u>62040</u>
PHONE: _____	PHONE: <u>618 931 4330</u>

STATUS: MINOR _____ SIGNIFICANT _____ MAJOR APPEARS TO BE NO RELEASE _____

AREA OF CONTAMINATION: TANK FLOOR WALLS PIPE TRENCH OTHER _____

GROUND WATER CONTAMINATED: YES NO _____ ANY WATER WELLS IN AREA? YES _____ NO

NUMBER OF TANKS REMOVED: 6

SIZE OF EACH TANK REMOVED: 4 M 2 M 2 M 750 ^{Gal} 750 ^{Gal} 5 M M M

PRODUCT STORED: GASOLINE DIESEL GASOLINE DIESEL

DOES THIS TANK APPEAR TO HAVE LEAKED? (Y OR N) Y N N Y Y Y

NUMBER OF TANKS TO REMAIN IN GROUND: 1

SIZE OF EACH TANK: 5 M M M M M M M M M

PRODUCT STORED: DIESEL

COMMENTS:

REMOVAL CONTRACTOR:

NAME: Bruce Trucking & Exc
 ADDRESS: 4401 Highway 162
 CITY: Granite City STATE: IL
 PHONE: 618 931 1053 ZIP: 62040



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

JAN 10 2003

Mary Fincher Estate/Mick's Garage
Steve Fincher
1251 E. Chain of Rocks Road
Pontoon Beach, Illinois 62040

Re: LPC # 119085502-- Madison County
Pontoon Beach / Mick's Garage
1251 East Chain of Rocks Road
LUST Incident #911582 & 990820
LUST Technical File

RELEASEABLE

JAN 13 2003

Dear Mr. Fincher:

REVIEWER MD

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Characterization Report/Corrective Action Plan (plan) submitted for the above-referenced incident. This information was dated November 2002 and was received by the Illinois EPA on November 13, 2002. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (Ill. Adm. Code).

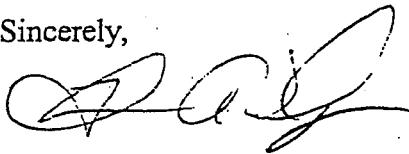
The activities proposed in the plan are appropriate to demonstrate compliance with 35 Ill. Adm. Code 731; therefore, the plan is approved. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory requirements, including compliance with the proper permits. In addition, this approval does not constitute payment approval for costs associated with the performance of the activities in the plan. The Illinois EPA will review your complete request for partial or final payment from the Underground Storage Tank Fund after it is submitted.

The Agency appreciates the information provided with the cover letter for the Site Classification Report/Corrective Action Plan received November 13, 2002. The information provided does seem to indicate that the two diesel tanks did not have a release. However, the information provided at the time of the release indicates that the release reported on June 11, 1991 was for a gasoline tank. The Corrective Action/Proposed Plan of Remediation prepared by ARDL and

received by the Agency on August 8, 1991 and the Application for Reimbursement from the Underground Storage Tank Fund dated September 17, 1991 further supports this. The Application for Reimbursement indicates that of the eleven tanks identified for removal one (1) was a Waste Oil tank, two (2) were Heating Oil/Kerosene tanks, one (1) was a Gasohol tank, three (3) were Diesel Fuel tanks, three (3) were Regular Gasoline tanks and one (1) was an Unleaded Gasoline tank. All tanks were indicated as having had releases from both the tank and the piping systems connected to them. Based on the information stated above, the Agency continues to believe that the \$50,000.00 deductible originally assessed applies at this site.

If you have any questions or need further assistance, please contact John Barrett at (217) 782-4869.

Sincerely,



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

TAH/JB

cc: United Science Industries
Division File

House Bill 4471 is now Public Act 92-0554

Governor George Ryan signed House Bill 4471 into law as Public Act 92-0554 on June 24, 2002. Public Act 92-0554 amends the Environmental Protection Act Sections 57.1, 57.2, 57.5, 57.6, 57.7, 57.8, 57.10, and 57.13 and adds Section 57.14A. The Act includes some significant changes to the handling of underground storage tank releases: Owners or operators who report a release on or after June 24, 2002 will no longer be able to perform Site Classification, pursuant to 35 Ill. Adm. Code 732.307 and 35 Ill. Adm. Code 732.312, and must now perform Site Investigation. However, if a release was reported prior to June 24, 2002, owners or operators may elect to perform Site Investigation.

Public Act 92-0554 also raised the maximum amount that may be reimbursed from the Underground Storage Tank Fund. The Illinois EPA will request that the Illinois Pollution Control Board change the Illinois Administrative Code to reflect Public Act 92-0554. This change is expected to occur in 2003.

Public Act 92-0554 may be viewed at:

<http://www.legis.state.il.us/publicacts/pubact92/acts/92-0554.html>

The effective date of Public Act 92-0554 was June 24, 2002.

For additional information, please call the Illinois EPA, Leaking Underground Storage Tank Section at (217) 782-6762.