

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

1441 KINGSHIGHWAY, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 2024-032
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

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

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
carol.webb@illinois.gov

Patrick D. Shaw
Law Office of Patrick D. Shaw
80 Bellerive Road
Springfield, IL 62704
pdshaw1law@gmail.com

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a **MOTION TO SUPPLEMENT THE RECORD**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

/s/ Rich Kim
Rich Kim
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
Dated: February 29, 2024

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

1441 KINGSHIGHWAY, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 2024-032
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

MOTION TO SUPPLEMENT THE RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by Rich Kim, as one of its attorneys, presents its motion to supplement the record and states as follows:

1. On November 3, 2023, 1441 KINGSHIGHWAY, INC. filed with the Illinois Pollution Control Board ("Board") a Petition for Review of the Respondent's LUST Decision. On November 16, 2023, the Board accepted the petition for hearing.
2. On January 31, 2024, Respondent electronically filed the Record on Appeal.
3. Respondent now seeks to supplement the Record on Appeal with the Tank Removal Inspection Narrative with photographs, as pages AR000368-AR000377 of the Record on Appeal, attached hereto as Exhibit A.
4. This record supplement is intended only for the purposes of providing a complete factual record on appeal, pursuant to 35 Ill. Adm. Code 105.410.

WHEREFORE, Respondent, Illinois Environmental Protection Agency, hereby requests that the Board or the Hearing Officer enter an order granting this Motion to Supplement the Record and designate the pages attached hereto as Exhibit A as AR000368-AR000377.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

/s/ Rich Kim

Rich Kim

Assistant Counsel - Division of Legal Counsel

Special Assistant Attorney General

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

866/273-5488 (TDD)

richard.kim@illinois.gov

Dated: February 29, 2024

UNDERGROUND STORAGE TANK REMOVAL
INSPECTION NARRATIVE

1631455083 – St. Claire County

Washington Park/Tamers, Inc.

1441 Kings Highway

August 30 & 31, 2022

Weather: Sunny, 77 degrees, wind 4mph from west, and dry soil conditions.

Leaking UST Incident # 20220668

Leaking UST Technical File

On August 30 & 31, 2022, I observed the removal of underground storage tanks at property located at 1441 Kings Highway in Washington Park. The site is a closed station with only the car wash portion remaining at the site. CWM and Carter Trucking had already removed the canopy, and the main building. Only the buried UST's and the old car wash building remain at the location. CWM was acting as the consultant and hired Carter Trucking of Fairfield to do the contract work. CWM had three workers at the site in Rob Stanley, Kenny Rowe, and John Kyeton. Carter trucking had two workers at the site operating the track hoe and skid steer. Also at the site was Travis Smith from the Office of State Fire Marshall.

While I was at the location on August 30, 2022, I observed the removal of one of the two 20,000-gallon USTs at the site. The USTs were backfilled with a limestone material that was very packed around the tanks. The USTs were both fiberglass units with lifting lugs that break easily when pulled on. They ended up pulling off both the lugs on the first tank and had to use the bucket of the track hoe to dig into the tank and lift it out. Once removed, they cleaned out what little material was left in the bottom. Following cleaning they then crushed the tank into small pieces so it could be out loaded for disposal.

When not digging on the tanks, the operator for Carter Trucking was out-loading trucks for the Milan landfill which is just north of Washington Park around 6 miles. They had four semis running at the time of the removal.

I remained at the site until they finished crushing the first tank and returned to the Marion office at around 3:00pm.

I returned to the site on August 31, 2022, arriving at around 8:20am. When I arrived, they had just finished blowing down the remaining 20K tank to make it safe for disposal. There was still a large amount of overburden that had to be removed to pull the tank from the field. There was very little moisture in the tank field but there was an odor of petroleum at the site. They finally removed the fiberglass UST at around 11:15am. They were able to use the lugs that were built into the UST. After removed from the field, they cut open the tank at both ends. And, since it was a double compartment tank, they cut holes in the sides to access cleaning.

After the second UST was cleaned, they then moved over to the former piping trenches to excavate material in that area. In the former pipe trenches you could see some dark staining of soil from possible contamination.

I remained at the site until around 1:40pm before I returned to the Marion Regional Office.

UST REMOVAL SUMMARY

- CWM and Carter Trucking assisted with the removal of the UST's
- Tanks consisted of 2-20,000-gallon single walled fiberglass units with one of the tanks having two separate compartments.
- Both USTs appeared to be in good condition.
- Track hoe, skid steer, and air compressor used in the removal process.
- Tank field was dry, but some odor of petroleum was observed in the backfill material.
- Tank field material was being removed and hauled to Milan landfill which is around 6 miles from the site. Using four semis at the time of removal.
- Canopy and gas station building were demolished, and metal scrapped for recycling.
- Tightly packed backfill material and pulling lugs off first tank slowed down the removal process.
- Concrete cover was removed from the top of the tank field. Approximately 4 to 6 inches in thickness.
- The piping runs did show some discoloration from contamination.



DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/30/2022
Time: 9:29am
Direction: E
Photo by: Robert
Mileur
Exposure #: 001
Comments: Tank field
being uncovered for
tank removal.



Date: 8/30/2022
Time: 9:47am
Direction: NE
Photo by: Robert
Mileur
Exposure #: 002
Comments: Remains of
station to be
recycled



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/30/2022
Time: 9:47am
Direction:
Photo by: Robert
Mileur
Exposure #: 003
Comments: Concrete
that covered tank
field.



Date: 8/30/2022
Time: 10:52am
Direction: SE
Photo by: Robert
Mileur
Exposure #: 004
Comments: Beginning
to uncover UST's.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/30/2022
Time: 2:25pm
Direction: E
Photo by: Robert
Mileur
Exposure #: 005
Comments: Removing
first 20K UST.



Date: 8/30/2022
Time: 2:27pm
Direction: SSE
Photo by: Robert
Mileur
Exposure #: 006
Comments: First UST
set out and ready for
cleaning.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/30/2022
Time: 2:28pm
Direction: E
Photo by: Robert
Mileur
Exposure #: 007
Comments: Tank field
with first UST
removed.



Date: 8/30/2022
Time: 2:39pm
Direction: N
Photo by: Robert
Mileur
Exposure #: 08
Comments: Cleaned
interior of first UST.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/31/2022
Time: 8:30am
Direction: E
Photo by: Robert Mileur
Exposure #: 009
Comments: Blowing the LEL down of second tank before removal.



Date: 8/31/2022
Time: 8:47am
Direction: SE
Photo by: Robert Mileur
Exposure #: 010
Comments: View of site out loading backfill material.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/31/2022
Time: 10:32am
Direction: W
Photo by: Robert
Mileur
Exposure #: 011
Comments: Getting
closer to removing
UST.



Date: 8/31/2022
Time: 11:18am
Direction: SE
Photo by: Robert
Mileur
Exposure #: 012
Comments: Removing
second UST from
tank field.



DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/31/2022
Time: 11:18am
Direction: NE
Photo by: Robert Mileur
Exposure #: 013
Comments: Tank field with both UST's removed



Date: 8/31/2022
Time: 11:52am
Direction: S
Photo by: Robert Mileur
Exposure #: 014
Comments: Second UST cut open on north and south ends.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

1631455083 — St. Claire County
Washington Park/Tamers, Inc.
FOS File

DIGITAL PHOTOGRAPHS File Names: 1631455083 ~ 08302022-[Exp. #].jpg



Date: 8/31/2022
Time: 11:53am
Direction: NE
Photo by: Robert
Mileur
Exposure #: 015
Comments: South end
of second and final
UST.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on **February 29, 2024**, I served true and correct copies of a **MOTION TO SUPPLEMENT THE RECORD**, via the Board's COOL system and email, upon the following named persons:

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

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
carol.webb@illinois.gov

Patrick D. Shaw
Law Office of Patrick D. Shaw
80 Bellerive Road
Springfield, IL 62704
pdshaw1law@gmail.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

/s/ Rich Kim
Rich Kim
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
richard.kim@illinois.gov