

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

PIA AVCENTER LLC d/b/a BYERLY	)	
AVIATION	)	
	)	
Petitioner,	)	
v.	)	PCB No. 24-78
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING AND PROOF OF SERVICE**

TO: Carol Webb, Hearing Officer	Richard Kim
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PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (h), a PETITIONER'S MOTION FOR SUMMARY JUDGMENT, a copy of which is herewith served upon Respondent.

The undersigned hereby certifies that I have served this document by e-mail upon the above persons at the specified e-mail address before 5:00 p.m. on the 28th day of January, 2026. The number of pages in the e-mail transmission is 23 pages.

PIA AVCENTER LLC d/b/a  
BYERLY AVIATION,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

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PIA AVCENTER LLC d/b/a BYERLY AVIATION,)	)	
Petitioner,	)	
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v.	)	PCB No. 24-78
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**PETITIONER’S MOTION FOR SUMMARY JUDGMENT**

NOW COMES Petitioner, PIA AVCENTER LLC d/b/a BYERLY AVIATION, by its undersigned counsel, moves for summary judgment pursuant to Section 101.516(b) of the Board’s Procedural Rules (35 Ill. Adm. Code § 101.516(b)), stating as follows:

**STATEMENT OF UNDISPUTED FACTS**

PIA AVCenter LLC, doing business as Byerly Aviation, previously owned and operated underground storage tanks at 6100 Dirksen Parkway, Peoria, Illinois. (A.R.104; A.R.345) The site is an aviation center at the Peoria International Airport (“PIA”), which provides aviation fuel, jet fuel and gasoline for airport activities. (A.R.104)

On August 4, 2023, at 10:08:22 AM, Petitioner reported releases from four underground storage tanks at the site, specifically one 17,500 gallon aviation fuel tank, one 15,000 gallon jet fuel tank, one 15,000 gallon aviation fuel tank and one 20,000 gallon gasoline tank. (A.R.010 - A.R.012) The Illinois Emergency Management Agency assigned the releases as Incident Number 2023-0623 (A.R.010)

On August 7, 2023, Petitioner applied for a permit to remove the tanks from the Office of the State Fire Marshal (hereinafter “OSFM”), which issued the permit on the same date.

(A.R.013)<sup>1</sup> The tanks were removed from August 23, 2023 to August 24, 2023. (A.R.109)

On September 29, 2023, Petitioner filed its 45-Day Report with the Illinois EPA (A.R.101-A.R.257), which approved the report on December 18, 2023, as well as the Stage One Site Investigation Plan. (A.R.351)

On October 18, 2023, Petitioner applied for an eligibility and deductible determination from the Office of the State Fire Marshal (A.R.262 - A.R.263), which issued a determination approving payment of costs in excess of a \$5,000 deductible on October 25, 2023. (A.R.264)

On January 12, 2024, Petitioner submitted an application for payment of early action costs in the amount of \$224,349.27. (A.R.0357 - A.R.492) The Illinois EPA's decision deadline was May 11, 2024, and the reviewer initially reviewed the package on April 22, 2024. (A.R.354) On May 1, 2024, the Illinois EPA reviewer, emailed a lengthy list of demands for information to be answered by May 7, 2024. (A.R.493 - A.R.495) Petitioner's consultant responded to the emails on May 2nd and May 6th. (A.R.496 - A.R.499)

On May 10, 2024, the Illinois EPA approved the application for payment in part, cutting \$37,576.31 from the payment application. (A.R.500) The largest deduction (\$31,846.63) was explained to be due to the issuance of a permit for removal of the tanks in 2015. (A.R.502-A.R.503)

On June 18, 2024, Petitioner timely filed its petition for review with the Board, which was accepted on August 8, 2024.

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<sup>1</sup> There was also a fifth underground storage tank at the site, a 3,000 gallon gasoline tank, from which a release was not reported. (A.R.013) The four tanks from which a release was reported are the only tanks at issue in this appeal and reimbursement was only sought for the costs of removing those four tanks. (A.R.460)

**LEGAL STANDARDS AND SCOPE OF REVIEW**

“[A]n owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal.” (415 ILCS 5/57.6(b)) The application for payment may be submitted to the Illinois EPA upon completion of early action activities pursuant to the same regulations applicable to other applications for payment. (35 Ill. Adm. Code 734.220) If the Agency denies payment in full or in part, written notification must be given (1) identifying the specific type of information, if any, the Agency needs to complete the review, (2) explaining the Sections of the Act or regulations that may be violated if the application for payment is approved, and (3) providing a statement of specific reasons why those cited provisions may be violated if the application for payment is approved. (35 Ill. Adm. Code § 734.610(d)) The Illinois EPA’s authorization of only a partial payment of the amount requested in an application for payment may be appealed to the Board. See 415 ILCS 5/57.8(i) The Board must decide whether Petitioner’s early action reimbursement request to IEPA would violate the Act or the Board’s rules. 1441 Kingshighway v. IEPA, PCB 24-32, slip op. at 5 (June 20, 2024) The IEPA’s denial letter frames the issues on appeal. Id. at 6.

“The Board’s review is generally limited to the record before IEPA at the time of its determination.” Id. However, the purpose of this proceeding is to provide petitioners an opportunity to challenge the underlying decision pursuant to principles of fundamental fairness. EPA v. PCB, 138 Ill. App. 3d 550, 552 (3rd Dist. 1985) (the Board hearing "includes consideration of the record before the [Agency] together with receipt of testimony and other proofs under the panoply of safeguards normally associated with a due process hearing") The

Illinois Pollution Control Board has promulgated rules for summary judgments: "If the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law, the Board will enter summary judgment." (35 Ill. Adm. Code § 101.516(b)) This motion for summary judgment is based upon the record filed by Agency, accompanied by documents identified in the next section of which Petitioner requests the Board to take official notice. See Dersch Energies v. IEPA, PCB 17-3, slip op. at pp. 4-6 (June 17, 2021) (denying Agency's motion to strike exhibits to motion for summary judgment for which official notice could be taken) "A party opposing a motion for summary judgment may not rest on its pleadings, but must "present a factual basis which would arguably entitle [it] to a judgment." Gauthier v. Westfall, 266 Ill. App. 3d 213, 219 (2d Dist. 1994).

**OFFICIAL NOTICE**

Pursuant to 35 Ill. Adm. Code 101.630, Petitioner requests that the Board take Official Notice of the following Exhibits filed with this motion:

- Ex. A: IEPA Owner/Operator Billing Certification Form (10/1993), available in  
Leaking Underground Storage Tanks (IICLE, Feb. 1994)
- Ex. B: OSFM records supported by Affidavit of Debbi Eggleston (Jan. 28, 2026)
- Ex. C: IEPA "Tiered Approach to Corrective Action Objectives (TACO) Fact  
Sheet 11: Metals" (Feb. 23, 2007)
- Ex. D: IEPA "Sampling Requirments for Used Oil Underground Storage Tank  
Systems" Fact Sheet (Jan. 27, 2026)

Pursuant to Section 101.630 of the Board's regulations, the Board may take official notice of “matters of which the circuit courts of this State may take judicial notice; and generally recognized technical or scientific facts with the Board's specialized knowledge.” (35 Ill. Adm. Code § 101.630(a))

**Exhibit A** is an Illinois EPA form from October of 1993 found in *Leaking Underground Storage Tanks* (IICLE, Feb. 1994). The Board has previously taken official notice of selected pages from an official publication of the National Fire Protection Association (PAK-AGS v. IEPA, PCB 15-14, slip op. at 3 (Dec. 4, 2014), as well as Illinois EPA forms downloaded from the Agency website. (Dersch Energies v. IEPA, PCB 17-3, slip op. at p. 5 (June 17, 2021))

**Exhibit B** are OSFM records of the site obtained through a Freedom of Information Act request by Petitioner’s consultant, Green Wave Consulting. (Ex. B (Affidavit of Debbi Eggleston)) In reviewing the application for payment, the Illinois EPA expressly relied upon a 2015 OSFM removal permit presumably obtained from the OSFM (A.R.502), and the administrative record includes several other OSFM documents also presumably obtained from the OSFM. (A.R.001-009; A.R.013-A.R.015; A.R.019-A.R.100) Attached to the Affidavit are the following OSFM documents:

<u>Date</u>	<u>Document</u>	<u>Page</u>
08/07/2014	Initial Certification Audit	1
07/08/2015	Applications for Permit for Inspection of Exiting Linings	7
07/08/2015	Permit for Inspection of Interior Lining of USTs	11
07/13/2015	Application for Permit for Removal of Tanks & Piping	12
7/14/2015	Permit for Removal of USTs & Piping (A.R.001)	14
9/23/2015	Log of UST Lining/Interior Inspection	15
9/30/2015	Amended Notification for USTs	18
	Inspection Certification	23
	Tanking Lining/Internal Inspection Compliance Report	24

	Statement of Precision Tightness Test	26
1/15/2016	Log of UST Removal	27

Where, as here, the Agency’s review extended beyond the application as submitted to the Agency to a selection of records obtained from OSFM files, fundamental fairness requires consideration of additional materials made relevant by the Agency’s review of extrinsic information. See Illinois E.P.A. v. Illinois Pollution Control Bd., 138 Ill.App.3d 550, 551 (3<sup>rd</sup> Dist. 1985) (Board proceedings are the “means of disputing any contrary evidence relied on by EPA”) “[P]ublic records of a state agency . . . are subject to judicial notice . . .” People v. Dahl, 110 Ill.App.3d 295, 299 (4<sup>th</sup> Dist. 1982) The Board has previously taken official notice of public records from the Office of the State Fire Marshal. PAK-AGS v. IEPA, PCB 15-14, slip op. at 3 (Dec. 4, 2014)

**Exhibit C** is a fact sheet taken from the Agency’s website in 2007 and found at <https://epa.illinois.gov/topics/cleanup-programs/taco/fact-sheets/metals.html>. At a time uncertain, the fact sheet was withdrawn and currently the page states: “This fact sheet is being reviewed and is currently unavailable. Please check again later.” The Board may take official notice of Agency guidance made available on its website. (Dersch Energies v. IEPA, PCB 17-3, slip op. at p. 5 (June 17, 2021))

**Exhibit D** is a fact sheet taken from the Agency’s website on January 27, 20226 at <https://epa.illinois.gov/topics/cleanup-programs/lust/publications-regs/sampling-requirements.html>. This fact sheet is also from 2007, but it still on the Agency website. The Board may take official notice of Agency guidance made available on its website. (Dersch Energies v. IEPA, PCB 17-3, slip op. at p. 5 (June 17, 2021))

**ARGUMENT**

**I. THE COST OF REMOVING TANKS WERE IMPROPERLY DEDUCTED ON THE BASIS OF AN UNEXECUTED REMOVAL PERMIT FROM 2015 (\$31,864.63).**

The Illinois EPA deducted the costs for removing all four underground storage tanks on the basis that the tanks had been “permitted for removal” in 2015 before notice of a release was provided to the Illinois Emergency Management Agency in 2023. (A.R.502) “A permit for removal of UST #'s 1-5 and associated piping was originally issued to Byerly Aviation on July 14, 2015, prior to IEMA reporting on August 4, 2023.” (A.R.503) The Illinois EPA reviewer describes this deduction in notes as for a “planned pull.” (A.R.355; A.R.460) The “planned tank pull” language arose from Illinois EPA forms that predate the Board’s underground storage tank regulations.<sup>2</sup> The phrase does not appear in the Illinois Environmental Protection Act, the Board’s regulations, nor the Agency decision letter.

The Agency record indicates that the Illinois EPA considered documents obtained from the Office of the State Fire Marshal beyond those submitted by Petitioner. (A.R.001-A.R.009) Petitioner herein asks the Board to take official notice of documents from the Office of the State Fire Marshal’s record of the site (Exhibit B), but first starts with the legal infirmities of the Agency’s argument without looking to the related OSFM documents.

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<sup>2</sup> See Exhibit A (Illinois EPA Forms dated October of 1993), available in “How to Qualify for Reimbursement Under New Title 16 of the Illinois Environmental Protection Act,” Leaking Underground Storage Tanks (IICLE February 1994). Title XVI of the Act was enacted September 13, 1993, and directed the Illinois EPA to propose rules to the Board. One year later, the Board enacted the first UST regulations under Title XVI. 35 Ill. Adm. Code Part 732. (adopted Sept. 15, 1994). The Board’s UST regulations did not contain the phrase “planned tank pull.” In re Regulation of Petroleum Leaking Underground Storage Tanks, R94-2(A) (Sept. 15, 1994) Nor do the current Agency billing certification form. (A.R.485)

**A. The Act's Notification Requirement Only Penalizes Cost Recovery When Notification Was Required and Not Given.**

The Illinois EPA decision letter cites Section 57.8(k) of the Act in support of its denial of costs:

**The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.**

(415 ILCS 5/57.8(k))

Section 57.9(a)(5) of the Act explains that notice must be given to the Illinois Emergency Management Agency (hereinafter "IEMA"):

**The owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements of this Title are satisfied and:**

\* \* \*

**(5) The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.**

(415 ILCS 5/57.9(a)(5)(emphasis added))

While Section 57.9 of the Act primarily deals with eligibility and deductibility determinations made by OSFM; this particular provision is unique in imposing a limitation on cost recovery for violating a regulatory requirement. Cf. North Suburban Development Corp. V. IEPA, PCB 91-109, slip op. at 9 (Dec. 19, 1991) ("Failure to comply [with the notice requirement] not only precludes the Agency from reimbursement of remediation costs, it subjects [an owner] to enforcement liability under the Act.") Given that a leaking underground storage

tank could potentially be in violation of any number of statutes or regulations, privileging the notification obligation in this way makes the requirement unique. The obligation originates from the 1988 federal regulations, which explained that the intention of the requirement was to aid in investigation of a suspected release: “The proposed requirement for the implementing agency to be informed early in the confirmation process was believed necessary so that the implementing agency would be assured that proper investigation procedures were used.” Underground Storage Tanks; Technical Requirements, 53 Fed. Reg. 37082, 37189 (Sept. 23, 1983) Illinois in turn made this requirement a condition of payment from the UST Fund in 1989. See Ill. Rev.State.1989, ch. 111½, para. 1022.18b(d)(4) (“The owner or operator [shall have] notified the State of the release of petroleum in accordance with applicable requirements.”) As such the uniqueness of the obligation is clear: the notification requirements prospective in its aims; it allows the state to monitor the progress of the response to the release, it enables identification of linkages to third-party reports of odors or fumes and otherwise provides a record for a variety of government actors.

The consequences of violating the notification requirement on receiving payment from the UST Fund was analyzed in Kronon Motor Sales v. Illinois Pollution Control Board, 241 Ill. App. 3d 766 (1<sup>st</sup> Dist. 1992), which upheld the Board’s interpretation of similar, though earlier, statutory language.<sup>3</sup> In that case, Kronon failed to give notice of a suspected release to the Illinois Emergency Services and Disaster Agency (“ESDA”) when it observed contamination

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<sup>3</sup> “Requests for partial or final payment for claims under this Section shall be sent to the Agency and shall satisfy all of the following: . . . (D) The owner or operator notified the State of the release of petroleum in accordance with applicable requirements.” (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.18b(d)(4)(D))

during tank removal, but waited to give notice only after multiple rounds of soil samples were analyzed. The owner/operator appeared to have wanted to be sure that there had been a release, but the Agency and the Board successfully persuaded the Court that the notification requirement was triggered by mere suspicion:

**The Agency and Board maintain that because the UST contained gasoline, any observed contamination would give rise to a suspicion that petroleum (a regulated substance) had been released. Therefore, because there was a suspected release of a regulated substance, Kronon was obligated to notify the ESDA. Furthermore, timely compliance with the notice requirement was a condition precedent to full reimbursement. Consequently, corrective action costs incurred prior to ESDA notification were properly disallowed.**

Id. at 770 (emphasis added).

Under the notice requirement, “Kronon was obligated to report to the ESDA within 24 hours of May 8, 1990, when contamination was first observed.” Id. Since May 8, 1990 was the date that the tank was removed and contamination was observed, the implication is that tank removal costs might have been reimbursed had the ESDA been called by the next day. Though failure to strictly adhere to the notice requirement might seem harsh, the Appellate Court did not find that the notice requirement posed a significant hardship. Id. at 771. While the opinion noted that a permit for removal of the tank was issued on April 25, 1990 for purpose of “upgrade to current regulations,” id. at 767, this date and plan had no significance as there was no obligation to give notice until contamination was observed. In other words, the Act does not penalize planning, it penalizes the failure to timely notify the proper authorities.

Turning to the present case before the Board, Petitioner fully complied with the notification requirement. During a limited subsurface investigation at the site on August 3, 2023, hydrocarbon impacted soil was found surrounding the underground storage tank systems.

(A.R.011; A.R.104) Within 24 hours, Petitioner notified IEMA. (A.R.010) There is no allegation in the Agency denial letter that Petitioner violated the notification requirement, nor could there be. Petitioner did precisely what the Kronon Motor Sales decision stated needed to be done by timely notifying IEMA.

There are no tank removal costs in the application for payment incurred before August 4, 2023. The application for removal of the tanks was requested on August 7, 2023 and approved that day. (A.R.123) On August 21, 2023, the contractor initiated the removal and cleaning operations under the supervision of an OSFM STSS. (A.R.109) On August 22, 2023, a contractor removed 150 gallons from the tanks for disposal. (A.R.456) Between August 24, 2023 and September 1, 2023, backfill was delivered to fill the former tankhold. (A.R.374) The Illinois EPA decision letter improperly cut the costs of tank removal (\$24,260.00), backfill (\$7,308.73) and disposal costs of remaining product in tanks (\$295.90). (A.R.503) All of these costs were incurred after the notice requirement was fulfilled.

Furthermore, Petitioner is remediating Incident 2023-0623, pursuant to an eligibility determination made by OSFM for that incident. The 2015 permit is simply irrelevant.<sup>4</sup> Given that the purpose of the notification requirement as explained in Kronon Motor Sales is to incentivize prompt notice when a release has been observed, there can be no penalty under the notification requirement when notice was not required to be given.

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<sup>4</sup> Even if there had been an incident reported in 2015, Petitioner is not obligated to address a previous incident as part of remediating the 2023 incident. See PAK-AGS v. IEPA, PCB 15-14, slip op. at 17 (Dec. 4, 2014) (“in pursuing reimbursement for incident 20110945—a confirmed release with an E&D determination and all the other regulatory requirements in place—[the owner/operator ] cannot be compelled to produce a document that does not exist about an incident [from 2005] PAK-AGS is not remediating.”)

**B. The Board's Notification Provisions Should be Construed Consistent with those of the Act, Only Imposing a Penalty for Cost Recovery When Notification Was Required.**

In addition to relying on Section 57.8(k) of the Act, the Illinois EPA decision letter cites Section 734.630(k) of the Board's Underground Storage Tanks regulations, which states:

**Costs ineligible for payment from the Fund include, but are not limited to:**

- k) Costs for removal, disposal, or abandonment of a UST if the tank was removed or abandoned, or permitted for removal or abandonment, by the OSFM before the owner or operator provides notice to IEMA of a release of petroleum;**

(35 Ill. Adm. Code § 734.630(k)(emphasis added))

The bulk of this regulation restates Section 57.9(a)(5) of the Act, which also disallows “costs . . . incurred before providing that notification shall not be eligible for payment.” (415 ILCS 5/57.9(a)(5)) There is no question that the costs specifically listed in the regulation (removal, disposal, or abandonment of a UST) may be disallowed under the Act if they are incurred before notification. Here, all of Petitioner's costs sought from the UST Fund were incurred after notification.

While the Board's rule is more specific in detailing treatment of a specific category of costs (removal, disposal or abandonment costs), the rule should be interpreted to be consistent with the corresponding prohibition found in the Act. (415 ILCS 5/57.9(a)(5)) A rule cannot be interpreted to modify statutory requirement. “Where an administrative rule conflicts with the statute under which it was adopted, the rule is invalid.” Estate of Slightom v. Pollution Control Board, 2015 IL App (4th) 140593, ¶ 26 (finding Board rule invalid to the extent it conflicted with the Act's treatment of deductible determinations)

The Illinois EPA's interpretation appears to be that if a tank is ever permitted for removal prior to notification, that tank's removal costs are forfeited forever, regardless of whether the permit was executed or whether there was any obligation to notify IEMA at the time of the permitting. The Board's notification rule may be intended applies to a situation like Kronon Motor Sales v. Illinois Pollution Control Board, 241 Ill. App. 3d 766 (1st Dist. 1992), in which the owner/operator discovered contamination during a tank pull. While the owner/ operator in that case did not give notice until two months after the discover, there could be potential issues of apportionment of pre-notice and post-notice costs if notice was given in the middle of tank removal activities.<sup>5</sup>

While the purpose of the notification requirement is to incentivize owner/operators to give prompt notice to the proper authorities of a suspected release, the Agency's application of the Board's rule here serves no such purpose. Unlike in Kronon Motors Sales, there was no release suspected in 2015, so no notification requirement existed. There can be no obligation or encumbrance imposed for failure to notify, when there is no duty to notify.

**C. Public Records from OSFM Show That Petitioner Was Only Planning to Remove Tanks If and only If They Failed Inspection in 2015.**

“The Board must decide whether the application, as submitted to the Agency, demonstrates compliance with the Act and Board regulations.” City of Benton Fire Department v. IEPA, PCB 17-01, slip op. at 3 (Feb. 22, 2018) (emphasis added) Where, as here, the

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<sup>5</sup> While apportionment concerns appear to be the likely focus of the Board rule, the Appellate Court and the state litigants in Kronon Motor Sales appear to have treated the notification requirement as a condition that could be satisfied within 24 hours of discovery of a potential release for full cost recovery.

Agency's review extended beyond the application as submitted to include a selection of OSFM records, fundamental fairness requires consideration of additional materials made relevant by the Agency's review of documents beyond the application. See Illinois E.P.A. v. Illinois Pollution Control Bd., 138 Ill.App.3d 550, 551 (3<sup>rd</sup>. Dist. 1985) (Board proceedings are the "means of disputing any contrary evidence relied on by EPA")

Attached is the Affidavit of Debi Eggleston, an employee of Petitioner's consultant, who conducted the Freedom of Information Act request for all available files and documents at the site. (Ex. B) Her affidavit establishes the foundation for the attached public records obtained from OSFM. Attached to the Affidavit are OSFM records showing that the Illinois EPA erred in believing that the Petitioner planned to remove the tanks in 2015. Instead, Petitioner was planning for periodic testing of the tanks which would necessitate their removal if they failed. A certification audit<sup>6</sup> performed by OSFM on August 7, 2014, indicated that the site was in regulatory compliance. (Ex. B, at pp. 1-6)<sup>7</sup> The audit also noted that four of the tanks used interior lining to satisfy tank corrosion protection requirements which had last passed inspection on September 29, 2010. (Ex. B, at p. 2)) Beginning January 1, 2011, interior linings were no longer an acceptable form of corrosion protection for new tanks. (41 Ill. Adm. Code § 175.500(a)) While existing tanks were grandfathered from the new requirements, they needed to pass a comprehensive multi-criteria inspection every five years to maintain the exemption. (Id. §

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<sup>6</sup> A "Certification Audit" is an "inspection performed by an STSS [Storage Tank Safety Specialist employed by OSFM] to establish a facility's regulatory compliance." 41 Ill. Adm. Code Section 174.100.

<sup>7</sup> The Affidavit of Debi Eggleston is Exhibit B, and the OSFM files attached are separately paginated from 1 to 28.

175.500(b)) “Tanks failing to pass the lining inspection criteria will not be allowed to be touched up, repaired, totally relined or put back into use and shall be placed out of service immediately . . .” (41 Ill. Adm. Code § 175.500(a))<sup>8</sup> Thus, four of the tanks needed to pass inspections by September 29, 2015, and any tank that failed would have to be taken out of service.

Given this regulatory background, the subsequent permitting actions should not be surprising. On July 8, 2015, Petitioner submitted to OSFM an application for permit for inspection of existing linings. (Ex.B, at pp. 7-10) OSFM granted the permit on the same date. (Ex. B, at p. 11) In case any of the tanks failed, Petitioner then submitted applications to remove tanks on July 13, 2015 (Ex. B, at pp. 12-13), which was approved the next day. (Ex. B, at p. 14 (same as A.R.001)) On September 23, 2015, Armor Shield of Wisconsin conducted the lining inspection in the presence of an OSFM STSS who recorded “all tanks passed the lining inspection.” (Ex. B, at pp. 16) On September 24, 2015, the tanks were also precision tested and proven to be tight. (Ex. B, at p. 26) Since all of the tanks passed lining inspection, there was no need to remove any tank. There was also no indication in any of the reports or notifications that any tank was leaking. (Ex. B, at pp. 15-26) On January 15, 2016, the same OSFM STSS that had been present during the lining inspection (James J. Coffey) entered a log entry for the tank removal permit, noting: “This permit was never executed. See the Lining Inspection permit for

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<sup>8</sup> OSFM regulations repeatedly state that failure at any step in the inspection ends the service life of the tank. “Tanks not meeting the wall thickness requirements shall be condemned and not put back into service . . .” 41 Ill. Adm. Code § 175.500(b)(2)(A)(i) Tanks failing the “internal inspection holiday test . . . shall be placed out of service . . .” Id. § 175.500(b)(2)(B) If “tanks fail the hardness test, the tank shall be placed out of service . . .” Id. § 175.500(b)(2)(C) If any tank fails the tank coating thickness test, “the tank shall be placed out of service . . .” Id. § 175.500(b)(2)(D)

these tanks #00637-2015LIN.” (Ex. B, at p. 28) The log entry shows that the removal permit was conditional in purpose and subject to the outcome of the lining inspection. Following the passing of the lining inspection, the owner operated the tanks for an additional eight years prior to discovering a release, properly reporting it, and subsequently filing a permit to remove tanks which was properly executed.

There is no correspondence or emails from OSFM in the administrative record, nor any notes evidencing a telephone conversation. Presumably, an IEPA reviewer saw a tank removal permit had been issued to Petitioner in 2015 on the OSFM’s website and requested it. In doing so, the Agency assumed things about the tank removal permit based upon its own experience with tanks being removed permanently and disposed of as part of corrective action. The OSFM has additional mandates of oversight of cleaning, inspecting, upgrading, and repairing tanks that are not within the Agency’s area of knowledge or responsibility and may at times involve temporary removal of tanks. The Agency simply erred in assuming that Petitioner intended to remove the tanks in 2015, but had Petitioner actually intended to do so it would never have incurred the considerable expense of the tests and inspections required to keep using them.

**II. THE COSTS ASSOCIATED WITH FIELD WORK PERFORMED ON AUGUST 22, 2023 WERE IMPROPERLY DEDUCTED (\$2843.78).**

The Agency cut all of consultant’s “costs associated with field work done on August, 22, 2023,” primarily with the justification that the work was associated with a “planned pull,” although there also appears to be an issue taken with a PH sample. (A.R.503 - A.R.504) The consultant explained the activities performed on August 22, 2023, as follows:

**The UST removal process was started on August 22 with the uncovering of the USTs down the tops of the tanks, removal of some of the piping (fill pipes, etc.), and placement of the overburden around the excavation. GFL Environmental was on-site to remove any liquid that had gotten into the USTs. Personnel also had to hand auger to collect a pH sample from a clean area of the site for use in comparing the required total lead results to the proper pH specific remediation objectives. Two personnel were on-site to document and oversee these activities and subcontractors, collect the required pH sample, ensure proper handling of all materials and document any potential identifiable release points from the USTs.**

(A.R.497)

The Agency cut all of the consultant's personnel time on that day, which was 8.5 hours for Joe Buhlig and 9 hours for Dave Nowack, both of whose work was described as "Prep/Travel UST Removal Oversight/Sampling." (A.R.468) The Agency also cut 174 miles round trip from Springfield to Peoria on that day, (A.R.462) as well as \$15.00 for a pH sample. (A.R.470, A.R.473)

It appears that all of these cuts were perceived to be part of an alleged "planned tank pull," except those that involved collecting and analyzing a pH sample from a clean area of the site. To the extent that the cuts are justified by the claim of a "planned tank pull," Petitioner incorporates without repetition its arguments in Part I of this motion which demonstrate that neither the Illinois Environmental Protection Act, nor the Pollution Control Board's regulations justify these deductions.

With respect to pH sampling, the Agency decision letter claims that a "[p]H analysis for determination of lead clean up objectives must be done in the same boring and same interval as the lead sample; therefore this pH analysis exceeds the minimum requirements." (A.R.503) The Agency decision letter does not state any legal authority for this claim, and Agency's own

guidance contradicts it.

The pH sample results were included in the 45-Day Report (A.R.275), which was approved by Agency technical staff. (A.R.351) As this is a payment application submittal, there is no legal basis for a financial review of a payment application to overrule the Agency's technical review of the sampling regiment.

The Agency's "Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 11: Metals," states in relevant part that

**"It is important to submit a sample for pH analysis that is representative of the soil that the contamination is expected to migrate through. Therefore, for evaluating the migration to groundwater pathway, the soil pH sample should be collected several feet below the surface in an uncontaminated area. For example, at a LUST site, the soil sample would be collected at a depth at or below the tank invert. For sites less than 0.5 acres, usually one soil pH measurement is warranted."**

(Ex. C, at p. 2)

Similarly, the Agency's "Sampling Requirements for Used Oil Underground Storage Tank Systems," states that

**For used oil UST systems, metals may be excluded from further consideration by . . . [p]erforming a pH analysis of a soil sample collected from an uncontaminated location on site . . . .**

(Ex. D, at p. 2)

While this cleanup does not involve a used oil UST system, the principles still apply to lead concerns from the underground storage tanks here.

No statutory or regulatory provision would be violated if the UST Fund paid for collecting a pH sample from a clean area of the site for use in comparing the required total lead results to the proper pH specific remediation objectives. The Agency's technical staff approved

the pH sampling as appropriate in its approval of the 45-Day report. Their fiscal staff is not then permitted to state the technical work was done incorrectly and deduct the costs.

**III. THE COSTS ASSOCIATED WITH FINALIZING THE PAYMENT APPLICATION WERE IMPROPERLY DEDUCTED. (\$710.15)**

The Agency made two deductions for personnel costs because of the dates the work were billed, not because the work was unreasonable or otherwise not payable. It is solely the date that is the issue.

**\$133.16, D. Eggleston EA-pay task to assemble and distribute reimbursement claim, reduced from 2 hours to 0 hours. Based on the provided documentation, time for assembly and distribution of reimbursement claim occurred prior to PE review and certification and well as two months prior to actual distribution of reimbursement claim. Therefore, there is insufficient documentation to support the costs requested.**

**\$576.99, J. Wienhoff EA-pay task to review and certify claim, reduced from 3 hours to 0 hours. Based on the provided documentation time for PE review and certification occurred 2 months prior to the actual date of certification. Therefore, there is insufficient documentation to support the costs requested.**

(A.R.504 (emphasis added))

There is no actual dispute about whether the costs were actually incurred or whether they were reasonable. Instead, the Agency complains that the work was actually performed two months later when the application was certified by the licensed professional engineer.

The Agency's decision misunderstands the ongoing process entailed by finalizing these types of submittals. Applications for payment are often referred to as a billing packages because they are a collection of bills, invoices, proofs of payment, affidavits, and forms. (35 Ill. Adm. Code § 734.605(b)) This is information gathered over the course of time as the work proceeds

and documentation is received. Debi Eggleston (billing as a Senior Account Technician) was receiving and reviewing documents to support the reimbursement package beginning September 1, 2023, and finalized in early November. (A.R.469) The Agency forms require a Licensed Professional Engineer to supervise the preparation of the payment for application:

**The attached application for payment and all documents submitted with it were prepared under the supervision of the licensed professional engineer or licensed professional geologist and the owner and/or operator whose signatures are set forth below and in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information provided.**

(A.R.485 (Certification Form))

The Certification Form anticipates that the Licensed Professional Engineer will supervise in accordance with some sort of “system” to ensure that qualified personnel are properly gathering and evaluating the information in the payment application. Like clerical staff, the work is ongoing, even though the consultant may be billed only on days when the most significant work is performed.

The payment application was finalized on November 7 and 8, 2023, and mailed to the owner, who signed the Certification Form on December 14, 2023. (A.R.485) When the signed billing package was returned to the consultant without any changes, it was signed and forwarded to the Agency on January 12, 2024. (A.R.357 & A.R.485) The final version of the submittal was created in November, but the signatures were staggered across two months. There is nothing in the Act or the Board’s regulations, which prohibits this, or requires work substantially performed in November to only be billed at the time of the final signature.

While the Agency decision letter characterizes the timing issues as “insufficient

documentation,” there is no statement of what documentation would be required to comply with the Act or Board regulations. The Board’s regulations require such a denial reason to be supported by “[a]n explanation of the specific type of information, if any, that the Agency needs to complete the review.” (35 Ill. Adm. Code 734.610(d)(1)) The absence of an explanation of what documentation would make the payment application comply with the law means not only is the denial reason without basis, but that the denial is being used to enforce an unpromulgated, and therefore illegal, rule concerning consultant’s time.

**IV. THE COSTS ASSOCIATED WITH HANDLING CHARGES WERE IMPROPERLY DEDUCTED. (\$2,157.75)**

Handling charges were deduced solely as the result of deductions made earlier in the decision letter. (A.R.504) Specifically, the \$15.00 invoice for the pH test could not receive handling charges because the Agency found the pH test invalid in the second deduction. Also, the \$24,260.00 invoice for UST removal and the \$295.90 invoice for waste water removal and disposal were cut in the first deduction.

Therefore, for the reasons given supra, those deductions should be reversed, and their corresponding handling charges should be restored.

**CONCLUSION**

WHEREFORE, Petitioner, PIA AVCENTER LLC d/b/a BYERLY AVIATION, prays that the Board find the Illinois EPA erred in its decision, direct the Illinois EPA to pay \$37,576.31, direct Petitioner to present a statement of legal fees for the Board's consideration, and grant such other and further relief as it deems meet and just.

PIA AVCENTER LLC d/b/a  
BYERLY AVIATION,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw  
Law Office of Patrick D. Shaw  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
pdshaw1law@gmail.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PIA AVCENTER LLC d/b/a BYERLY AVIATION,) )  
Petitioner, ) )  
v. ) PCB No. 24-78 )  
) (UST Appeal) )  
ILLINOIS ENVIRONMENTAL ) )  
PROTECTION AGENCY, ) )  
Respondent. ) )

**EXHIBITS TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

Ex. A: IEPA Owner/Operator Billing Certification Form (10/1993), available in  
Leaking Underground Storage Tanks (IICLE, Feb. 1994)

Ex. B: OSFM records supported by Affidavit of Debbi Eggleston (Jan. 28, 2026)

<u>Date</u>	<u>Document</u>	<u>Page</u>
08/07/2014	Initial Certification Audit	1
07/08/2015	Applications for Permit for Inspection of Exiting Linings	7
07/08/2015	Permit for Inspection of Interior Lining of USTs	11
07/13/2015	Application for Permit for Removal of Tanks & Piping	12
7/14/2015	Permit for Removal of USTs & Piping (A.R.001)	14
9/23/2015	Log of UST Lining/Internal Inspection	15
9/30/2015	Amended Notification for USTs	18
	Inspection Certification	23
	Tanking Lining/Internal Inspection Compliance Report	24
	Statement of Precision Tightness Test	26
1/15/2016	Log of UST Removal	27

Ex. C: IEPA "Tiered Approach to Corrective Action Objectives (TACO) Fact  
Sheet 11: Metals" (Feb. 23, 2007)

Ex. D: IEPA "Sampling Requirements for Used Oil Underground Storage Tank  
Systems" Fact Sheet (Jan. 27, 2026)



Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

**Owner/Operator Billing Certification Form for  
Leaking Underground Storage Tanks Sites**

I hereby certify that the attached bills are for performing \_\_\_\_\_  
\_\_\_\_\_ activities at \_\_\_\_\_ LUST site  
for the billing period of \_\_\_\_\_, 19\_\_ to \_\_\_\_\_, 19\_\_. I further certify that the  
costs included in this billing are not for corrective action in excess of the minimum requirements  
of 415 ILCS 5/57.7 and no costs are included in this billing which are not described in the  
corrective action plan. I further certify that none of the following costs are included in this billing:

- Costs associated with obtaining an eligibility and deductibility decision from the  
Office of the State Fire Marshal.
- Costs associated with ineligible tanks.
- Costs associated with site restoration (e.g., concrete replacement, asphalt).
- Costs associated with utility replacement (e.g., sewers, electrical, telephone, etc.).
- Costs incurred prior to IEMA notification.
- Costs associated with planned tank pulls.
- Legal defense costs.
- Costs incurred prior to July 28, 1989.

I further certify that this billing and all attachments thereto were prepared under my direction or  
supervision in accordance with a system designed to assure that qualified 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 and the costs for remediating said  
LUST site are correct and reasonable. Such affirmation is made under penalty of perjury as  
defined in Section 32.2 of the Criminal Code of 1961, Ill. Rev. Stat. 1991, ch. 38, par. 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.

Owner/Operator: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

P.E.: \_\_\_\_\_

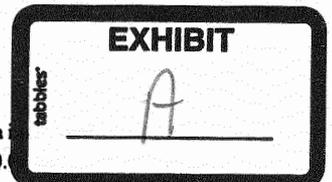
P.E. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Seal:

Subscribed and sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_.

*(Billing Submittals must be notarized when the certification is signed.)*

\_\_\_\_\_  
(Notary Public) Seal:



BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

PIA AVCENTER LLC d/b/a BYERLY	)	
AVIATION	)	
	)	
Petitioner,	)	
v.	)	PCB No. 2024-078
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**AFFIDAVIT OF DEBI EGGLESTON**

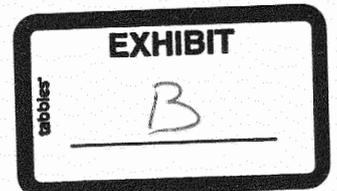
Affiant, Debi Eggleston, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify hereto.
2. I am a Senior Administrative Assistant for Green Wave Consulting, LLC, which has been hired to provide environmental consulting services for PIA AVCENTER LLC in relation to Incident No. 2023-0623 at the Peoria International Airport in Peoria, Illinois.
3. After Green Wave Consulting received the Illinois Environmental Protection Agency decision dated May 10, 2024, I submitted a Freedom of Information Act request to the Office of the State Fire Marshal for its files and documents concerning the site.
4. Thereafter, the Office of the State Fire Marshal responded to the request.
5. Attached hereto are true and correct copies of certain documents received from the Office of the State Fire Marshal in response to my Freedom of Information Act request.

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
Debi Eggleston





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

Facility #	3006361	
Date	8/7/2014	
Decal #	P000840	
Expiration Date	12/31/2016	
Notification Form Received	Y	N
	<input type="radio"/>	<input checked="" type="radio"/>
NOV Issued	Y	N
	<input type="radio"/>	<input checked="" type="radio"/>

**INITIAL CERTIFICATION AUDIT**

Facility Type:                     Airport                      
 Ownership:                     Private                    

**OWNER OF TANKS**

Byerly Aviation, Inc.  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607  
 City State Zip  
Chuck Atkins 309-697-6300  
 Contact Person Phone

**FACILITY**

Greater Peoria Airport Authority  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607 Peoria  
 City State Zip County  
Chuck Atkins 309-258-0245  
 Contact Person Phone

**TANK SYSTEM INFORMATION**

Tank	Capacity	Product	Status	Compliant
1	3,000	Gasoline	Currently in use	<input checked="" type="checkbox"/>
2	17,500	Aviation Fuel	Currently in use	<input checked="" type="checkbox"/>
3	15,000	Aviation Fuel	Currently in use	<input checked="" type="checkbox"/>
4	15,000	Aviation Fuel	Currently in use	<input checked="" type="checkbox"/>
5	20,000	Gasoline	Currently in use	<input checked="" type="checkbox"/>

**SECTION A. TANK RELEASE DETECTION**

Tank	Equipment	Last Passing Test
1	Automatic Tank Gauging Veeder Root TLS 300c with CSLD	
2	Automatic Tank Gauging Veeder Root TLS 350 Plus with CSLD	
3	Automatic Tank Gauging Veeder Root TLS 350 Plus with CSLD	
4	Automatic Tank Gauging Veeder Root TLS 350 Plus with CSLD	
5	Automatic Tank Gauging Veeder Root TLS 350 Plus with CSLD	

**SECTION B. PIPING RELEASE DETECTION**

Tank	Equipment	Last Passing Test
1	European with No Test Req Suction	

2	Other Aboveground Piping
3	Other Aboveground Piping
4	Other Aboveground Piping
5	Other Aboveground Piping

**SECTION C. SPILL PREVENTION**

Tank	Equipment
1	Manhole Pre-manufactured Morrison 515-2200AC 15 gal.
2	Field Constructed
3	Field Constructed
4	Field Constructed
5	Field Constructed

**SECTION D. OVERFILL PREVENTION**

Tank	Equipment
1	Overfill Drop Tube Valve EBW Auto Limiter II
2	Overfill Alarm Veeder Root TLS 350 Plus
3	Overfill Alarm Veeder Root TLS 350 Plus
4	Overfill Alarm Veeder Root TLS 350 Plus
5	Overfill Alarm Veeder Root TLS 350 Plus

**SECTION E. TANK CORROSION PROTECTION**

Tank	Equipment Test	Last Passing
1	Fiberglass Non-Corrosive	
2	Lining Materials Internal Armor Shield TL 300M	9/29/2010
3	Lining Materials Internal Armor Shield TL 300M	9/28/2010
4	Lining Materials Internal Armor Shield TL 300M	9/28/2010
5	Lining Materials Internal Armor Shield TL 300M	9/29/2010

**SECTION F. PIPING CORROSION PROTECTION**

Tank	Equipment Test	Last Passing
1	Fiberglass Non-Corrosive	
2	Other Aboveground Piping	
3	Other Aboveground Piping	

4	Other Aboveground Piping
5	Other Aboveground Piping

**SECTION G. TANKS**

Tank	Equipment
1	Fiberglass Single Wall Tank
2	Steel Single Wall Tank
3	Steel Single Wall Tank
4	Steel Single Wall Tank
5	Steel Single Wall Tank

**SECTION H. PRODUCT PIPING**

Tank	Equipment
1	Fiberglass Single Wall Piping Ameron
2	Other Aboveground Piping
3	Other Aboveground Piping
4	Other Aboveground Piping
5	Other Aboveground Piping

**SECTION I. MISCELLANEOUS**

1. Did Owner/Operator submit required documentation for Financial Responsibility? Y N

If so: Type:

- Self-Insurance
- Surety Bond
- Commercial Insurance
- Letter of Credit
- Risk Retention Group
- Designated Savings Account
- Certificate of Deposit
- Guarantee

Date OSFM Received: 8/7/2014

2. A list of designated current class of operators for the facility is available?

3. Owner/Operator has valid training certificates available for classes A/B/C?

If so: Number: 1

4. Owner/Operator has valid training certificates available for only class C? N/A

If so: Number of C: \_\_\_\_\_

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- 5. A copy of the emergency instructions or emergency procedures is available?
- 6. A copy of the UST facility operation and maintenance plan is available?
- 7. Are completed quarterly inspection checklists used by class A/B operators available?
- 8. For unmanned facilities, is emergency contact information conspicuously posted or a 24 hour toll free number for operator dispatch prominently displayed?   **N/A**

Remarks:

---

8/7/2014

X William G. Carl

Chuck Atkins

Manager / Line Services

Signed by: WILLIAM G CARL

Exit interview given to

Title

Storage Tank Safety Specialist (Signature)



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

Facility #	3006361
Date	8/7/2014

**FEDERAL SOC QUESTIONNAIRE**

**OWNER OF TANKS**

**FACILITY**

Byerly Aviation, Inc.  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607  
 City State Zip  
 Chuck Atkins 309-697-6300  
 Contact Person Phone

Greater Peoria Airport Authority  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607 Peoria  
 City State Zip County  
 Chuck Atkins 309-258-0245  
 Contact Person Phone

**I. Release Detection Method Presence and Performance Requirements** Y N N/A

- 1. SOC 1: Is release detection method present? [(280.40(a))]  Y  N  N/A
- 2. SOC 1: Is release detection method operating properly? [280.40(a) (1)]  Y  N  N/A
- 3. SOC 1: Does release detection system meet the performance standards? [280.43 or 280.44]  Y  N  N/A
- 4. SOC 1: Has implementing agency been notified of suspected release as required? [(280.40(b))]  Y  N  N/A

**II. Release Detection Testing** Y N N/A

- 5. SOC 1: Are tanks and piping monitored monthly for releases and records available to meet the following requirements (records for the two most recent months and 8 of the last 12 months must be available)? [280.41(a) and 280.45(b)]  Y  N  N/A

**III. Hazardous Substance UST Systems** Y N N/A

- 6. SOC 1: Does Hazardous Substance UST System(s) meet leak detection requirements? [280.42(b)]  Y  N  N/A

**IV. Temporary Closure** Y N N/A

- 7. SOC 1: Are release detection requirements complied with for UST systems containing product? [280.70(a)]  Y  N  N/A

**I. Spill Prevention** Y N N/A

- 1. SOC 2: Are spill prevention device(s) present and functional? [280.20(c)(1)(i), 280.21(d)]  Y  N  N/A

**II. Overfill Prevention** Y N N/A

- 2. SOC 2: Are overfill prevention device(s) present and operational? [280.20(c)(1)(ii), 280.21(d)]  Y  N  N/A

**IIIa. Operation and Maintenance** Y N N/A

- 3. SOC 2: Have repaired tanks and piping been tightness tested within 30 days of repair completion (not required with internal inspection or if monthly monitoring is in use)? [280.33(d)]  Y  N  N/A

**IIIb. Operation and Maintenance of Corrosion Protection** Y N N/A

- 4. SOC 2: Has any cathodically protected system been tested/inspected within 6 months of repair? [280.33(e)]  Y  N  N/A 5

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- 5. SOC 2: Is corrosion system properly operated and maintained to provide continuous protection? [280.31(a)(b), 280.70(a)]
- 6. SOC 2: Has UST system with impressed current system been inspected every 60 days? [280.31(c)]
- 7. SOC 2: Are lined tanks inspected periodically and is lining in compliance? [280.21(b)(1)(ii)]

**IV. Tank and Piping Corrosion Protection**      **Y**   **N**   **N/A**

- 8. SOC 2: Is buried metal tank and piping (includes fittings, connections, etc.) corrosion protected? [280.20(a), 280.20(b), 280.21(b), 280.21(c)]



RECEIVED  
JUL 08 2015  
OFFICE OF THE ILLINOIS STATE FIRE MARSHAL  
DIV. OF PETROLEUM  
CHEMICAL SAFETY

Electronic Filing: Received, Clerk's Office 01/28/2026

FOR OFFICE USE ONLY

Facility # \_\_\_\_\_  
Permit # 00637-2015LIN

APPLICATION for Permit for **INTERIOR LINING, or INSPECTION OF EXISTING LINING(S)** of Underground Storage Tanks at Existing Site. Submit application in triplicate and fee to: **Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, 1035 Stevenson Drive, Springfield, IL 62703.** (Please type or print clearly)

(1) **OWNER OF TANKS** - Corporation, partnership, or other business entity: (Must be mailing address)

BYERLY AVIATION, INC.  
Name  
6100 DIRKSEN PARKWAY  
Street Address  
PEORIA IL 61607  
City State Zip  
CHUCK ATKINS (309) 697-6300  
Contact Person Phone

(2) **FACILITY** - Facility ID # 3006361  
(Name and address where tanks are located:)

GREATER PEORIA AIRPORT AUTHORITY  
Name  
6100 DIRKSEN PARKWAY  
Street Address  
PEORIA IL 61607 PEORIA  
City State Zip County  
CHUCK ATKINS (309) 697-6300  
Contact Person Phone

(3) **TANK(S)**: Check whichever applies and fill in the appropriate blanks for the tank(s) to be lined or existing lining to be inspected. Attach additional sheet(s) if more space is needed.

Tank ID #	Capacity in Gallons	Product	Single Wall	Double Wall	FRP	Steel	Composite	1) Is there a bolted manway at grade?	2) Or to be installed?	To be Lined	Inspect Existing Lining
1	3000	Gas	X		X			1) Y	2) N	N	Y
2	17500	Av. Fuel	X			X		1) Y	2) N	N	Y
3	15000	Av. Fuel	X			X		1) N	2) Y	N	Y

(4) **CONTRACTOR**: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that all information submitted is true, accurate and complete.

Company Name ARMOR SHIELD OF WISCONSIN Address 4623 HILLCREST PKWY  
City SLINGER State WI Zip 53086  
Telephone # 262-644-6447 Fax # 855-644-6427 Contractor License # IL 1707 Expiration Date 4/18/2016  
Name of Authorized Representative Clayton Bennett Title or Position Vice-President  
Signature *Clayton Bennett* Date 7-3-15

(5) **MANUFACTURER OF LINING MATERIAL** (company name): ARMOR SHIELD INC

(6) **DESIGNATION OF LINING MATERIAL** (name, number, etc.): ARMOR SHIELD TL-300M

(7) **COMPATIBILITY** - The lining material must be compatible with the product stored (**VERIFICATION MAY BE REQUIRED**). Only lining materials meeting the specifications approved by our office shall be used.

The OSFM REQUIRES the disclosure of the requested information to issue this permit, pursuant to 430 ILCS, Act 15, Gasoline Storage Act. Failure to provide the requested information will result in this permit application not being processed. Such failure will result in the application being returned - it will be returned to the applicant only once (without being denied) and if resubmitted is REQUIRED to be done within 14 days from the date of return.

Explain the Reason for Lining the UST:

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---

---

Note: After January 1, 2011, steel tanks sought to be lined must be accompanied by a detailed engineering evaluation by an Illinois P.E. establishing how the lining would overcome a product compatibility problem in accordance with 175.415(e).

(8) Performing any work on an existing lining without a permit is strictly prohibited.

(9) All work shall be performed per 41 Ill. Adm. Code 175 and shall otherwise be in accordance with any referenced codes and standards or manufacturer specifications. This permit application pertains only to interior lining or inspection of interior linings. Other work on USTs requires a separate "Upgrade or Repair" permit from the OSEFM.

(10) APPLICATION REJECTION - Insufficient information or illegibility can be cause for return or denial.

(11) PERMIT TO WORK - No work can proceed without a granted permit in hand and must be available upon request of the OSFM Storage Tank Safety Specialist. Granted permit(s) are considered void whenever tank(s) are found unacceptable for interior lining.

(12) APPLICANT - The *INTERIOR LINING CONTRACTOR* must complete this application. A fee of \$200.00 for each site must accompany this application. (Checks or money orders are to be made payable to the Office of the State Fire Marshal. Do not send cash).



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL  
 Division of Technical Services  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259

RECEIVED  
 JUL 08 2015  
 DIV. OF PETROLEUM  
 CHEMICAL SAFETY

FOR OFFICE USE ONLY  
 Facility # \_\_\_\_\_  
 Permit # \_\_\_\_\_

APPLICATION for Permit for **INTERIOR LINING, or INSPECTION OF EXISTING LINING(S)** of Underground Storage Tanks at Existing Site. Submit application in triplicate and fee to: Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, 1035 Stevenson Drive, Springfield, IL 62703. (Please type or print clearly)

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 Name  
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 Street Address  
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 City State Zip  
 CHUCK ATKINS (309) 697-6300  
 Contact Person Phone

(2) **FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located:)

GREATER PEORIA AIRPORT AUTHORITY  
 Name  
 6100 DIRKSEN PARKWAY  
 Street Address  
 PEORIA IL 61607 PEORIA  
 City State Zip County  
 CHUCK ATKINS (309) 697-6300  
 Contact Person Phone

(3) **TANK(S)**: Check whichever applies and fill in the appropriate blanks for the tank(s) to be lined or existing lining to be inspected. Attach additional sheet(s) if more space is needed.

Tank ID #	Capacity in Gallons	Product	Single Wall	Double Wall	FRP	Steel	Composite	1) Is there a bolted manway at grade?	2) Or to be installed?	To be Lined	Inspect Existing Lining
4	15000	Av. Fuel	X			X		1)Y	2)N	N	Y
5	20000	Gas	X			X		1)Y	2)N	N	Y
								1)	2)		

(4) **CONTRACTOR**: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that all information submitted is true, accurate and complete.

Company Name ARMOR SHIELD OF WISCONSIN Address 4623 HILLCREST PKWY  
 City SLINGER State WI Zip 53086  
 Telephone # 262-644-6447 Fax # 855-644-6427 Contractor License # IL 1707 Expiration Date 4/18/2016  
 Name of Authorized Representative Clayton Bennett Title or Position Vice-President  
 Signature *Clayton Bennett* Date 2-3-15

(5) **MANUFACTURER OF LINING MATERIAL** (company name): ARMOR SHIELD INC

(6) **DESIGNATION OF LINING MATERIAL** (name, number, etc.): ARMOR SHIELD TL-300M

(7) **COMPATIBILITY** - The lining material must be compatible with the product stored (**VERIFICATION MAY BE REQUIRED**). Only lining materials meeting the specifications approved by our office shall be used.

The OSFM **REQUIRES** the disclosure of the requested information to issue this permit, pursuant to 430 ILCS, Act 15, Gasoline Storage Act. Failure to provide the requested information will result in this permit application not being processed. Such failure will result in the application being returned - it will be returned to the applicant only once (without being denied) and if resubmitted is **REQUIRED** to be done within **14 days** from the date of return.

Explain the Reason for Lining the UST:

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Note: After January 1, 2011, steel tanks sought to be lined must be accompanied by a detailed engineering evaluation by an Illinois P.E. establishing how the lining would overcome a product compatibility problem in accordance with 175.415(e).

(8) Performing any work on an existing lining without a permit is strictly prohibited.

(9) All work shall be performed per 41 Ill. Adm. Code 175 and shall otherwise be in accordance with any referenced codes and standards or manufacturer specifications. This permit application pertains only to interior lining or inspection of interior linings. Other work on USTs requires a separate "Upgrade or Repair" permit from the OSFM.

(10) **APPLICATION REJECTION** - Insufficient information or illegibility can be cause for return or denial.

(11) **PERMIT TO WORK** - No work can proceed without a granted permit in hand and must be available upon request of the OSFM Storage Tank Safety Specialist. Granted permit(s) are considered void whenever tank(s) are found unacceptable for interior lining.

(12) **APPLICANT** - The **INTERIOR LINING CONTRACTOR** must complete this application. A fee of \$200.00 for each site must accompany this application. (Checks or money orders are to be made payable to the Office of the State Fire Marshal. Do not send cash).



**OFFICE OF THE ILLINOIS STATE FIRE MARSHAL**  
 Division of Petroleum and Chemical Safety  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020

**FOR OFFICE USE ONLY**  
 Facility # 3-006361  
 Permit # 00637-2015LIN  
 Request Rec'd 07/08/2015  
 Amended Date  
 Approval Date 7/8/2015 DS  
 Permit Expires 1/8/2016

**Permit for INSPECTION OF INTERIOR LINING of Underground Storage Tank(s) for Petroleum and Hazardous Substances.**

Permission to inspect existing interior lining of underground storage tank(s) is hereby granted. Such inspections of interior lining must be in complete accordance with all sections and procedures specified in 41 Illinois Administrative Code, Parts 174, 175 and 176. Such inspections of interior lining shall not commence until the contractor the permit was issued to or an employee of that contractor (this does not include a subcontractor) shall establish a date certain to perform the UST activity by contacting the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, at which time the UST activity shall be scheduled. **THIS PERMIT IS VALID FOR SIX MONTHS FROM THE APPROVAL DATE.**

<p><b>(1) OWNER OF TANKS</b> - Corporation, partnership, or other business entity:                  Byerly Aviation, Inc.                  6100 Dirksen Parkway,                  Peoria, IL 61607                  Contact: Chuck Atkins (309) 697-6300</p>	<p><b>(2) FACILITY</b> - name and address where tanks are located:                  Greater Peoria Airport Authority                  6100 Dirksen Parkway                  Peoria, Peoria Co., IL                  Contact: Chuck Atkins (309) 258-0245</p>
--	--

**(3) INSPECTION OF INTERIOR LINING OF TANKS:**

- (a) *Number and size of tanks being inspected:* (TK # 1) - 3,000 gallons, (TK # 2) - 17,500 gallons, (TK # 3, 4) - 15,000 gallons, (TK # 5) - 20,000 gallons
  - (b) *Type of tanks:*
  - (c) *Product stored in each tank:* (TK # 1, 5) - Gasoline, (TK # 2, 3, 4) - Aviation Fuel
  - (d) *Manway accessible at grade:* Yes
- (4) Any tank that has been out of service for a twelve-month consecutive period cannot be put back into service unless it meets all new UST upgrade regulations. This permit is for the inspection of the existing interior lining only. No repairing, upgrading, or interior lining is authorized with this permit.
- (5) The owner must notify this Office when completion of tank interior inspection has occurred, on the Notification for Underground Storage Tank Form. This form can be obtained at [www.sfm.illinois.gov](http://www.sfm.illinois.gov) or by calling (217)785-1020.
- (6) **SPECIAL CONTINGENCIES:** Tank relining, lining inspection and entry permit work in reference to manways/manholes must abide by section 175.500.

<p><b>(7) PERSON, FIRM OR COMPANY PERFORMING WORK:</b></p>	
<p>Armor Shield of Wisconsin                  4623 Hillcrest Parkway                  Slinger, WI 53086</p>	<p>Contact Person: Clayton Bennett                  Phone: (262) 644-6447 Ext.                  Contractor Registration # IL-1707 Exp. 04/18/2016</p>

Sincerely,

Daniel Starks

cc: Storage Tank Safety Specialist -  
 Fire Department -  
 Division File  
 (Rev. - 9/10)



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL  
 Division of Petroleum and Chemical Safety  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020 or (217)785-3678

**FOR OFFICE USE ONLY**

Facility # \_\_\_\_\_  
 Permit # 00658-2015REM

APPLICATION for Permit for **REMOVAL** of Underground Storage Tanks. Submit application in triplicate, along with an application fee of \$200.00 to: Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, 1035 Stevenson Drive, Springfield, IL 62703. (Please type or print clearly)

(1) **OWNER OF TANKS** - Corporation, partnership, or other business entity: (Must be mailing address)

Name Byerly Aviation, Inc.  
 Street Address 6100 Dickson Parkway  
 City Peoria State IL Zip 61607  
 Contact Person Doug Palmer Phone 309-863-0994

(2) **FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located):

Name Greater Peoria Airport Authority  
 Street Address 6100 Dickson Parkway  
 City Peoria State IL Zip 61607 County Peoria  
 Contact Person SAME as owner Phone \_\_\_\_\_

(3) **CONTRACTOR:** I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that all information submitted is true, accurate and complete.

Company Name Serena Companies, Inc. Address 4140 East 14th St.  
 City Des Moines State IA Zip 50313  
 Telephone # 800-369-5500 Fax # 563-332-4465 Contractor License # IL 598 Expiration Date 50313  
 Name of Authorized Representative Scott E. Knip Title or Position Project Manager  
 Signature [Signature] Date 6/24/15

(4) **TANK(S):** Fill in the appropriate blanks for the tank(s) and/or associated piping to be removed. Attach additional sheet(s) if more space is needed.

Tank ID #	Capacity in gallons	Product	Date tank last used	Tank ID #	Capacity in gallons	Product	Date tank last used
1	3,000	Gasoline	N/A	4	15,000	Aviation Fuel	N/A
2	17,500	Aviation Fuel	N/A	5	20,000	Gasoline	N/A
3	15,000	Aviation Fuel	N/A				

(5) **CONTAMINATED SITE** (complete this section for sites where a release has been reported). Remedial: Release reported? (Yes/No) must be reported to IEMA at (800)782-7860 immediately.

IEMA Incident # N/A

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6) **REMOVAL WORK PERTAINS TO:**

- Remove Tanks
- Remove Piping Only
- Remove Tanks and Piping

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 CHEMICAL SAFETY**

(7) Provide a **SUMMARY OF WORK** to be performed and explain any unusual circumstances on a separate sheet. Site plans used to illustrate removal work to be completed must be 8 1/2" x 11" only.

The OSFM **REQUIRES** the disclosure of the requested information to issue this permit, pursuant to 439 ILCS, Act 15, Gasoline Storage Act. Failure to provide the requested information will result in this permit application not being processed. Such failure will result in the application being returned - it will be returned to the applicant only once (without being denied) and if resubmitted, is expected to be done within **14 days** from the date of return.

(8) **APPLICATION REJECTION** - Insufficient information or illegibility can be cause for return or denial.

(9) **PERMIT TO WORK** - No work can proceed without a granted permit in hand and must be available upon request of the OSFM Storage Tank Safety Specialist.

(10) **CODE COMPLIANCE** - All work shall be performed per 41 IL. Adm. Code 174, 175 and 176 and shall otherwise be in compliance with any referenced codes and standards.

(11) **APPLICANT** - The **RESPONSIBLE CONTRACTOR** must complete this application. A fee of \$200.00 for each site must accompany this application. (Checks or money orders are to be made payable to the Office of the State Fire Marshal. Do not send cash).

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Electronic Filing Received, Clerk's Office 01/28/2016

Division of Petroleum and Chemical Safety

1035 Stevenson Drive

Springfield, Illinois 62703-4259

(217)785-1020

FOR OFFICE USE ONLY

Permit # 006361

Permit # 00658-2015REM

Request Rec'd 07/14/2015

Amended Date

Approval Date 7/14/2015 DS

Permit Expires 1/14/2016

**Permit for REMOVAL of Underground Storage Tank(s) and Piping for Petroleum and Hazardous Substances.**

Permission to remove underground storage tank(s) or piping is hereby granted. Such removal shall not commence until the contractor the permit was issued to or an employee of that contractor (this does not include a subcontractor) shall establish a date certain to perform the UST activity by contacting the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, at which time the UST activity shall be scheduled. **THIS PERMIT IS VALID FOR SIX MONTHS FROM THE APPROVAL DATE.**

**(1) OWNER OF TANKS** - Corporation, partnership, or other business entity:

Byerly Aviation, Inc.  
6100 Dirksen Parkway,  
Peoria, IL 61607

Contact: Chuck Atkins (309) 697-6300

**(2) FACILITY** - name and address where tanks are located:

Greater Peoria Airport Authority  
6100 Dirksen Parkway  
Peoria, Peoria Co., IL

Contact: Chuck Atkins (309) 258-0245

**(3) REMOVAL OF TANKS:**

(a) **Number and size of tanks being removed:** (TK # 1) - 3,000 gallons, (TK # 2) - 17,500 gallons, (TK # 3, 4) - 15,000 gallons, (TK # 5) - 20,000 gallons

(b) **Description/location of piping being removed:**

(c) **Product stored in each tank:** (TK # 1, 5) - Gasoline, (TK # 2, 3, 4) - Aviation Fuel

(d) **Reason of tanks being removed:**

(e) **If tank(s) is leaking, indicate IEMA incident number:**

(f) **Date each tank was last used:** (TK # 1), (TK # 2), (TK # 3), (TK # 4), (TK # 5)

**(4) The owner must notify this Office when completion of tank removal has occurred, on the Notification for Underground Storage Tank Form. This form can be obtained at [www.sfm.illinois.gov](http://www.sfm.illinois.gov) or by calling (217)785-1020. After removal is completed, the owner/operator shall perform a site assessment by measuring for the presence of a release where contamination is most likely to be present at the UST site. This is in accordance with the Illinois Administrative Code 176.360 (a) regulations and 40 CFR Part 280.72 (a) Federal Register Requirement.**

**(5) SPECIAL CONTINGENCIES:**

**(6) PERSON, FIRM OR COMPANY PERFORMING WORK:**

Seneca Companies, Inc.  
4140 East 14th Street, PO Box 3360  
Des Moines, IA 50313

Contact Person: Scot Killip  
Phone: (816) 761-1270

Contractor Registration # IL-598 Exp. 02/23/2016

Sincerely,

Daniel Starks

cc: Storage Tank Safety Specialist -  
Fire Department -  
Division File  
(Rev. - 9/10)



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

Facility #	3006361
Permit #	00637-2015LIN
Date	9/23/2015
Notification Form Received	Y <input type="radio"/> N <input checked="" type="radio"/>
Permit Not Executed	<input type="checkbox"/>

**LOG OF UNDERGROUND STORAGE TANK LINING / INTERIOR INSPECTION**

**OWNER OF TANKS**

Byerly Aviation, Inc.  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607  
 City State Zip  
 Chuck Atkins 309-697-6300  
 Contact Person Phone

**FACILITY**

Greater Peoria Airport Authority  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607 Peoria  
 City State Zip County  
 Chuck Atkins 309-258-0245  
 Contact Person Phone

**CONTRACTOR**

IL1707

License Number

Armor Shield of Wisconsin  
 Name  
 4623 Hillcrest Parkway  
 Street Address  
 Slinger WI 53086  
 City State Zip  
 George Bennett 262-644-6447  
 Contact Person Phone

**TANK SYSTEM INFORMATION**

Tank	Capacity	Product	Status
1	3,000	Gasoline	Currently in use
2	17,500	Aviation Fuel	Currently in use
3	15,000	Aviation Fuel	Currently in use
4	15,000	Aviation Fuel	Currently in use
5	20,000	Gasoline	Currently in use

**SECTION A**

Scheduled on 9/23/2015

Void Permit Y N

Tanks All  1  2  3  4  5

- Does contractor have a combustible gas indicator and oxygen monitor on site
- Has tank been vapor freed to acceptable levels to allow safe cutting
- Do personnel have supplied air with full face enclosures and proper protective clothing
- Do personnel have a safety harness connected to a safety line and tripod   Q5

- 5. Did STSS verify all certified employees, non-certified workers and subcontract excavation operators possess their 40 hour General Site Worker Program identification card and valid refresher cards?  Y  N
- 6. Did STSS verify the certified employee possessed a wallet card verifying successful passage of OSFM approved exam?  Y  N

Name of certified employee: Clayton Bennett

Date certification expires: 6/13/2016

**SECTION B INTERIOR INSPECTION OF EXISTING COATINGS**

- |  |                                  | Y                     | N                     |
|--|----------------------------------|-----------------------|-----------------------|
| 1. Does contractor have a hardness tester for the existing tank coating                              | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Does contractor have a thickness tester for existing tank coating                                 | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Does contractor have equipment to test thickness of tank  | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Does contractor have a holiday tester to identify cracks or pinholes in the existing tank coating | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Remarks:

**SECTION C FINAL**

Did Not Witness Schedule on 9/23/2015 Actual Date Witnessed: 9/23/2015  Void Permit

Tanks All

Remarks:

Clayton Bennett will send in Notification form and lining inspection results to OSFM. Mr. Bennett has recorded all tanks passed the lining inspection. He will also send a copy of the results to the Greater Peoria Airport Authority. The precision tank tests are scheduled to be done tomorrow. Mr. Bennett said IL Oil Marketing is scheduled to do the precision test on these tanks and I left a message with Pete Bradshaw to e-mail me the results.

**SECTION D PRECISION TEST**

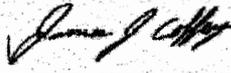
Scheduled on 9/24/2015

- |   |                                  | Y                     | N                                |
|---|----------------------------------|-----------------------|----------------------------------|
| 1. Verified that Precision test performed?  | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| 2. If so: Company Name: <u>Protanic Inc.</u>  |                                  |                       |                                  |
| IL #: <u>IL1413</u>   |                                  |                       |                                  |
| Test Date: <u>9/24/2015</u>   |                                  |                       |                                  |
| Results: <input checked="" type="radio"/> Pass <input type="radio"/> Fail <input type="radio"/> N/A |                                  |                       |                                  |
| 3. Results performed and signed by a certified employee?  | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Name of certified employee: <u>Andreas Grebas</u>   |                                  |                       |                                  |
| Date certification expires: <u>11/26/2015</u>   |                                  |                       |                                  |

Remarks:

According to the tank tightness test results that were e-mailed to me from IL Oil Marketing Equipment Co, all five tanks passed (tanks 4 and 5 were void of product during tightness testing; the ALERT empty tank test method was employed)

10/6/2015

X 

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Signed by: James J Coffey  
Storage Tank Safety Specialist (Signature)

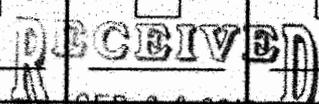
<b>IL</b>	<b>Notification for Underground Storage Tanks</b>	<b>OFFICE USE ONLY</b>
<ul style="list-style-type: none"> <li>• A separate form must be used for each site.</li> <li>• If you have more than five tanks, photocopy pages 1-5 and attach to this notification form.</li> <li>• Please type, or print in ink; the signature under "certification" (section IX) must be signed in ink.</li> </ul>		ID NUMBER
		DATE RECEIVED
		RECEIVED
Facility I.D. # (if known) <u>3006361</u> Owner I.D. # (if known) _____		DIV. OF PETROLEUM CHEMICAL SAFETY
<b>TYPE OF NOTIFICATION</b>		
<input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Amended (Changes/Corrections/Additional Tanks)    Mark all that apply:		
_____ Owner Address Change (this facility only)		_____ Tanks Relined (Permit # _____)
_____ Owner Address Change (all facilities owned)		_____ Tanks Installed (Permit # _____)
_____ New Owner		_____ Tanks Upgraded/Repaired (Permit # _____)
_____ Tank(s) Removed (Permit # _____)		_____ Abandonment Notice (Permit # _____)
<input checked="" type="checkbox"/> Other Inspection of Interior Lining		<i>001037-2015 LIN</i>
<b>I. Ownership of Tank(s)</b>		<b>II. Location of Tank(s)</b> (if same as Section I, Mark box) <input type="checkbox"/>
Byerty Aviation, Inc		Greater Peoria Airport Authority
Owner Name (Corp., Individual., Public Agency or other Entity) 6100 Dirksen Parkway		Facility Name or Company Site Identifier, as applicable 6100 Dirksen Parkway
Mailing Address Peoria IL 61607		Street Address or State Road, as applicable (exact address) Peoria IL 61607
City State Zip Peoria IL 61607		City State Zip Peoria IL 61607
County Chuck Atkins 309-697-6300		County Chuck Atkins 309-258-0245
Contact Name (Area Code) Phone		Contact Name (Area Code) Phone
<b>III. TYPE OF OWNERSHIP</b> (mark all that apply)		
<input checked="" type="checkbox"/> Current Owner of Tanks Date Purchased _____		<input type="checkbox"/> Ownership Uncertain _____
<input type="checkbox"/> Former Owner		<input type="checkbox"/> Other _____
<b>IV. TYPE OF FACILITY</b>		
Type of Facility: (Circle correct code)		
A. Service Station	G. Industrial/Manufacturing	M. City/Town
B. Bulk Plant	H. Private Institution	N. County
C. Petroleum Distributor	I. Residence (Non-Farm)	O. State
D. Convenience Store	J. Farm	P. Federal (Military)
E. Auto Dealer	K. Airport	Q. Federal (Non-Military)
F. Commercial/Retail	L. Marina	R. School District
		S. Port District
		T. Utility District
		U. Fire Dept.
		V. Other Special Service Districts
		W. Other _____
(Please Specify)		

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<b>V. Description of Underground Storage Tanks (Complete entire column for each tank)</b>					
<b>Tank Identification Number</b>	<b>Tank No. 1</b>	<b>Tank No. 2</b>	<b>Tank No. 3</b>	<b>Tank No. 4</b>	<b>Tank No. 5</b>
<b>1. Status of Tanks</b>					
Currently in use	<input checked="" type="checkbox"/>				
Temporarily out of use (Section 2 must be completed)	<input type="checkbox"/>				
Permanently out of use (Section 2 must be completed)	<input type="checkbox"/>				
Removed (Section 3 must be completed)	<input type="checkbox"/>				
Abandoned in place (Section 4 must be completed)	<input type="checkbox"/>				
<b>2. Tanks Permanently &amp; Temporarily Out of Use</b>					
Estimated date last used	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
<b>3. Tanks Removed</b>					
Date tank(s) removed	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
Estimated date last used	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
<b>4. Abandoned in Place</b>					
Date tanks filled	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
Tank filled with:					
Inert materials (sand, etc.)	<input type="checkbox"/>				
Water	<input type="checkbox"/>				
Unknown	<input type="checkbox"/>				
Other (please specify)	_____	_____	_____	_____	_____
<b>5. Age of Tank</b>					
Date tank installed	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
Date product placed in tank	___/___/___	___/___/___	___/___/___	___/___/___	___/___/___
<b>6. Estimated Total Capacity (gallons)</b>	<b>3000</b>	<b>17500</b>	<b>15000</b>	<b>15000</b>	<b>20000</b>
<b>7. Substances Currently or Last Stored:</b>					
<b>Petroleum</b>					
Diesel	<input type="checkbox"/>				
Kerosene	<input type="checkbox"/>				
Gasoline	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Used oil	<input type="checkbox"/>				
Other (Please specify)	_____	Aviation Fuel	Aviation Fuel	Aviation Fuel	_____
<b>Petroleum Use (if applicable):</b>					
Heating oil (consumptive use on premises)	<input type="checkbox"/>				
Back-up generator	<input type="checkbox"/>				
Other (please specify)	_____	_____	_____	_____	_____
<b>Hazardous Substance:</b>					
Name of principal CERCLA substance	_____	_____	_____	_____	_____
Chemical Abstract Service (CAS No)	_____	_____	_____	_____	_____

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<b>VI. Description of Underground Storage Tanks (Complete entire column for each tank)</b>					
<b>Tank Identification Number</b>	<b>Tank No. <u>1</u></b>	<b>Tank No. <u>2</u></b>	<b>Tank No. <u>3</u></b>	<b>Tank No. <u>4</u></b>	<b>Tank No. <u>5</u></b>
<b>1. Material of Construction</b> (mark all that apply)					
Asphalt coated or bare steel	<input type="checkbox"/>				
Cathodically protected steel	<input type="checkbox"/>				
Dielectric coated steel	<input type="checkbox"/>				
Composite (steel with fiberglass)	<input type="checkbox"/>				
Fiberglass reinforced plastic	<input type="checkbox"/>				
Lined interior	<input checked="" type="checkbox"/>				
Double-walled	<input type="checkbox"/>				
Secondary containment	<input type="checkbox"/>				
Steel STI-P3	<input type="checkbox"/>				
Other (please specify)	_____	_____	_____	_____	_____
<b>2. Piping Materials</b> (mark all that apply)					
Bare steel	<input type="checkbox"/>				
Galvanized steel	<input type="checkbox"/>				
Fiberglass reinforced plastic	<input type="checkbox"/>				
Cathodically protected	<input type="checkbox"/>				
Double-walled	<input type="checkbox"/>				
Secondary containment	<input type="checkbox"/>				
Dielectric coating	<input type="checkbox"/>				
Other (please specify)	_____	_____	_____	_____	_____
<b>3. Piping Type</b> (mark all that apply)					
European suction	<input type="checkbox"/>				
American suction	<input type="checkbox"/>				
Pressure	<input type="checkbox"/>				
Gravity feed	<input type="checkbox"/>				
Other (please specify)	_____	_____	_____	_____	_____

  
 SEP 30 2015  
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Tank Identification Number	Tank No. <u>1</u>		Tank No. <u>2</u>		Tank No. <u>3</u>		Tank No. <u>4</u>		Tank No. <u>5</u>	
	Tank	Piping								
<b>4. Release Detection</b> (Mark all that apply)										
Manual tank gauging	<input type="checkbox"/>									
Inventory controls	<input type="checkbox"/>									
Automatic tank gauging	<input checked="" type="checkbox"/>									
Vapor monitoring	<input type="checkbox"/>									
Groundwater monitoring	<input type="checkbox"/>									
Interstitial monitoring double-walled tank/piping	<input type="checkbox"/>									
Interstitial monitoring /secondary containment	<input type="checkbox"/>									
Tank tightness testing	<input type="checkbox"/>									
Automatic line leak detector		<input checked="" type="checkbox"/>								
Line tightness testing		<input type="checkbox"/>								
Automatic shut-off device		<input checked="" type="checkbox"/>								
Continuous alarm system		<input type="checkbox"/>								
No requirements (european suction)		<input type="checkbox"/>								
Other (please specify)	_____		_____		_____		_____		_____	
<b>5. Corrosion Protection</b> (mark all that apply)	Tank	Piping								
Cathodic protection	<input type="checkbox"/>									
Impressed current	<input type="checkbox"/>									
Secondary containment	<input type="checkbox"/>									
Exterior coating	<input type="checkbox"/>									
Fiberglass reinforced plastic	<input type="checkbox"/>									
Double-walled	<input type="checkbox"/>									
Interior lining	<input checked="" type="checkbox"/>									
Other (please specify)	_____		_____		_____		_____		_____	
<b>6. Spill &amp; Overfill Prevention</b> (Mark all that apply)										
Overfill device	<input checked="" type="checkbox"/>									
Automatic shut-off	<input type="checkbox"/>									
Overfill Alarm	<input checked="" type="checkbox"/>									
Ball float valve	<input type="checkbox"/>									
Spill containment device	<input checked="" type="checkbox"/>									
Other (Please specify)	_____		_____		_____		_____		_____	

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SEP 30 2015

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CHEMICAL SAFETY

**VII. Certification of Compliance** (Complete for all new, upgraded and relined tanks at this location)

Installation (mark all that apply)					
Installer certified by tank and piping manufacturers	<input checked="" type="checkbox"/>				
Installer certified or licensed by implementing agency	<input checked="" type="checkbox"/>				
Installer registered by implementing agency	<input checked="" type="checkbox"/>				
Installer is the owner of the tank(s)	<input type="checkbox"/>				
Installation inspected by a registered engineer	<input type="checkbox"/>				
Installation inspected & approved by implementing agency	<input checked="" type="checkbox"/>				
Manufacturer's installation checklists have been completed	<input type="checkbox"/>				
Another method allowed by state agency (please specify)					

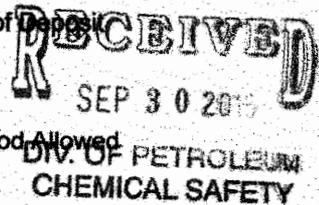
**OATH:** I certify the information that is provided in section VII is true to the best of my knowledge, and certify that the installation was performed in accordance with all applicable state and federal laws and regulations. **(THIS SECTION MAY ONLY BE COMPLETED BY THE CONTRACTOR. SEPARATE OATH MUST BE SUBMITTED FOR EACH ACTIVITY PERFORMED BY DIFFERENT CONTRACTOR.)**

Tank No. 1,2,3,4,5 Permit No. 00637-2015LIN  
 Contractor: Clayton Bennett *Clayton Bennett* 9-23-15  
 Name Signature (must be original) Date  
 Vice President Armor Shield of WI  
 Position Company

**VIII. Financial Responsibility**

Mark all that apply:

- Self-Insurance
- Commercial Insurance
- Risk Retention Group
- Guarantee
- Surety Bond
- Letter of Credit
- Certificate of Deposit
- Trust Fund
- Other Method Allowed (please specify)



**IX. Certification (Read and sign after completing all sections)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

CHUCK ATKINS *Chuck Atkins* 9-23-15  
 Name and official title of owner or owner's authorized representative Signature Date Signed  
 (print) (must be original)



**OFFICE OF THE ILLINOIS STATE FIRE MARSHAL**  
 Division of Petroleum and Chemical Safety  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020 or (217)785-5878

Facility # 3006361  
 Permit# 00637-2015LIN

**INSPECTION CERTIFICATION**

**FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located:)  
**Greater Peoria Airport Authority**  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607 Peoria  
 City State Zip County  
Chuck Atkins 309-258-0245  
 Contact Person Phone

**CONTRACTOR:**  
**ARMOR SHIELD OF WISCONSIN**  
 Company Name  
4623 HILLCREST PKWY  
 Street Address  
SLINGER WI 53086  
 City State Zip  
CLAYTON BENNETT (262) 644-6447  
 Contact Person Phone  
1707 4/18/2019  
 Contractor License # Expiration Date

**TANK INFORMATION**

DATE OF INSPECTION	TANK ID NUMBER	TANK SIZE	PASS/FAIL
9/23/2015	1	3000	PASS
9/23/2015	2	17500	PASS
9/23/2015	3	15000	PASS
9/23/2015	4	15000	PASS
9/23/2015	5	20000	PASS

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 CHEMICAL SAFETY

I, the undersigned, hereby swear and attest that I have performed entry, cleaning and inspection of the existing internal lining in accordance with NLPD STANDARD 631, Chapter B, and passed ultrasonic thickness gauging requirements per 1991 ANSI Edition.

Signed, *Clay Bennett*

Date 9/23/2015



**OFFICE OF THE ILLINOIS STATE FIRE MARSHAL**  
 Division of Petroleum and Chemical Safety  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020 or (217)785-5878

Facility # 3006361  
 Permit# 00637-2015LIN

**TANK LINING/INTERNAL INSPECTION/REPAIR COMPLIANCE REPORT**

**FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located:)  
Greater Peoria Airport Authority  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607 Peoria  
 City State Zip County  
Chuck Atkins 309-258-0245  
 Contact Person Phone

**CONTRACTOR:**  
ARMOR SHIELD OF WISCONSIN  
 Company Name  
4623 HILLCREST PKWY  
 Street Address  
SLINGER WI 53086  
 City State Zip  
CLAYTON BENNETT (262) 644-6447  
 Contact Person Phone  
IL-1707 4/18/2016  
 Contractor License # Expiration Date

Compliance Item	Tank #1	Tank #2	Tank #3	Tank #4
Tank approved for Lining (Y/N)	Y	Y	Y	Y
Full White Metal Blast 3 to 4 mils Min. (see figure 5)	N/A	N/A	N/A	N/A
Mil Profile (Y/N)	N/A	N/A	N/A	N/A
Reinforcing Plates Installed (#)	Y	Y	Y	Y
Entire Inside Surface Coated Evenly (Y/N)	Y	Y	Y	Y
Number of Coating Thickness Readings	5	20	20	20
Max. Coating Thickness Reading Top, Side, Bottom (mils)	.125	.121	.134	.129
Number of Hardness Readings	5	20	20	20
Max. Hardness Reading	89	87	86	87
Min. Hardness Reading	87	84	84	87
Full Holiday Test Passed (Y/N)	Y	Y	Y	Y
Sketch of Tanks on Reverse (Y/N)				
Number of Holes	N/A	N/A	N/A	N/A
Age of Tank	N/A	N/A	N/A	N/A
Seam Leak				

Brand & Model of Thickness Tester  
 Brand & Model of Hardness Tester  
 Brand & Number of Lining Material  
 Brand & Model of Holiday Tester  
 Brand & Model of Ultrasonic Thickness Gauge

Elcometer Instruments Model 8E  
 Barber-Coleman GYZJ 935  
 Armor Shield TL-300  
 Tinker-Razor W-8869  
 Olympus NTD Systems Model M32XT

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**OATH:** I certify that the above information is correct and that the subject tank lining work was done according to specifications of the lining material manufacturer and NLPA 631.

Signature of Authorized Field Installer *Clayton Bennett*

Company: Armor Shield of Wisconsin Date: 9/23/2015



**OFFICE OF THE ILLINOIS STATE FIRE MARSHAL**  
**Division of Petroleum and Chemical Safety**  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020 or (217)785-5878

Facility # 3006361  
 Permit# 00637-2015LIN

**TANK LINING/INTERNAL INSPECTION/REPAIR COMPLIANCE REPORT**

**FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located:)  
**Greater Peoria Airport Authority**  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607 Peoria  
 City State Zip County  
Chuck Atkins 309-258-0245  
 Contact Person Phone

**CONTRACTOR:**  
ARMOR SHIELD OF WISCONSIN  
 Company Name  
4623 HILLCREST PKWY  
 Street Address  
SLINGER WI 53086  
 City State Zip  
CLAYTON BENNETT (262) 644-6447  
 Contact Person Phone  
IL-1707 4/18/2016  
 Contractor License # Expiration Date

Compliance Item	Tank #5	Tank #	Tank #	Tank #
Tank approved for Lining (Y/N)	Y			
Full White Metal Blast 3 to 4 mils Min. (see figure 5)	N/A			
Mil Profile (Y/N)	N/A			
Reinforcing Plates Installed (#)	Y			
Entire Inside Surface Coated Evenly (Y/N)	Y			
Number of Coating Thickness Readings	25			
Max. Coating Thickness Reading Top, Side, Bottom (mils)	.131			
Number of Hardness Readings	25			
Max. Hardness Reading	85			
Min. Hardness Reading	85			
Full Holiday Test Passed (Y/N)	Y			
Sketch of Tanks on Reverse (Y/N)				
Number of Holes	N/A			
Age of Tank	N/A			
Seam Leak				

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Brand & Model of Thickness Tester Elcometer Instruments Model 8E  
 Brand & Model of Hardness Tester Barber-Coleman GYZJ 935  
 Brand & Number of Lining Material Armor Shield TL-300  
 Brand & Model of Holiday Tester Tinker-Razor W-8869  
 Brand & Model of Ultrasonic Thickness Gauge Olympus NTD Systems Model MG2XT

**OATH:** I certify that the above information is correct and that the subject tank lining work was completed according to specifications of the lining material manufacturer and NLPA 631.

Signature of Authorized Field Installer *Clayton Bennett*

Company: Armor Shield of Wisconsin Date: 9/23/2015



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL  
 Division of Petroleum and Chemical Safety  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217)785-1020 or (217)785-5878

Facility # 3006361  
 Permit# 00637-2015LIN

**STATEMENT OF PRECISION TIGHTNESS TEST**

**FACILITY** - Facility ID # 3006361  
 (Name and address where tanks are located:)  
Greater Peoria Airport Authority  
 Name  
6100 Dirksen Parkway  
 Street Address  
Peoria IL 61607 Peoria  
 City State Zip County  
Chuck Atkins 309-258-0245  
 Contact Person Phone

**LINING CONTRACTOR:**  
ARMOR SHIELD OF WISCONSIN  
 Company Name  
4623 HILLCREST PKWY  
 Street Address  
SLINGER WI 53086  
 City State Zip  
CLAYTON BENNETT (262) 644-6447  
 Contact Person Phone  
IL 1701 4/18/2016  
 Contractor License # Expiration Date

I, being a employee of the above mentioned lining contracting company, certify that the following underground storage tanks were internally inspected on the above permit number and were precision tested by a Illinois licensed testing contractor. All tanks were precision tested and proven tight.

TANK ID NUMBER	DATE OF TEST
1	9/24/2015
2	9/24/2015
3	9/24/2015
4	9/24/2015
5	9/24/2015

Name of Testing Company Protanic, Inc.

Illinois License Number IL-1413

Signed, *Clayton Bennett* Date 9/24/2015

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**DIV. OF PETROLEUM  
 CHEMICAL SAFETY**



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

Facility #	3006361
Permit #	00658-2015REM
Date	1/15/2016
IEMA #	
Notification Form Received	<input type="radio"/> Y <input checked="" type="radio"/> N
Permit Not Executed	<input checked="" type="checkbox"/>

**LOG OF UNDERGROUND STORAGE TANK REMOVAL/PIPING REMOVAL**

Removal  Piping Removal Only

**OWNER OF TANKS**

Byerly Aviation, Inc.  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607  
 City State Zip  
 Chuck Atkins 309-697-6300  
 Contact Person Phone

**FACILITY**

Greater Peoria Airport Authority  
 Name  
 6100 Dirksen Parkway  
 Street Address  
 Peoria IL 61607 Peoria  
 City State Zip County  
 Chuck Atkins 309-258-0245  
 Contact Person Phone

**CONTRACTOR**

IL598  
 License Number

Seneca Companies, Inc.  
 Name  
 4140 East 14th Street  
 Street Address  
 IA 50313  
 City State Zip  
 Keri Hankins 816-761-1270  
 Contact Person Phone

**TANK SYSTEM INFORMATION**

Tank	Capacity	Product	Status
1	3,000	Gasoline	Currently in use
2	17,500	Aviation Fuel	Currently in use
3	15,000	Aviation Fuel	Currently in use
4	15,000	Aviation Fuel	Currently in use
5	20,000	Gasoline	Currently in use

**SECTION A. TANK CORRECTION**

**SECTION B. ADDITIONAL TANKS FOUND**

**SECTION C. TANKS NOT FOUND**

**SECTION D. CONTAMINATION INFORMATION**

**SECTION E. FORMS**

Y N

- 1. Did STSS verify all certified employees, non-certified workers and subcontract excavation operators possess their 40 hour General Site Worker Program identification card and valid refresher cards?  Y  N
- 2. Did STSS verify the certified employee possessed a wallet card verifying successful passage of OSFM approved exam?  Y  N

Name of certified employee: \_\_\_\_\_

Date certification expires: \_\_\_\_\_

**ED & D Application:**

Given To Owner/Operator  Given To Contractor/Consultant  Obtain Form Online  N/A

**Removal Certification:**

Given To Owner/Operator  Given To Contractor/Consultant  Obtain Form Online  N/A

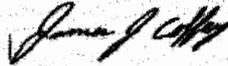
**Site Assessment Result Form:**

Given To Owner/Operator  Given To Contractor/Consultant  Obtain Form Online  N/A

**Remarks:**

This permit was never executed. See the Lining inspection permit for these tanks #00637-2015LIN.

1/15/2016

X 

Signed by: James J Coffey  
Storage Tank Safety Specialist (Signature)

NOTE: Drawing attached



www.epa.il.gov

Rod R. Blagojevich

Tiered Approach to Corrective Action Objectives Fact Sheets

## Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 11: Metals

### How do I develop migration to groundwater remediation objectives for metals (inorganics)?

Three separate procedures for developing soil remediation objectives for the migration to groundwater pathway exist. For many inorganics, either a toxic characteristic leaching procedure (TCLP) test, a synthetic precipitation leaching procedure (SPLP), or a "totals" metal laboratory analysis may be used. To use the totals objectives, the pH of the soil that the metal is expected to migrate through must be obtained. It is useful to analyze for totals because the soil ingestion and inhalation remediation objectives are also measured in totals. For metals in groundwater, investigative samples should be unfiltered.

### Can I use a background determination for metals?

Yes. A site specific background concentration can be calculated using an Illinois EPA approved statistical method. The background determination may then effectively be used as the remediation objective (*See Fact Sheet 9*). Also, Appendix A, Table G provides a look up table of values of concentrations of inorganic chemicals in background soils.

Also, in Appendix B, Table A, the footnote "t" is used for certain chemicals to indicate that the table value is likely to be less than the background concentration for the chemical. In those instances, screening or remediation concentrations using the procedures for determining area background may be more appropriate.

Any averaging and/or compositing of soil samples for a background determination must be consistent with the approach described in Section 742.225 (*See Fact Sheet 10*).

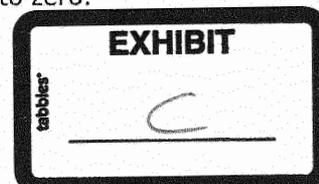
### What are the remediation objectives for lead?

Appendix A, Table G provides background concentrations. The Tier 1 lead background objective is 20.9 mg/kg outside metropolitan areas and 36.0 mg/kg within metropolitan areas. The Tier 1 ingestion remediation objective for lead is 400 mg/kg. Concentrations exceeding 400 mg/kg generally require either: 1) remediation, or 2) engineered barriers and institutional controls.

### Can I use the Tier 2 equations for metals?

Yes. The SSL equations may be used for metals. For example, to determine a migration to groundwater remediation objective you can use Appendix C, Table J, which provides Soil Water Sorption Coefficients ( $k_s$ ) values for eleven metals and nine ionizing organics. These values depend on the soil pH. Also, for all metals other than mercury, set Henry's Law Constant equal to zero.

### How do I obtain the pH of the soil?



For Appendix B, Tables C and D and some Tier 2 groundwater equations, pH is a necessary component. Soil pH is a common laboratory test, and you can request it when submitting soil samples for analysis. Or, if using proper techniques, pH can be measured in the field. pH is based upon a logarithmic scale; therefore, pH sample results can not be averaged.

It is important to submit a sample for pH analysis that is representative of the soil that the contamination is expected to migrate through. Therefore, for evaluating the migration to groundwater pathway, the soil pH sample should be collected several feet below the surface in an uncontaminated area. For example, at a LUST site, the soil sample would be collected at a depth at or below the tank invert. For sites less than 0.5 acres, usually only one soil pH measurement is warranted.

For several metals, if the soil pH exceeds 8.0, a request can be made to the Bureau of Land to use the remediation objectives that correspond to a pH value of 7.75 to 8.0.

### Metals, Example 1 - Application of the Industrial/Commercial Tables

In this example, a site is requesting industrial/commercial soil remediation objectives, and the groundwater classification is Class II. Assume no routes are excluded from consideration, pursuant to Subpart C. The pH of the subsurface soil is 7.5. The barium and chromium soil remediation objectives for ingestion and inhalation, from Appendix B, Table B (Tier 1 Soil Remediation Objectives for Industrial /Commercial Properties) are:

	<b>Ingestion</b> <b>(mg/kg)</b>	<b>Inhalation</b> <b>(mg/kg)</b>	<b>Construction</b> <b>(mg/kg)</b>	<b>Construction</b> <b>(mg/kg)</b>
Barium	140,000	910,000	14,000	870,000
Chromium	10,000	420	4,100	8,800

The barium and chromium soil remediation objectives for migration to groundwater from Appendix B, Table B are:

### Soil Objective for the Migration to Class II Groundwater Route (mg/liter)

Barium	2.0 (TCLP/SPLP)
Chromium	1.0 (TCLP/SPLP)

Also, the migration to groundwater objectives can be obtained from Appendix B, Table D, which gives pH specific objectives expressed in totals (mg/kg). This table shows 1,800 mg/kg for barium; no data is provided for chromium.

Therefore, the barium soil remediation objective is either:

- 1,800 mg/kg (which is protective for migration to groundwater, ingestion and inhalation), or
- 2.0 mg/l (which accounts for migration to groundwater) and 14,000 mg/kg (which accounts for ingestion and inhalation).
- Also, for barium, the background soil concentration is 110 mg/kg for metropolitan areas, according to Appendix A, Table F.

Either 1, 2 or 3 above, may be used.

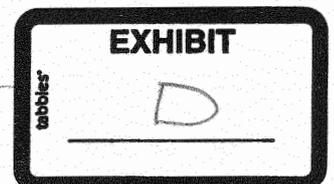
The chromium soil remediation objective is both 420 mg/kg and 1.0 mg/l. According to Appendix B, Tables C and D for chromium, a pH dependent value to determine the migration to groundwater remediation objective is not determined, so a TCLP or SPLP test must be used in addition to a totals test for ingestion and inhalation. However, the chromium background soil concentration is 16.2 mg/kg. Therefore, if all the on-site chromium soil sample results are less than 16.2 mg/kg, no further evaluation may be necessary, and you may not need to analyze by a TCLP or SPLP method.

# Sampling Requirements for Used Oil Underground Storage Tank Systems

1. What are the indicator contaminants for a used oil release, and how are they determined?
  2. Where and when is the soil-screening sample collected to determine indicator contaminants?
  3. How can metals be excluded from further consideration as indicator contaminants?
  4. What sampling is required after the soil-screening sampling?
  5. What remediation objectives are used as a comparison to the analytical results?
  6. Where can I get more information on this subject?
  7. Minimum Soil-Screening Sampling Parameters for Used Oil UST Systems (from 35 Ill. Adm. Code 732/734.Appendix B)
- 

## 1. What are the indicator contaminants for a used oil release, and how are they determined?

When a release of used oil has occurred, the indicator contaminants shall be determined by the results of a used oil soil-screening sample. The sample shall be analyzed for all volatile, base/neutral, polynuclear aromatic (PNA), and metal parameters listed at Appendix B of 35 Illinois Administrative Code (35 Ill. Adm. Code) 732 or 734 (also listed after the last question of this fact sheet) and any other parameters the Licensed Professional Engineer or Licensed Professional Geologist suspects may be present based on underground storage tank (UST) system usage. The Illinois EPA may add degradation products or mixtures of any of the pollutants listed above. The used oil indicator contaminants shall be those parameters listed above that exceed their most stringent remediation objective at 35 Ill. Adm. Code 742 in addition to benzene, ethylbenzene, toluene, total xylenes (BETX) and the PNAs listed in Appendix B. If none of the parameters exceed their remediation objective, then the used oil indicator contaminants shall be BETX and the PNAs listed in Appendix B.



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## 2. Where and when is the soil-screening sample collected to determine indicator contaminants?

Of the samples collected during Early Action activities, the soil sample that appears to be the most contaminated as a result of the release from the used oil UST system must be used to determine indicator contaminants. If none of the samples appear to be contaminated, then a floor sample collected from below the used oil UST must be used. This sample is to be used as a screening tool and should be collected and analyzed during Early Action. It must be collected and analyzed prior to the submittal of a site classification plan or site investigation plan.

Please be advised that sampling the tank contents is not an acceptable method to establish indicator contaminants.

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### **3. How can metals be excluded from further consideration as indicator contaminants?**

For used oil UST systems, metals may be excluded from further consideration by:

- Utilizing the background concentrations located at 35 Ill. Adm. Code 742.Appendix A.Table G. The values listed in this table are based upon total metal concentrations. If the total metal concentration of the soil-screening sample is less than or equal to the background concentration listed in Table G, then that metal may be excluded as an indicator contaminant; or
- Comparing TCLP or SPLP concentrations to the Tier 1 look-up soil remediation objectives table for residential properties at 35 Ill. Adm. Code 742.Appendix B.Table A. If the TCLP or SPLP metal concentration of the soil-screening sample is less than or equal to the remediation objective for the soil component of the groundwater ingestion exposure route listed in Table A, then that metal may be excluded as an indicator contaminant; or
- Performing a pH analysis of a soil sample collected from an uncontaminated location on site and comparing the total metal concentration to the pH-specific soil remediation objective located at 35 Ill. Adm. Code 742.Appendix B.Table C or Table D. If the total metal concentration of the soil-screening sample is less than or equal to the remediation objective listed in Table C or D, then that metal may be excluded as an indicator contaminant.

For this reason, it is recommended that the soil-screening sample be analyzed for both total and soluble (TCLP or SPLP) metals and pH analysis be performed on a soil sample from an uncontaminated area.

For your information, the use of area background concentrations **to exclude metals from consideration as used oil indicator contaminants** does not result in a land use restriction.

#### **4. What sampling is required after the soil-screening sampling?**

After the indicator contaminants have been identified from the soil-screening sample, further sampling for the indicator contaminants is required in accordance with Early Action provisions.

Alternatively—and possibly the simplest course to follow—all Early Action samples, including the soil-screening sample, may be collected at the same time. Then, with a request to the laboratory for quick turnaround time, the soil-screening sample must be analyzed for all parameters noted above (in response to the first question of this fact sheet). At this time, too, all Early Action samples should be analyzed for BETX and PNAs (since these parameters are always required for used oil UST systems). Please note that a sufficient amount of soil should be collected per sample location for later testing of other indicator contaminants, if any.

Upon completion of Early Action activities, if compliance with applicable remediation objectives is not demonstrated, further sampling will be required pursuant to regulations governing site classification, site investigation, and/or corrective action.

#### **5. What remediation objectives are used as a comparison to the analytical results?**

The most stringent Tier 1 remediation objectives listed at 35 Ill. Adm. Code 742.Appendix B must be used for the established indicator contaminants. While the Tier 1 soil remediation objectives for residential properties are generally the most stringent, other remediation objectives (for example, the construction worker inhalation remediation objectives found at 35 Ill. Adm. Code 742.Appendix B.Table B) may be more stringent for some parameters.

In order to make the comparison between Tier 1 remediation objectives and the analytical results, the laboratory analytical reports must include a practical quantitation limit (PQL) or reporting limit that is less than or equal to the most stringent remediation objective for each parameter in compliance with 35 Ill. Adm. Code Section 734.415(b). The only exceptions are those parameters whose acceptable detection limits (ADL), as listed at 35 Ill. Adm. Code 742.Appendix B.Tables A and B, are higher than the remediation objectives. Namely, the parameters with higher ADLs are:

- aldrin
- bis(2-chloroethyl)ether
- 1,2-dibromoethane (ethylene dibromide)

- 3,3'-dichlorobenzidine  
Electronic Filing: Received, Clerk's Office 01/28/2026
- 1,3-dichloropropene (1,3-dichloropropylene, cis + trans)
- dieldrin
- 2,4-dinitrotoluene
- 2,6-dinitrotoluene
- heptachlor
- heptachlor epoxidealpha-HCH ( alpha-BHC)
- nitrobenzene
- n-nitrosodi- n-propylamine
- 2,4-dinitrophenol
- 2,4,6-trichlorophenol

Further, the analytical results must be reported on a dry weight basis, and all sample analyses must be performed by a laboratory accredited for the analyzed parameters. Analytical results that do not meet these criteria will not be accepted as a demonstration of compliance.

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## **6. Where can I get more information on this subject?**

For more information, please contact the project manager on call for the Leaking Underground Storage Tank Section at 217-524-3300.

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## **7. Minimum Soil-Screening Sampling Parameters for Used Oil UST Systems (from 35 Ill. Adm. Code 732/734.Appendix B)**

### Volatiles

1. Benzene
2. Bromoform
3. Carbon tetrachloride

4. Chlorobenzene
5. Chloroform
6. Dichlorobromomethane
7. 1,2-Dichloroethane
8. 1,1-Dichloroethene
9. cis-1,2-Dichloroethylene
10. trans-1,2-Dichloroethylene
11. Dichloromethane (Methylene chloride)
12. 1,2-Dichloropropane
13. 1,3-Dichloropropylene (cis + trans)
14. Ethylbenzene
15. Styrene
16. Tetrachloroethylene
17. Toluene
18. 1,1,1-Trichloroethane
19. 1,1,2-Trichloroethane
20. Trichloroethylene
21. Vinyl chloride
22. Xylenes (total)

Base/Neutrals

1. Bis(2-chloroethyl)ether
2. Bis(2-ethylhexyl)phthalate
3. 1,2-Dichlorobenzene
4. 1,4-Dichlorobenzene
5. Hexachlorobenzene
6. Hexachlorocyclopentadiene

7. n-Nitrosodi- n-propylamine

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8. n-Nitrosodiphenylamine

9. 1,2,4-Trichlorobenzene

#### Polynuclear Aromatics

1. Acenaphthene

2. Anthracene

3. Benzo(a)anthracene

4. Benzo(a)pyrene

5. Benzo(b)fluoranthene

6. Benzo(k)fluoranthene

7. Chrysene

8. Dibenzo(a,h)anthracene

9. Fluoranthene

10. Fluorene

11. Indeno(1,2,3-c,d)pyrene

12. Naphthalene

13. Pyrene

14. Acenaphthylene

15. Benzo(g,h,i)perylene

16. Phenanthrene

#### Metals (total inorganic and organic forms)

1. Arsenic

2. Barium

3. Cadmium

4. Chromium (total)

5. Lead

Electronic Filing: Received, Clerk's Office 01/28/2026

6. Mercury

7. Selenium

*This fact sheet is for general information only and is not intended to replace, interpret, or modify laws, rules or regulations.*

Revised August 2007

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