

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                       |   |                    |
|---------------------------------------|---|--------------------|
| JOHN R. OLTMAN CHARITABLE FOUNDATION, | ) |                    |
| OLTMAN & COMPANY                      | ) |                    |
| Petitioner,                           | ) |                    |
|                                       | ) |                    |
| v.                                    | ) | PCB 27-            |
|                                       | ) | (LUST – Ninety Day |
| ILLINOIS ENVIRONMENTAL PROTECTION     | ) | Extension)         |
| AGENCY,                               | ) |                    |
| Respondent.                           | ) |                    |

**NOTICE**

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

John R. Oltman Charitable Foundation  
Attn: Jan Oltman  
121 Boarders Road  
P.O. Box 8069  
Avon, Colorado 81620

Scott B. Sievers  
Brown Hay and Stephens  
205 S. Fifth Street  
P.O. Box 2459  
Springfield, IL 62705  
[ssievers@bhslaw.com](mailto:ssievers@bhslaw.com)

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: August 18, 2026

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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| AGENCY,                               | ) |                    |
| Respondent.                           | ) |                    |

**REQUEST FOR NINETY DAY EXTENSION**  
**OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to November 24, 2026, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On or about July 14, 2026, Illinois EPA issued a final decision to the Petitioner.
2. On August 14, 2026, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about July 22, 2026.

3. The additional time requested by the parties may eliminate the need for a hearing on this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five-day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Melanie A Jarvis  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
866/273-5488 (TDD)  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: August 18, 2026

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on August 18, 2026, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Scott B. Sievers  
Brown Hay and Stephens  
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Springfield, IL 62705  
[ssievers@bhslaw.com](mailto:ssievers@bhslaw.com)

Mail Service

John R. Oltman Charitable Foundation  
Attn: Jan Oltman  
121 Boarders Road  
P.O. Box 8069  
Avon, Colorado 81620

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)

**From:** [Scott B. Sievers](#)  
**To:** [Jarvis, Melanie](#)  
**Cc:** [Taylor L. Ingram](#); [Olivia K. Treece](#)  
**Subject:** [External] Leaking Underground Storage Tank appeal  
**Date:** Friday, August 14, 2026 4:32:57 PM  
**Attachments:** [Letter from IL EPA 7.14.2026.pdf](#)  
**Importance:** High

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Dear Melanie:

My client received the attached correspondence from Illinois EPA dated July 14, 2026. The thirty-fifth (35) day thereafter is Tuesday, August 18, 2026. Would Illinois EPA agree to extend by 90 days the period for petitioning for a hearing of this matter pursuant to Section 40 of the Illinois Environmental Protection Act? If so, please advise and I will prepare a joint request for your consideration and approval. Thank you,

Scott



Springfield | Decatur | Bloomington

Scott B. Sievers | Attorney  
205 S. Fifth Street, P.O. Box 2459, Springfield, IL 62705  
217.544.8491 (o) | 217.544.9609 (f)  
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[Assistant](#) | [Bookkeeping](#)

Brown, Hay & Stephens, LLP, is an Illinois registered limited liability partnership that has elected to be governed by the Uniform Limited Partnership Act (2001). Member, Meritas Law Firms Worldwide. Visit Meritas at [www.meritas.org](http://www.meritas.org).

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# Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

JB Pritzker, Governor

James Jennings, Director

(217) 524-3300

CERTIFIED MAIL

9589 0710 5270 3788 8782 88

JUL 14 2026

John R. Oltman Charitable Foundation  
Attn: Jan Oltman  
121 Borders Road  
PO Box 8069  
Avon, Colorado 81620

Re: 1170705006 -- Macoupin County  
Mt. Olive/Oltman & Company  
I-55 & Route 138  
Leaking UST Incident 920613  
Leaking UST Technical File

Dear Jan Oltman:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Report (report), which included a Stage 1 Site Investigation Plan and Budget certification, 45-Day Report form (form), and Supplemental Information for the above-referenced incident. The report, dated March 13, 2026, was received by the Illinois EPA on March 16, 2026. The form, dated March 11, 2026, was received by the Illinois EPA on June 8, 2026. The Supplemental Information, dated December 30, 2025, was received by the Illinois EPA on May 27, 2026. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The 45-Day Report is approved pursuant to 35 Ill. Adm. Code 734.505(b) and 734.510(a). Therefore, the 45-day reporting requirements of Section 57.6 of the Act and 35 Ill. Adm. Code 734.210(d) have been satisfied.

At this time, the Illinois EPA is unable to approve the Stage 1 site investigation for the reasons listed in Attachment A of this letter. If Stage 1 site investigation activities have already begun or if the decision is made to proceed with the Stage 1 site investigation activities without Illinois EPA concurrence, then please be advised that incurred costs may not be approved for payment from the Underground Storage Tank Fund.

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Since the laboratory analytical results of early action sampling prescribed at 35 Ill. Adm. Code 734.210(h) indicates that the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have not been met, and one or more of the criteria set forth at 35 Ill. Adm. Code 734.210(h)(4)(A) through (C) have been met, the owner or operator must continue with the Stage 1 site investigation after the laboratory analytical results of early action sampling required in Attachment A of this letter have been submitted and Illinois EPA concurrence is given. The laboratory analytical results of early action sampling required in Attachment A must be submitted to the Illinois EPA as a 45-Day Report Addendum and must be accompanied by the Stage 1 Site Investigation Certification.

Further, pursuant to 35 Ill. Adm. Code 734.145, it is required that the Illinois EPA be notified of field activities prior to the date the field activities take place. This notice must include a description of the field activities to be conducted; the name of the person conducting the activities; and the date, time, and place the activities will be conducted and shall be made to [EPA.FieldNotifications@illinois.gov](mailto:EPA.FieldNotifications@illinois.gov). This notification of field activities must be provided at least two weeks prior to the scheduled field activities.

The Illinois EPA requires that the owner or operator submit the required laboratory analytical results of early action sampling as a 45-Day Report Addendum and the Stage 1 Site Investigation Certification on or before November 11, 2026, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.305. Please note that the Illinois EPA does not require the submission of a budget if the owner or operator does not intend to seek payment from the Underground Storage Tank Fund.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or need further assistance, please contact the undersigned at (217) 524-4789 or at [Salome.Wortman@illinois.gov](mailto:Salome.Wortman@illinois.gov).

Sincerely,



Salome Wortman  
Project Manager  
Leaking Underground Storage Tank Section  
Bureau of Land

 Attachments: Attachment A  
Appeal Rights

c: Civil & Environmental Consultants, Inc., Luis Torres Aguilera (electronic copy),  
[ltorres-aguilera@cecinc.com](mailto:ltorres-aguilera@cecinc.com)  
BOL File

Attachment A

Re: 1170705006 – Macoupin County  
Mt. Olive/Oltman & Company  
I-55 & Route 138  
Leaking UST Incident 920613  
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. Pursuant to Section 57.6(a) of the Act and 35 Ill. Adm. Code 734.210(h)(2)(A), one boring must be drilled at the center point along each side of each UST, or along each side of each cluster of multiple USTs, remaining in place. If a side exceeds 20 feet in length, one boring must be drilled for each 20 feet of side length, or fraction thereof, and the borings must be evenly spaced along the side.

*Based on the information submitted to date, Early Action sampling has not been completed. Two soil borings must be advanced on the east and west side of T2. The borings must be advanced south of WW-1-T2 and EW-1-T2, along the tank wall. Borings must be taken down either to 30 feet or groundwater, whichever is encountered first. Samples should be taken in the most contaminated area of each 5-foot interval and tested for BTEX and PNAs. The resulting information must be provided with the next submittal.*

2. Pursuant to Section 57.6(a) of the Act and 35 Ill. Adm. Code 734.210(h)(2)(B), one soil sample must be collected from each five-foot interval of each boring required under subsections (h)(2)(A) through (C) of this Section. Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval, provided, however, that soil samples must not be collected from soil below the groundwater table.

*Based on the information submitted to date, soil borings FS-5-T2, WW-1-T2, SW-1-T1, and FS-4-T1 were sampled outside of their most contaminated area. These borings must be re-drilled and re-sampled. Borings must be advanced either to 30 feet or groundwater, whichever is encountered first. Samples must be collected from the most contaminated area in each 5-foot interval as determined by the PID reading. Samples should be tested for BTEX-M. The resulting information must be provided with the next submittal. Please note since sampling was performed after the USTs were removed and only one sample was collected, the vertical extent of soil contamination must be defined either during the required additional Early Action sampling or during Stage 1 activities..*

3. Pursuant to 35 Ill. Adm. Code 734.315(a)(2)(B), if a groundwater investigation is required, the owner or operator must install five groundwater monitoring wells. One monitoring well must be installed in the location where groundwater contamination is most likely to be present. The four remaining wells must be installed at the property boundary line or 200 feet from the UST system, whichever is less, in opposite directions from each other. The wells must be installed in locations where they are most likely to detect groundwater contamination resulting from the release and provide information regarding the groundwater gradient and direction of flow.

*Based on the information submitted to date, it appears groundwater beneath the site is contaminated. Therefore, a groundwater investigation will be required during Stage 1 activities.*

4. Pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.425(c), soil boring logs must be kept for all soil borings. The logs must be submitted in the corresponding site investigation plan, site investigation completion report, or corrective action completion report on forms prescribed and provided by the Illinois EPA and, if specified by the Illinois EPA in writing, in an electronic format.

*The soil boring logs provided were not prescribed by the Illinois EPA. In addition, the soil borings logs did not provide all information required on the Illinois EPA logs. Specifically, the start and stop times of the borings was not included. Therefore, the boring logs associated with SB-1 through SB-17 must be revised on Illinois EPA soil boring log forms and include the above information. In addition, all future borings must be logged on Illinois EPA forms and include all information required on the form.*

5. Pursuant to Section 57.7(a) of the Act and 35 Ill. Adm. Code 734.135(a), all plans, budgets, and reports must be submitted to the Agency on forms prescribed and provided by the Agency and, if specified by the Agency in writing, in an electronic format. Number 3 under Section E (Other Information) of the 45-Day Report Form requires analytical/screening results in tabular format including the results of the soils samples required pursuant to 35 Ill. Adm. Code 734.210(h) and the most stringent Tier 1 remediation objectives be submitted for review.

The 35 Ill. Adm. Code Part 620 has been amended by the Illinois Pollution Control Board and published in the Illinois Register on April 11, 2025, with an effective date of March 28, 2025. The Class I groundwater quality standards in Part 620 were updated for a total of forty-seven constituents. Of the forty-seven updated constituents, fourteen are identified as petroleum indicator contaminants for Leaking USTs, as listed in Section 734.Appendix A. For ten of these fourteen constituents, the groundwater quality standards in Part 620 are now lower than the Tier 1 groundwater remediation objectives found in Section 742. Appendix B, Table E. Please note that for some constituents, the groundwater quality standards in Part 620 are less stringent than those in Part 742. In all cases, the more stringent value, either from Part 620 or Part 742, must be met. Table 2B must be updated with the next submittal. The corrected values are presented below:

| Contaminant             | Updated Class I GQS (mg/L) | Updated Class II GQS (mg/L) |
|-------------------------|----------------------------|-----------------------------|
| Acenaphthene            | 0.23                       | 1.2                         |
| Anthracene              | 1.2                        | 6.0                         |
| Benzo(g,h,i)perylene    | 0.12                       | 0.58                        |
| Dibenzo(a,h)anthracene  | 0.0001                     | 0.0005                      |
| Fluoranthene            | 0.15                       | 0.75                        |
| Fluorene                | 0.15                       | 0.75                        |
| Indeno(1,2,3-c,d)pyrene | 0.00025                    | 0.0012                      |
| Naphthalene             | 0.077                      | 0.22                        |
| Pyrene                  | 0.12                       | 0.6                         |

In addition, Table 1B does not reflect the correct remediation objectives for acenaphthylene, phenanthrene, and benzo(g,h,i)perylene and must be updated with the next submittal. The non-TACO PAHs lack both numerical groundwater ingestion ROs in Part 742 and numerical groundwater quality standards in Part 620, and there are no MCLs/MCLGs listed for drinking water. Therefore, the noncancer ROs/standards are calculated using the Human Threshold Toxicant Advisory Concentration equation (HTTAC – the noncancer method for calculating values) at Part 620. Appendix A(a). March 2025 Part 620 updates to the exposure factors apply for calculating the non-TACO groundwater ingestion ROs. There is a spreadsheet listing non-TACO groundwater ingestion ROs available on the TACO webpage at Illinois EPA's website: <https://epa.illinois.gov/topics/cleanup-programs/taco.html>. The following tables reflect correct values for the compounds listed above:

| Soil Ingestion ROs (mg/kg)                                                    |             |                         |                     |
|-------------------------------------------------------------------------------|-------------|-------------------------|---------------------|
| Non-TACO Contaminant                                                          | Residential | Industrial / Commercial | Construction Worker |
| Acenaphthylene                                                                | 4,700       | 120,000                 | 41,000              |
| Benzo(g,h,i)perylene                                                          | 2,300       | 61,000                  | 61,000              |
| Phenanthrene                                                                  | 2,300       | 61,000                  | 61,000              |
| Groundwater Ingestion ROs (mg/L)                                              |             |                         |                     |
| Non-TACO Contaminant                                                          | Class I     | Class II                |                     |
| Acenaphthylene                                                                | 0.23        | 1.2                     |                     |
| Benzo(g,h,i)perylene                                                          | 0.12        | 0.58                    |                     |
| Phenanthrene                                                                  | 0.12        | 0.58                    |                     |
| Soil Component of Groundwater Ingestion ROs – S17 Subsurface Defaults (mg/kg) |             |                         |                     |
| Non-TACO Contaminant                                                          | Class I     | Class II                |                     |
| Acenaphthylene                                                                | 47          | 240                     |                     |
| Benzo(g,h,i)perylene                                                          | 9,000       | 45,000                  |                     |
| Phenanthrene                                                                  | 77          | 390                     |                     |

Table 1A in the 45-Day Report must be revised to show FS-4-T1 (11') MTBE 0.623 mg/kg exceeds the most stringent Tier 1 remediation objective, as it is above the 0.32 mg/kg remediation objective for MTBE. Table 1A and any applicable maps must be revised and included with the next submission.

*Additionally, the analytical tables provided in the 45-Day Report indicate that several results are equal to their estimated value (listed as a "J" qualified result) as found in the lab report. If the result falls between the Method Detection Limit (MDL) and the Reported Detection Limit (RDL), it is an estimated value and cannot be quantified as true and accurate. Therefore, the RDL must be used as the result. The Illinois EPA requires that all tables be revised with the correct RDL values instead of the estimated ("J" qualified) values.*

*Further, the maps provided mark FS-2-T1 as a boring with an exceedance when it appears to be clear of contamination. Please update the maps and associated figures to mark it as a soil sample location with no exceedances in the next submittal.*

### Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

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

Clerk of the Board  
Illinois Pollution Control Board  
60 East Van Buren Street, Ste. 630  
Chicago, IL 60605  
(312) 814-3461

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

Illinois Environmental Protection Agency  
Division of Legal Counsel  
2520 West Iles Avenue  
Post Office Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544