

1 ILLINOIS POLLUTION CONTROL BOARD
2 PIA AVCENTER, LLC, d|b|a)
3 BYERLY AVIATION,)
4 Petitioner,)
5 -vs-) PCB 24-78
6 ILLINOIS ENVIRONMENTAL) (UST Appeal)
7 PROTECTION AGENCY,)
8 Respondent.)

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HEARING

12

SEPTEMBER 22, 2026

13

10:00 a.m.

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ILLINOIS POLLUTION CONTROL BOARD
2520 WEST ILES AVENUE
SPRINGFIELD, ILLINOIS 62704

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1 EXAMINATION BY: PAGE NO.

2

WITNESS:

3

Jeff Wienhoff

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Mr. Shaw..... 6

Mr. Kim..... 15

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Mr. Shaw..... 22

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EXHIBIT NO.:

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Petitioner 1 - Wienhoff resumé..... 7

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Petitioner 2 - OSFM field inspector audit... 11

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Respondent 1 - 45 day report..... 19

(Exhibits retained by Hearing Officer Webb.)

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1 HEARING OFFICER WEBB: Good morning.
2 My name is Carol Webb, and this is the hearing for
3 PCB 24-78, Pia Avcenter, LLC, doing business as
4 Byerly Aviation, versus IEPA. It is September 22nd,
5 and we are beginning at 10:00 o'clock.

6 For the record, although this facility is
7 located in Peoria County, there was no known public
8 interest in this case so I granted the parties'
9 request to hold the hearing in Springfield. There
10 are no members of the public present to comment, but
11 written public comment may be filed with the clerk by
12 October 6th.

13 In this case the Agency partially denied
14 Petitioner's request for reimbursement of early
15 action costs for Petitioner's site located at 6100
16 Dirksen Parkway in Peoria. The Pollution Control
17 Board members will make the final decision in this
18 case. My purpose is to conduct the hearing in a
19 neutral and orderly manner so that we have a clear
20 record of the proceedings. Petitioner has waived the
21 decision deadline.

22 This hearing was noticed pursuant to the
23 act and the board's rules, and will be conducted
24 pursuant to Sections 101.600 through 101.632 of the

1 board's procedural rules. At this time I will ask
2 the parties to please make their appearances on the
3 record.

4 MR. SHAW: Patrick Shaw for
5 Petitioner.

6 MR. KIM: Rich Kim for the Respondent.

7 HEARING OFFICER WEBB: Thank you. Are
8 there any preliminary matters to discuss on the
9 record?

10 MR. SHAW: No.

11 MR. KIM: No.

12 HEARING OFFICER WEBB: Would the
13 Petitioner like to give an opening statement?

14 MR. SHAW: I'll waive opening
15 statement.

16 HEARING OFFICER WEBB: Would the
17 Agency like to give an opening statement?

18 MR. KIM: We will waive as well.

19 HEARING OFFICER WEBB: Okay.

20 Mr. Shaw, you may call your first witness.

21 MR. SHAW: Jeff Wienhoff.

22 HEARING OFFICER WEBB: And would the
23 court reporter please swear in the witness.

24 THE COURT REPORTER: Please raise your

1 right hand.

2 JEFF WIENHOFF,

3 called as a witness, after having been first duly

4 sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. SHAW:

7 Q. Would the witness please state their name
8 for the record?

9 A. Jeff Wienhoff.

10 Q. Mr. Wienhoff, what is your current
11 occupation or profession?

12 A. I'm a professional engineer, environmental
13 consultant.

14 Q. With what company are you associated?

15 A. Green Wave Consulting.

16 Q. And what is your title with the company?

17 A. Senior professional engineer.

18 Q. About how many years have you worked with
19 underground storage tank remediation?

20 A. Twenty-six years.

21 Q. What type of work have you done?

22 A. I started as a project manager. I did tank
23 removals, did field oversight, did sampling. Written
24 all of the different reports through the program.

1 Pretty much just done LUST, leaking underground
2 storage tank, program work for 26 years.

3 Q. I'm going to approach the witness with what
4 I marked as Petitioner's Exhibit 1. Do you recognize
5 that exhibit?

6 A. Yes.

7 Q. And could you identify it for me?

8 A. It's my resumé.

9 Q. Thank you. Mr. Wienhoff, what is your
10 relationship with Byerly Aviation?

11 A. We are the hired consultant for their
12 leaking underground storage tank project.

13 Q. Could you describe the site you're working
14 at for me?

15 A. It is the hangar at the Peoria
16 International Airport for the private carriers.

17 Q. What is the nature of Byerly Aviation's
18 business?

19 A. They do non-commercial flights, chartered
20 flights, different -- they operate all the non-public
21 flights that go in and out of Peoria airport.

22 Q. Okay. And does that include fueling?

23 A. Yes. They fuel the planes and they park
24 them and they get, yes, they include fueling the

1 planes that they service.

2 Q. Are there other fueling options at the
3 airport?

4 A. I believe there are fueling options for the
5 like United and Delta flights or whatever, but not
6 for the private flights. They do all the fueling for
7 the private flights.

8 Q. Are there any challenges or differences
9 when performing environmental cleanup at an airport
10 property?

11 A. Significantly. We have to get FAA approval
12 for all work. Includes filing permits and getting
13 air clearances. They need the height and space of
14 every equipment. Additionally, all the people have
15 to go through training because the fueling tanks are
16 within the secured area of the airport. So all the
17 personnel need training and oversight by safety
18 trained people.

19 Q. Is that training specific to the airport or
20 is it generally for airports?

21 A. We've done a number of airports, and each
22 one has had their own specific training. Each one
23 has their own specific rules.

24 Q. What work did you perform at the site?

1 A. We evaluated the site to determine if there
2 was a release and did that, and then we filed the
3 incident and then we have removed the tanks and done
4 all the early action work. And then we've also done
5 at this point Stage 1 and Stage 2 site investigation
6 to define the extent of the release.

7 Q. What information have you reviewed about
8 the history of the tanks before today?

9 A. I've reviewed the OSFM FOIA, the entire
10 state fire marshal file, and just reviewed the
11 documents that we submitted to the Agency regarding
12 early action.

13 Q. Were the documents that you submitted to
14 the Agency either reviewed or prepared by you?

15 A. They were reviewed by me prior to
16 submittal.

17 Q. Did you review information from the state
18 fire marshal regarding past violations and past
19 removal permits?

20 A. Yes.

21 Q. Are you familiar with the 2015 removal
22 permit at the site?

23 A. Yes, I am.

24 Q. Did that permit have any relationship to

1 the contamination you reported in 2023?

2 A. No, it did not.

3 Q. What kind of relationship was there or --
4 strike that question.

5 Why do you say there's no relationship?

6 A. In my review it looked like the Byerly
7 Aviation had filed both a removal permit and a tank
8 lining inspection permit at roughly the same time in
9 2015. They then did the tank lining inspection that
10 was approved by the fire marshal and the -- it
11 passed.

12 They had only, it appeared, to get the removal
13 permit in case the tank lining inspection failed. So
14 once the tank lining inspection passed, they allowed
15 the removal permit to expire and they continued to
16 operate the tanks at that time.

17 Q. So there was no report of a release or
18 suspected release at that time?

19 A. No, there was not.

20 Q. Was there any suspected release reported
21 prior to 2023?

22 A. No, there was not.

23 Q. Can you describe what a tank lining is or
24 particularly in this case?

1 A. In this case, in 1998 they passed a law --
2 or maybe it was passed before then. It was effective
3 in 1998 that old steel single-wall tanks had to place
4 a fiberglass -- paint a fiberglass lining on the
5 inside of those tanks to prevent corrosion and
6 leaking. And then they -- then those were required
7 to be inspected at certain intervals after they were
8 placed in the tanks.

9 Q. And if it failed the inspection, what would
10 be --

11 A. Then the tank was taken out of service and
12 be required to be probably decommissioned.

13 Q. I'm going to give the witness what I've
14 marked as Petitioner's Exhibit 2. Do you recognize
15 Exhibit 2?

16 A. Yes. It's part of the fire marshal file
17 for the site.

18 Q. What is that? What does that indicate to
19 you?

20 A. It is a certification audit performed by
21 the OSFM field inspector dated October of 2016
22 showing that all the tanks were compliant and good to
23 continue being used.

24 Q. Now, are you familiar with the violation

1 notices issued to tank number 3?

2 A. I am.

3 Q. And what were they?

4 A. Towards the end of 2017, Byerly had
5 voluntarily taken tank 3 out of service. And once it
6 was out of service for more than a year, the fire
7 marshal issued NOVs to properly decommission the
8 tank.

9 Q. And eventually did they issue a red tag to
10 that?

11 A. Yes. They would also have red tags after
12 that time, yes.

13 Q. What is the purpose of a red tag?

14 A. To prevent fuel from being placed into a
15 UST.

16 Q. How does the state fire marshal use that to
17 course and compliance?

18 A. I mean, you can't use the tank anymore. I
19 mean, the fire marshal puts that on there so that
20 they, you know, it's basically locking the fill pour
21 of the tank so no one can put fuel in the tank at
22 that point.

23 You know, I don't know how they use it to, I'm
24 not sure, coerce compliance or whatever, but it stops

1 new fuel from going in the tank. So people, if they
2 want to use it, they have to do something in order to
3 get it off. They have to gain compliance, I guess.

4 Q. Were there any documents in the state fire
5 marshal record indicating that there had been a
6 release from tank number 3?

7 A. No, there were not.

8 Q. What are the steps that are taken when a
9 tank is taken out of operation?

10 A. The corrosion protection must be maintained
11 and the liquid is required to be removed to less than
12 one inch.

13 Q. Was there any indication in the record that
14 the state fire marshal records that liquid had not
15 been removed or other protections had not been
16 maintained?

17 A. No. The only record I saw in the NOV's was
18 that it was just out of service too long. Typically
19 in a situation where there's liquid in the tank they
20 will also note that on the NOV.

21 Q. Now, are you familiar with the violation
22 notices issued to the other tanks that were not taken
23 out of service?

24 A. Yes, I saw them, but I couldn't quote them

1 to you.

2 Q. They are in the record. Would it be useful
3 if I -- let me just ask this.

4 A. Sure.

5 Q. Go straight to the question. Did -- just
6 take a second here. I'm going to show page 519 of
7 the record. Just sort of refresh your memory.

8 A. Okay. Yes.

9 Q. So could you describe what 519 is?

10 A. So it's a notice violation for tanks 1, 2,
11 4, and 5, that the internal lining inspection was
12 past due in 2020.

13 Q. Now, is this the same internal lining
14 inspection we were talking about earlier, that there
15 was a permit issued for lining inspection?

16 A. Yeah. Different years. There was a lining
17 inspection done in 2015, and then this was five years
18 later that they were required to do it again.

19 Q. In your review of the file, is there any
20 indication that tanks 1, 2, 4, and 5 had had a
21 suspected release of product?

22 A. No.

23 Q. Relating to these violations?

24 A. No.

1 Q. Now, were tanks 1, 2, 4, and 5 ever taken
2 out of service prior to their removal by your
3 company?

4 A. They were taken out of service briefly.
5 They were red tagged for that NOV, and then they were
6 put back into service in -- I don't know the exact
7 dates, but since that time. And then they were taken
8 again out of service I believe in early of 2023.

9 Q. Early 2023. Well, it's probably in the
10 record.

11 A. Yeah, it's in the record. It's in the 45
12 day report. I think it's January of 2023, I believe,
13 but it's in the record.

14 MR. SHAW: I don't have any further
15 questions.

16 HEARING OFFICER WEBB: Okay. Mr. Kim.

17 EXAMINATION

18 BY MR. KIM:

19 Q. Thank you. Green Wave was not the
20 environmental consultant in 2015, correct?

21 A. I do not believe there was an environmental
22 consultant in 2015. No, we were not involved in
23 2015.

24 Q. When was Green Wave retained by the

1 facility?

2 A. I don't have an exact contract date, but it
3 was either 2022 or 2023.

4 Q. Late 2022 or early 2023, is that what you
5 believe?

6 A. I believe.

7 Q. Who made the initial contact?

8 A. We were introduced by the salesperson for
9 Earth Services to the owner of Byerly Aviation or the
10 president of Byerly Aviation.

11 Q. And what's Earth Services?

12 A. Earth Services is the decommissioning and
13 removal contractor.

14 Q. And they, in fact, did remove the tanks?

15 A. They did. They did.

16 Q. Now, tank number 3 was actually red tagged
17 by the fire marshal on January 11th of 2019; is that
18 correct?

19 A. I don't know the exact date, but that
20 sounds correct.

21 Q. That would be in the record, correct?

22 A. Yes, that would be in the record.

23 Q. And tanks 1, 2, 4, and 5 were red tagged on
24 January 31st, 2023, correct?

1 A. That sounds correct.

2 Q. Directing your attention to August 3rd,
3 2023, you were on scene at the facility on that date?

4 A. Yes.

5 Q. What time did you arrive?

6 A. I think -- I looked. I left the office at
7 1:00, so probably 2:30 to quarter to 3:00. Somewhere
8 in there.

9 Q. Your office is here in Springfield?

10 A. Yes.

11 Q. And when you got there, all five tanks were
12 red tagged on August 3rd, 2023, correct?

13 A. Yes. I guess -- sorry. Let me restate. I
14 don't know the red tag. I know they were out of
15 service. I do not know if they were red tagged or
16 not, but that would be in the record.

17 Q. Okay. What other Green Wave personnel were
18 with you on that date?

19 A. The driller -- I was the only person there
20 representing Green Wave on that date. B3 Services is
21 an environmental drilling company that was there.
22 Their owner is also a part-time employee of Green
23 Wave so he was on-site at that time.

24 Q. That's Mike Bettenhausen?

1 A. Yes.

2 Q. So what equipment did he have on-site?

3 A. It would have been a geoprobe.

4 Q. And why did Green Wave and Mr. Bettenhausen
5 mobilize that site on that date?

6 A. To evaluate if there had been a release
7 from the USTs or not.

8 Q. At 4:00 o'clock a suspected release was
9 discovered; is that right?

10 A. Yeah. I don't know the exact time, but
11 there were strong indications of petroleum in the
12 borings.

13 Q. But you called it in directly, right?
14 Well, you didn't call it in that day, excuse me, but
15 that would be in the IEMA --

16 A. It would be in the IEMA report, correct.

17 Q. So between your arrival time at roughly
18 2:30 and 4:00 o'clock, what other activities did
19 Green Wave conduct?

20 A. We completed one boring on each side of the
21 UST field.

22 Q. Were any samples collected?

23 A. Samples were analyzed with a PID, but none
24 were placed in containers for the laboratory.

1 Q. IEMA was not notified on August 3rd,
2 correct?

3 A. I believe I notified IEMA the next morning.

4 Q. The next morning, August 4th, what time did
5 you arrive?

6 A. I wouldn't have gone to the site. I had
7 done that from the office. I didn't go back to the
8 facility.

9 Q. So you're back in Springfield on
10 August 4th?

11 A. Yes.

12 Q. At 10:08 that morning you called IEMA to
13 report the suspected release, does that sound about
14 right?

15 A. Sounds about right, yes. It would be on
16 the IEMA report.

17 Q. But Mr. Bettenhausen was at the site on
18 August 4th; is that right?

19 A. I didn't look at that. I don't remember.

20 Q. Do you remember him collecting one waste
21 confirmation step at 11:00 o'clock that morning?

22 A. It's very possible.

23 Q. Showing you what's been marked Respondent's
24 Exhibit No. 1.

1 A. Okay.

2 Q. Do you recall this in the 45 day report?

3 A. I mean, yes, it would typically be in the
4 45 day report. I don't remember.

5 Q. This shows one waste confirmation sample
6 collected by Mr. Bettenhausen, August 4th, 2023, at
7 11:00 o'clock in the morning; is that right?

8 A. It doesn't show a waste confirmation
9 sample. It shows the waste characterization sample.

10 Q. Excuse me. Waste characterization sample.
11 But that's what it shows?

12 A. Yes, it is.

13 Q. And in your review of the 45 day report,
14 was the waste confirmation sample provided to the
15 Illinois EPA, the results?

16 A. I don't remember if we put it in the 45 day
17 report, to be honest with you.

18 Q. Were there any other activities conducted
19 on August 4th besides the waste confirmation sample?

20 A. Not that I'm aware of.

21 Q. Do you know what time Mr. Bettenhausen left
22 that day?

23 A. I do not.

24 Q. Directing your attention to August 7th,

1 2023, OSFM issued a removal permit to Earth Services
2 for all five tanks at the facility. Does that sound
3 correct?

4 A. That does sound correct.

5 Q. And the permit is included in the record;
6 is that right?

7 A. Yes. It should be in the 45 day report.

8 Q. And tank 3, that tank was last used on
9 October 19th, 2016. Does that sound correct?

10 A. That does sound correct.

11 Q. And the other four tanks, tanks 2, 4 --
12 excuse me. Tanks 2, 4, and 5, they were last used on
13 January 31st, 2023?

14 A. That sounds correct.

15 Q. Tank 1 was not associated with the
16 suspected release, right?

17 A. Correct. Tank 1 is five thousand feet, a
18 mile across the airport property or something. Half
19 mile across the airport property.

20 Q. And on August 23, 2023, Earth Services
21 removed tanks, 2, 3, and 4, correct?

22 A. Yes.

23 Q. And were you on-site at that time?

24 A. I was not.

1 Q. The following day tank number 5 was
2 removed?

3 A. Yes.

4 Q. And confirmation of a release was not
5 perceived until after the tank was removed, right?

6 A. The lab report was not received, sure. I
7 mean --

8 Q. Formal confirmation was received by the lab
9 after the tanks were removed?

10 A. The lab report, we did not have a lab
11 report until after the tanks were removed, correct.

12 Q. Tank number 1 was removed October 26th,
13 2023. Does that sound correct?

14 A. It's very possible.

15 MR. KIM: That's all I have.

16 HEARING OFFICER WEBB: Anything
17 further, Mr. Shaw?

18 EXAMINATION

19 BY MR. SHAW:

20 Q. Let me see here. Was there anything
21 unusual or different about the approach to going to
22 the site and then confirming the release, the release
23 from the tanks in the manner you did this time?

24 A. No. It's a very normal process we go

1 through with most -- with a large number of clients.

2 MR. SHAW: No further questions.

3 MR. KIM: Nothing further.

4 HEARING OFFICER WEBB: Okay. Thank
5 you, Mr. Wienhoff. All right. Mr. Shaw, do you have
6 anything further you'd like to present?

7 MR. SHAW: No, I don't.

8 HEARING OFFICER WEBB: Would you like
9 to introduce your exhibits?

10 MR. SHAW: Yes, I would. I'd like to
11 introduce -- not this one. Petitioner's Exhibits 1
12 and 2.

13 MR. KIM: No objection.

14 HEARING OFFICER WEBB: Petitioner's
15 Exhibits 1 and 2 are admitted. Nothing further from
16 you?

17 MR. SHAW: Nothing further.

18 HEARING OFFICER WEBB: Mr. Kim?

19 MR. KIM: Nothing further.

20 HEARING OFFICER WEBB: Okay. Would
21 you like to introduce your exhibit?

22 MR. KIM: Yes, Respondent's Exhibit
23 No. 1.

24 HEARING OFFICER WEBB: Any objection?

1 MR. SHAW: No objection.

2 HEARING OFFICER WEBB: Okay.

3 Respondent's Exhibit No. 1 is admitted.

4 MR. SHAW: And to be clear, that's a
5 document already in the record, right?

6 MR. KIM: That's correct.

7 HEARING OFFICER WEBB: Oh, is it?

8 MR. KIM: Yes.

9 HEARING OFFICER WEBB: Okay. Great.

10 MR. SHAW: It has a page number on it.

11 HEARING OFFICER WEBB: Okay. All
12 right. Great. Well, if nobody else has anything
13 further, I'll make some closing remarks. The
14 transcript is due by October 6th and will be posted
15 on the board's Website. The public comment deadline
16 is October 6th.

17 Public comment must be filed in accordance
18 with Section 101.628 of the board's procedural rules.
19 Petitioner's brief is due by October 20th, and
20 Respondent's brief is due by November 4th. Mr. Shaw,
21 did you want a leave to do a reply brief? Did you
22 want to --

23 MR. SHAW: Yeah, I'll leave my closing
24 remarks for briefing.

1 HEARING OFFICER WEBB: I meant for a
2 reply brief after the response.

3 MR. SHAW: Yeah. I'd like seven days.

4 HEARING OFFICER WEBB: Okay. That is
5 November 11th. That's Veterans Day. I'll give you
6 November 12th.

7 MR. SHAW: Okay.

8 HEARING OFFICER WEBB: Petitioner's
9 reply, if any, is due by November 12th. Mr. Shaw,
10 you do not wish to make a closing argument today?

11 MR. SHAW: Correct.

12 HEARING OFFICER WEBB: Mr. Kim, would
13 you like to make a closing argument today?

14 MR. KIM: I will waive as well.

15 HEARING OFFICER WEBB: Okay. There's
16 no members of the public present. At this time, I
17 will conclude the proceedings. We stand adjourned.
18 Thank you all for your participation.

19 (Off record at 10:25 a.m.)

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1 STATE OF ILLINOIS)
)
2 COUNTY OF CHAMPAIGN)

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6 I certify that I am not of counsel or
7 attorney for any of the parties hereto or in any way
8 interested in the event of this cause, and that I am
9 not related to any of the parties hereto.

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