

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CASEY'S RETAIL COMPANY,)	
Petitioners,)	
)	
v.)	PCB 24-
)	(LUST Appeal – 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

Casey's Retail Company
Attn: Ms. Jill Reams-Widder
Director of EPA/Energy Management
3305 Southeast Delaware Avenue
Ankeny, Iowa 50021
Jill.reams-widder@caseys.com

AKT Peerless Environmental Service
Attn: Simon P. Broomhead, P.G.
Senior Project Manager
3001 Montvale Drive, Suite B
Springfield, IL 62074
broomheads@aktpeerless.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



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

Dated: September 20, 2023

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CASEY'S RETAIL COMPANY,)	
Petitioners,)	
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)	(LUST Appeal – Ninety Day
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**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, Deputy Chief 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 December 28, 2023, 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 August 21, 2023, the Illinois EPA issued a final decision to the Petitioner.
2. On September 20, 2023, 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 August 25, 2023.

3. The additional time requested by the parties may eliminate the need for a hearing in 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



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
Dated: September 20, 2023

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 20, 2023, 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

Casey's Retail Company
Attn: Ms. Jill Reams-Widder
Director of EPA/Energy Management
3305 Southeast Delaware Avenue
Ankeny, Iowa 50021
Jill.reams-widder@caseys.com

AKT Peerless Environmental Service
Attn: Simon P. Broomhead, P.G.
Senior Project Manager
3001 Montvale Drive, Suite B
Springfield, IL 62074
broomheads@aktpeerless.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
1021 North Grand Avenue East
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3001 Montvale Drive, Suite B
Springfield, IL 62704
T (217) 698-3926
www.aktpeerless.com

September 20, 2023

Via Electronic Mail and USPS
Melanie.Jarvis@illinois.gov

Ms. Melanie Jarvis
Illinois Environmental Protection Agency
1021 North Grand Avenue
P.O. Box 19276
Springfield, Illinois 62794

Re: Filing for Appeal Extension
LPC # 1671200084 – Sangamon County
Casey's General Store No. 2937
1133 West Jefferson Street, Springfield 62702
LUST Incident No. 20230246
AKT Peerless Project No. 17007i-2-24

Dear Ms. Jarvis:

On behalf of Casey's Retail Company, AKT Peerless Environmental Services (AKT Peerless) is requesting a 60-day extension for filing an appeal concerning a final decision made in regard to a 45-Day Report, dated May 15, 2023, for the above-referenced site. The Illinois Environmental Protection Agency's (IEPA's) final decision letter is dated August 21, 2023, in which the IEPA is "considering incident 20230246 to be a re-reporting of incident 20170053".

The statutory deadline to file an appeal would be September 25, 2023. However, based on an August 31, 2023 meeting between Casey's, AKT Peerless, and IEPA, a re-review of that decision is pending the submittal of additional documentation. To allow for the submittal of the additional documentation and a continuation of discussions between AKT Peerless and IEPA personnel, the filing deadline for an appeal is requested to be extended an additional 60 days to November 24, 2023. A copy of the IEPA review letter is enclosed.

Thank you for your assistance. Please call me at 217-836-0283 if you have any questions or concerns.

Sincerely,
AKT Peerless Environmental Services

A handwritten signature in blue ink that reads "Simon P. Broomhead".

Simon P. Broomhead, P.G.
Senior Project Manager

Enclosure

cc: Jill Reams-Widder

a better environment for your business.



(217) 524-3300

CERTIFIED MAIL

7021 2720 0000 2345 4852

AUG 21 2023

Casey's Retail Company
Attention: Ms. Jill Reams-Widder
Director of EPA/Energy Management
3305 Southeast Delaware Avenue
Ankeny, Iowa 50021

Re: 1671200084 -- Sangamon County
Springfield/Casey's General Store #2937
1133 West Jefferson Street
Leaking UST Incident 20230246
Leaking UST Technical File

Dear Ms. Reams-Widder:

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, for the above-referenced incident. The report, dated May 15, 2023, was received by the Illinois EPA on May 22, 2023. 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 Illinois EPA is considering incident 20230246 to be a re-reporting of incident 20170053. The Illinois EPA based this decision on the historical data already obtained from the site and the current soil sample concentrations obtained from the underground tank system while removing the underground storage tanks in 2023. Historical data indicates much higher soil contamination concentrations than were encountered while removing the underground storage tanks in 2023.

Based on the information currently in the Illinois EPA's possession, this incident is not subject to Title XVI of the Act or 35 Ill. Adm. Code 734. Therefore, the Illinois EPA Leaking Underground Storage Tank Section has no reporting requirements regarding this incident.

The Illinois EPA is unable to approve the Stage 1 site investigation. 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.

The Illinois EPA is requesting the corrective action plan modifications outlined in the Illinois EPA letter dated January 18, 2023, be performed by November 13, 2023.

Pursuant to 35 Ill. Adm. Code 742.300(b), the vertical extent of soil contamination encountered at early action soil sample locations WDN, WDC, W-2, W-4, W-5, and W-6 must be defined.

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This action does not constitute any decision or determination regarding the timeliness of the submittal of the report. This decision does not waive or otherwise preclude any enforcement action the Illinois EPA may initiate in response to any apparent violation of timely submittal requirements.

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) 524-9140 or at James.Malcom@illinois.gov.

Sincerely,



James R. Malcom, III
Project Manager
Leaking Underground Storage Tank Section
Bureau of Land

^{JD}
_{WFL}
Attachment: Appeal Rights

c: AKT Peerless, Simon Broomhead (electronic copy), broomheads@aktpeerless.com
BOL File

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
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-3620

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

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544