

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

KRAMER'S SERVICE STATION,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

OCT 14 2003
PCB No. 04-52
(LUST Appeal - ~~Ninety Day Extension~~ STATE OF ILLINOIS
Pollution Control Board)

NOTICE

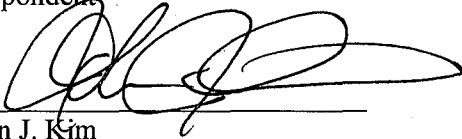
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Justin Overturf, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent,



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 10, 2003

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,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 10, 2003

This filing submitted on recycled paper.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1224 5477

SEP 05 2003

Kramer's Service Station
John Kramer
3107 Perrysville Road
Danville, Illinois 61834

Re: LPC #1830205099 - Vermillion County
Danville / Kramer's Service Station
1015 E. Main Street
LUST Incident No. 961668
LUST Technical File

Dear Mr. Kramer:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Classification Work Plan (plan) submitted for the above-referenced incident. The Illinois EPA received this plan, dated May 15, 2003, on May 16, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The Illinois EPA has determined that the modifications listed in Attachment A are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732 (Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j)).

In addition, the budget is modified pursuant to Section 57.7(a)(1) of the Act and 35 Ill. Adm. Code 732.305(c) or 732.312(j). Based on the modifications listed in Section 2 of Attachment B, the amounts listed in Section 1 of Attachment B are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g), and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.305(e) or 732.312(l), if reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget

A

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must be submitted.

NOTE: Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be reimbursable.

Pursuant to 35 Ill. Adm. Code 732.301 a Site Classification Completion Report must be submitted within 90 days of the date of this letter to:

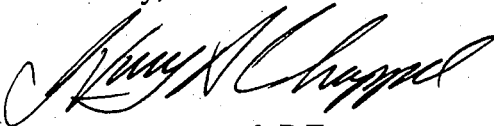
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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 Brian Bauer at 217/782-3335.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:BPB\

Attachment: Attachments A and B
Election not to proceed form

cc: United Science Industries
Division 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)(D) 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 of time 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:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois 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
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

Attachment A

Re: LPC #1830205099 - Vermillion County
Danville / Kramer's Service Station
1015 E. Main Street
LUST Incident No. 961668
LUST Technical File

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

1. For used oil, the indicator contaminants shall be determined by the results of a used oil soil sample analysis (35 Ill. Adm. Code 732.310(g)). Prior to the submission of a site classification plan the owner or operator shall collect a grab sample from a location representative of soil that is the most contaminated as a result of the release from the used oil UST. If an area of contamination cannot be identified, the sample shall be collected from beneath the used oil UST. The sample shall be analyzed for:
 - a. All volatile, base/neutral, polynuclear aromatic, and metal parameters listed at Appendix B of Part 732 and any other parameters the Licensed Professional Engineer or Licensed Professional Geologist suspects may be present based on UST usage. The Illinois EPA may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.
 - b. The used oil indicator contaminants shall be those volatile, base/neutral, polynuclear aromatic, and metal parameters listed at Appendix B of Part 732 or as otherwise identified at subsection (g)(1) of this Section that exceed their remediation objective at 35 Ill. Adm. Code 742 in addition to benzene, ethylbenzene, toluene, total xylenes, and PNAs.
 - c. If none of the parameters exceed their cleanup objective, the used oil indicator contaminants shall be benzene, ethylbenzene, toluene, total xylenes, and the polynuclear aromatics listed in Appendix B of 35 Ill. Adm. Code 732.

The indicator contaminant for this incident must be benzene, ethylbenzene, toluene, total xylenes, and the polynuclear aromatics listed in Appendix B of 35 Ill. Adm. Code 732. Please note the results of the metal analysis in the screening sample do not appear to be over their respective remediation objective therefore, they are not indicator contaminants.

2. The plan indicates that the owner/operator is electing to opt the pre-1974 kerosene fuel UST out of the UST Program. In order for the Agency to consider this option the attached form must be completed and signed by the owner/operator.

BPB\

Attachment B

Re: LPC #1830205099 - Vermillion County
Danville / Kramer's Service Station
1015 E. Main Street
LUST Incident No. 961668
LUST Technical File

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

SECTION 1

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment B, the following amounts are approved:

\$8,474.55	Investigation Costs
\$1,950.00	Analysis Costs
\$13,400.00	Personnel Costs
\$768.00	Equipment Costs
\$420.00	Field Purchases and Other Costs
\$279.60	Handling Charges

SECTION 2

1. \$4,800.00 for costs associated with the analysis for RCRA Metals. Costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(r)). These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).
2. \$638.40 for an adjustment in handling charges. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act and 35 Ill. Adm. Code 732.607):

Subcontract or Field Purchase Cost:	Eligible Handling Charges as a Percentage of Cost:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 plus 10% of amount over \$5,000
\$15,001 - \$50,000	\$1,600 plus 8% of amount over \$15,000

The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4, 5/57 - 57.17). Failure to disclose this information may result in a civil penalty of not to exceed \$50,000.00 for the violation and an additional civil penalty of not to exceed \$10,000.00 for each day during which the violation continues (415 ILCS 5/42). Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Forms Management Center.

Illinois Environmental Protection Agency Leaking Underground Storage Tank Program

(this form applies to releases subject to 415 ILCS 5/57 et seq. and 35 Ill. Adm. Code Part 732)

A. Site Identification

IEMA Incident # (6 or 9 digit): _____ IEPA Generator # (10 digit): _____

Site Name: _____

Site Address (Not a P.O. Box): _____

City: _____ County: _____

Office of the State Fire Marshal facility ID # (7 digit): _____

B. Regulatory Status

1. Was this incident reported to the Illinois Emergency Management Agency (IEMA) as a result of a confirmed release from an Underground Storage Tank (UST) or USTs taken out of operation prior to January 2, 1974?
Yes No

2. Was this incident reported to IEMA as a result of a confirmed release from an UST or USTs used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit?
Yes No

Note: If you marked "yes" to number 1 and/ or 2 then please complete the section below:

This form should be used as an official notification to the Agency of your intention to NOT proceed in accordance with the Leaking Underground Storage Tank (LUST) regulations, in which case you should mark the box in line "A" below. Please be advised that this election shall be deemed effective upon receipt by the Agency and may not be withdrawn once made. Alternatively, this form may be used to notify the Agency of your intention to proceed in accordance with the LUST regulations, in which case you should mark the box in line "B" below:

- A. I am electing NOT to proceed (will not be subject to LUST regulations)
B. I am electing to proceed (will be subject to LUST regulations)

D. Signatures

Owner	Operator
Name: _____	Name: _____
Title: _____	Title: _____
Address: _____	Address: _____
_____	_____
Phone: _____	Phone: _____
Signature: _____	Signature: _____
Date: _____	Date: _____



P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

September 19, 2003

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

Attn: John Kim

**Re: LPC# 1830205099 – Vermillion County
Danville/Kramer's Service Station
1015 East Main St.
LUST Incident No. 961668
LUST TECHNICAL FILE**

Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, Kramer's Service Station, is requesting a 90-day extension of the 35-day appeal period in regards to the IEPA correspondence of September 5, 2003, included herein.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at 618-735-2411 ext. 140.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

Justin Overturf
Project Manager

Enclosures

RECEIVED
Division of Legal Counsel
SEP 22 2003
Environmental Protection
Agency

B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 10, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Justin Overturf, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



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Assistant Counsel
Special Assistant Attorney General
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