

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

JUL 24 2007

STATE OF ILLINOIS  
Pollution Control Board

L. KELLER OIL PROPERTIES, INC. / FARINA )  
)  
Petitioner, )  
)  
v. ) PCB No. 07-147  
)  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

NOTICE OF FILING

TO: Melanie A. Jarvis Carol Webb  
Assistant Counsel Hearing Officer  
Division of Legal Counsel Illinois Pollution Control Board  
Illinois Environmental Protection Agency 1021 North Grand Avenue East  
1021 North Grand Avenue East P.O. Box 19274  
P.O. Box 19276 Springfield, Illinois 62794-9274  
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on July 24, 2007, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Motion to File Amended Petition along with an Amended Petition for Review of Illinois Environmental Protection Agency Decision.

Dated: July 24, 2007

Respectfully submitted,

L. KELLER OIL PROPERTIES / FARINA

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
409836v1


**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached Motion to File Amended Petition along with an Amended Petition for Review of Illinois Environmental Protection Agency Decision by placing a copy in an envelope addressed to:

Melanie A. Jarvis  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 24th Day of July, 2007.

  
\_\_\_\_\_  
Carolyn S. Hesse

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

**RECEIVED**  
CLERK'S OFFICE

JUL 24 2007

STATE OF ILLINOIS  
Pollution Control Board

L. KELLER OIL PROPERTIES, Inc. / FARINA	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07-147
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION TO FILE AMENDED PETITION**

NOW COMES Petitioner, L. Keller Oil Properties, Inc. with a station located in Farina, Illinois, by one of its attorneys, Carolyn Hesse of Barnes & Thornburg LLP, and pursuant to 35 Ill. Admin. Code 101.500 and hereby respectfully moves the Pollution Control Board to Amend its Petition in the above-captioned matter. In support of this Motion to Amend, Petitioner states as follows:

1. Subsequent to filing the Petition in this matter, the attorney for Petitioner realized that two pages were missing from Exhibit 1 and Exhibit 5 was inadvertently not included in some of the copies of the Petition that were filed. Further, there are in fact two letters that should be included with Exhibit 5. The amended Petition contains both of those letters and the missing pages from Exhibit 1. All other exhibits remain the same and are attached to the original Petition filed on June 27, 2007.

2. While Petitioner continues to strongly disagree with the Agency's actions in this matter, Petitioner is amending Paragraph 18 of the Petition as follows:

IEPA ignored and/or chose not to consider information that was provided with the Stage 2 Site Investigation Plan and Budget. Further, the Agency is requesting that installation of monitoring

wells be done in a matter that is in violation of 35 Ill. Admin. 734.315(a)(2)(E)(ii).

3. Petitioner is also making the following minor corrections to the Petition:

In the last sentence of Paragraph 5, the word "question" is changed to "issues" because the latter word better describes the contents of the January 24, 2007 letter from the Agency; and

In the last sentence of Paragraph 8, clerical errors are corrected as follows, "state when" is revised to "Stage I" and ". . . the Agency *and* letters . . ." is revised to ". . . the Agency *in* letters . . ."

WHEREFORE, for the reasons stated above, Petitioner respectfully requests that the Board grant Petitioner's Motion to Amend its Petition in the above-captioned matter.

Respectfully submitted,

**L. Keller Oil Properties, Inc. / Farina**

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
409319v1

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

**RECEIVED**  
CLERK'S OFFICE

JUL 24 2007

STATE OF ILLINOIS  
Pollution Control Board

L. KELLER OIL PROPERTIES,	)	
(Farina),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 0
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**AMENDED PETITION FOR REVIEW OF ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY DECISION**

L. Keller Oil Properties (“Keller-Farina”), by its attorney, Carolyn S. Hesse of Barnes & Thornburg, pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et. seq.* (the “Act”) and 35 Illinois Administrative Code Section 105.400 *et. seq.*, hereby appeals certain decisions by the Illinois Environmental Protection Agency (the “Agency”).

1. L. Keller Oil Properties (“Petitioner”), was the owner of tanks located at a former gasoline service station was located at 1003 West Washington Avenue, Farina, Fayette County, Illinois (the “Station”). This gasoline service station had underground storage tanks (UST’s) on the property, which stored gasoline, diesel fuel and heating oil.
2. LUST Incident Numbers 20051539, 20060136, 20060153 and 20060346 were obtained. The site has also been assigned LPC #0514155011 - Fayette.

3. On August 7, 2006, Petitioner sent to the Agency a Stage 2 Site Investigation Plan and Budget. *Exhibit 1.*
4. By letter dated October 5, 2006, the Agency provided numerous comments on the Stage 2 Site Investigation Plan and Budget and rejected them. *Exhibit 2.*
5. On January 24, 2007, the Agency received from Petitioner's consultant the "Stage II Site Investigation Plan and Budget, Additional Information and Reconsideration" ("Proposed Plan and Budget") for the Station. *Exhibit 3.* The Stage 2 Plan and Budget, Additional Information was prepared to respond to the issues raised by the Agency in its letter dated October 5, 2006.
6. On May 17, 2007, the Agency sent a letter (the "Letter") to Petitioner rejecting the Stage 2 Plan and Budget. (*Exhibit 4.*) Petitioner is appealing the Agency's denial as stated in the Letter.
7. The Letter contains lengthy quotes of several regulations and states that the Stage 2 Plan was rejected for a number of reasons. *Exhibit 4.*
8. The comments in item 1 of the Letter regarding the Stage 2 Plan relate to information obtained during the Stage 1 Site Investigation and do not relate to the proposed Stage 2 Site Investigation and are irrelevant to approval of the Proposed Plan and Budget. Further, the Stage 1 Site Investigation Plan and Budget were approved by the Agency in letters dated April 7, 2006 and May 9, 2006. *Exhibit 5.*

9. The monitoring wells to which the Agency refers in item 2 of the Letter regarding the Proposed Plan were installed during the Stage 1 Site Investigation and were installed and located in accordance with 35 IAC 734.315(a)(2)(C) and (B), respectively. While the Agency correctly quoted section 734.315(a)(2)(C) which lists the requirements for installation of monitoring wells when groundwater contamination is suspected, the Agency provides no regulatory citation for its comments on piping run samples being adequate substitutes for determining if groundwater and soil are contaminated. Since piping runs are typically located two to three feet below grade, they are usually located well above the vadose zone and the groundwater table. *See page 4 of Exhibit 3.*
10. In item 3 of the Letter regarding the Proposed Plan, the Agency cites the regulatory requirements for installation of monitoring wells. However, the requirement that the Agency provides as the basis for disapproving the Proposed Plan is not contained in the cited regulation. Further, the Agency had already been provided with information explaining the location of the monitoring well screens, i.e. that the screens were set at the groundwater table observed during drilling and that the hydraulic head in the formation caused the water levels in the wells to be higher than in the surrounding stratigraphy and that if the wells had been installed as the Agency commented, the wells would have been dry. *See page 6 of Exhibit 3.*

11. In item 4 of the Letter regarding the Proposed Plan, the Agency misinterprets the applicable regulations and the information Petitioner provided.
12. The required certifications that the Agency describes in item 5 of the Letter as bases for rejecting the Proposed Plan, are contained in page 21 of the Proposed Plan and Budget. *Exhibit 3, page 21*. Thus, because the certifications had been provided, the Agency had no reason to reject the Proposed Plan and Budget alleging that they had not been provided.
13. The Letter states that the associated plan budget was rejected for a number of reasons. *Exhibit 4*.
14. The Agency's rejection of the Proposed Budget is directly related to the Agency's rejection of the Proposed Plan, and Petitioner appeals the Agency's denial of the Proposed 2 Plan and Budget and appeals the Agency's decisions as set forth in the May 17, 2007 Letter.
15. The Stage 2 Plan and budget contain detailed information regarding well installation and locations and other technical information specified in the regulations and the associated costs. These documents give the same level of detail that the Agency has approved historically.
16. IEPA violated its statutory authority by re-reviewing information it had previously approved, and IEPA may not re-review and deny items that IEPA previously approved.



The Supreme Court has held that an administrative agency has no inherent authority to amend or change a decision and may undertake a reconsideration of a decision only where authorized by a statute.

\* \* \*

[N]o such authority to modify or reconsider its decisions has been granted by statute to the Agency, and no such procedures have been provided by rule.

(See *Reichold Chem. v. PCB*, 204 Ill. App. 3d 674, 561 N.E.2d 1333, 1345, 149 Ill. Dec. 647 (3d Dist. 1990).

17. The Letter requires documentation that does not appear on any IEPA forms or in the applicable regulations.
18. IEPA ignored and/or chose not to consider information that was provided with the Stage 2 Site Investigation Plan and Budget. Further, the Agency is requesting that installation of monitoring wells be done in a manner that is in violation of 35 Ill. Admin. 734.315(a)(2)(E)(ii).
19. The Letter from which this appeal is taken was received on May 24, 2007. *Exhibit 6*. Accordingly, this appeal is timely filed.

WHEREFORE, L. Keller Oil Properties (Farina) respectfully requests that the Board enter an order requiring the Agency to approve the Stage 2 Site Investigation Plan and Budget and for L. Keller Oil Properties' (Farina) attorneys' fees and costs in bringing this appeal.

Respectfully submitted,

**L. Keller Oil Properties (Farina)**

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Barnes & Thornburg  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
409314v1

Farina 711  
Site Assessment Data

Soil 7-12-06

Parameter	MW-1		MW-2		MW-4		MW-5		SB-5		SB-6	
	2.5'	7.5'	2.5'	7.5'	2.5'	7.5'	2.5'	7.5'	2.5'	7.5'	2.5'	7.5'
Benzene	<0.002	0.003	<0.002	0.076	0.004	<0.002	<0.002	<0.002	0.061	<0.002	<0.002	<0.002
Ethylbenzene	<0.002	0.006	<0.002	0.043	0.003	0.006	<0.002	0.238	<0.002	<0.002	<0.002	<0.002
Toluene	<0.002	0.017	<0.002	<0.002	<0.002	<0.002	<0.002	0.09	<0.002	<0.002	<0.002	<0.002
Total Xylenes	<0.005	0.024	<0.005	0.188	<0.005	0.016	<0.005	0.857	<0.005	<0.005	<0.005	<0.005
MTBE	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005					
Acenaphthene	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200	<1.200
Acenaphthylene	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660
Anthracene	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660
Benzo(a)anthracene	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087
Benzo(a)pyrene	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015	<0.015
Benzo(b)fluoranthene	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011
Benzo(g,h,i)perylene	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051	<0.051
Benzo(k)fluoranthene	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011	<0.011
Chrysene	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100	<0.100
Dibenz(a,h)anthracene	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020	<0.020
Fluoranthene	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660
Fluorene	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140	<0.140
Indeno(1,2,3-cd)pyrene	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029	<0.029
Naphthalene	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660
Phenanthrene	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660	<0.660
Pyrene	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180	<0.180

EXHIBIT  
Missing pages

Farina 711  
Site Assessment Data

Soil 7-12-06

Parameter	SB-1		SB-2		SB-2		SB-2		MW-3		SB-3		SB-3		SB-4		SB-4	
	2.5'	7.5'	2.5'	7.5'	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539	05-1539
Location	SB-1		SB-2		SB-2		MW-3		MW-3		SB-3		SB-3		SB-4		SB-4	
Depth	2.5'		7.5'		2.5'		7.5'		2.5'		7.5'		2.5'		7.5'		7.5'	
Incident #	05-1539		05-1539		05-1539		05-1539		05-1539		05-1539		05-1539		05-1539		05-1539	
Class / CUO																		
Benzene	0.03	0.019	0.976	<0.002	0.274	0.121	0.137	0.008	<0.002	0.002	0.002	<0.002	0.002	0.002	0.002	0.002	0.002	0.002
Ethylbenzene	13.0	2.7	1.56	0.004	3.91	0.717	5.71	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	0.004
Toluene	12.0	0.003	<0.002	0.002	0.007	<0.002	1.24	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	0.018
Total Xylenes	150.0	4.3	4.15	0.008	9.18	0.114	26.3	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.023
MTBE	0.32	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005



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

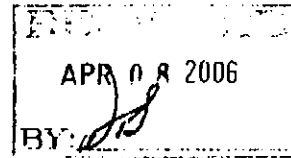
ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

April 7, 2006

L. Keller Oil Properties
Charles Keller
P.O. Box 70
Effingham, IL 62401



Re: LPC #0514155011 -- Fayette County
L. Keller Oil Properties
1003 West Washington Avenue
Leaking UST Incident No. 20060153
Leaking UST Technical File

Dear Owner/Operator:

The Illinois Environmental Protection Agency (Illinois EPA) has received the 45-Day Report, which included a Stage 1 Site Investigation Plan and Budget certification, for the above-referenced release. The report was dated March 23, 2006 and was received by the Illinois EPA on March 24, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

At a later time, the Illinois EPA will conduct a full technical review of the 45-Day Report and any other report submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.Subpart B, in conjunction with any other plan or report selected for review (35 Ill. Adm. Code 734.505).

Pursuant to your certification, the Stage 1 Site Investigation Plan is approved and must be conducted in accordance with 35 Ill. Adm. Code 734.315. The budget, if applicable, is approved, and costs must not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E. Please be advised that, if you do not meet the eligibility requirements as determined by the Office of the State Fire Marshal, you may not be entitled to payment from the Underground Storage Tank Fund for costs incurred. You must proceed with the Stage 1 site investigation in accordance with 35 Ill. Adm. Code 734.315.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER



Page 2

The Illinois EPA has determined that, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.305, a site investigation plan and budget for the subsequent stage of investigation (including the results of the Stage 1 site investigation and a summary of actual costs) or a site investigation completion report (if the extent of contamination is defined) must be submitted within 90 days of the date of this letter. 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 (Fund).

In addition, an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives at 35 Ill. Adm. Code 742 without conducting a site investigation. If the owner or operator chooses not to investigate the site in accordance with the procedures established in Section 57.7(a) of the Act, the owner or operator may not be entitled to full payment if a request for payment from the Fund is submitted.

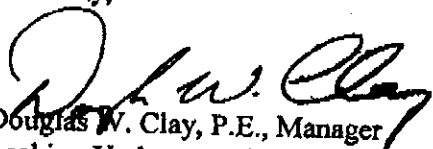
Submit all future correspondence to:

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.

If you have any questions or need further assistance, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,

  
Douglas W. Clay, P.E., Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

DWC:DKS:dks\

c:

  
BOL File



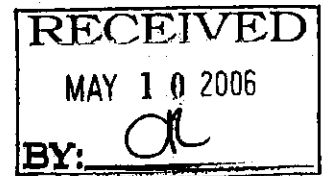
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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      DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

May 9, 2006



L. Keller Oil Properties  
Attn: Charles Keller  
P.O. Box 70  
Effingham, IL 62401

Re:    LPC #0514155011 -- Fayette County  
      L. Keller Oil Properties  
      1003 West Washington Avenue  
      Leaking UST Incident No. 20051539  
      Leaking UST Technical File

Dear Owner/Operator:

The Illinois Environmental Protection Agency (Illinois EPA) has received the 45-Day Report, which included a Stage 1 Site Investigation Plan and Budget certification, for the above-referenced release. The report was dated April 24, 2006 and was received by the Illinois EPA on April 27, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

At a later time, the Illinois EPA will conduct a full technical review of the 45-Day Report and any other report submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.Subpart B, in conjunction with any other plan or report selected for review (35 Ill. Adm. Code 734.505).

Pursuant to your certification, the Stage 1 Site Investigation Plan is approved and must be conducted in accordance with 35 Ill. Adm. Code 734.315. The budget, if applicable, is approved, and costs must not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E. Please be advised that, if you do not meet the eligibility requirements as determined by the Office of the State Fire Marshal, you may not be entitled to payment from the Underground Storage Tank Fund for costs incurred. You must proceed with the Stage 1 site investigation in accordance with 35 Ill. Adm. Code 734.315.

The Illinois EPA has determined that, pursuant to Sections 57.7(a) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.305, a site investigation plan and budget for the subsequent stage of investigation (including the results of the Stage 1 site investigation and a summary of actual costs) or a site investigation completion report (if the extent of contamination is defined) must be

ROCKFORD -- 4302 North Main Street, Rockford, IL 61103 -- (815) 987-7760    •    DES PLAINES -- 9511 W. Harrison St., Des Plaines, IL 60016 -- (847) 294-4000  
ELGIN -- 595 South State, Elgin, IL 60123 -- (847) 608-3131    •    PEORIA -- 5415 N. University St., Peoria, IL 61614 -- (309) 693-5463  
BUREAU OF LAND - PEORIA -- 7620 N. University St., Peoria, IL 61614 -- (309) 693-5462    •    CHAMPAIGN -- 2125 South First Street, Champaign, IL 61820 -- (217) 278-5800  
SPRINGFIELD -- 4500 S. Sixth Street Rd., Springfield, IL 62706 -- (217) 786-6892    •    COLLINSVILLE -- 2009 Mall Street, Collinsville, IL 62234 -- (618) 346-5120  
MARION -- 2309 W. Main St., Suite 116, Marion, IL 62959 -- (618) 993-7200

submitted within 90 days of the date of this letter. 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 (Fund).

In addition, an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives at 35 Ill. Adm. Code 742 without conducting a site investigation. If the owner or operator chooses not to investigate the site in accordance with the procedures established in Section 57.7(a) of the Act, the owner or operator may not be entitled to full payment if a request for payment from the Fund is submitted.

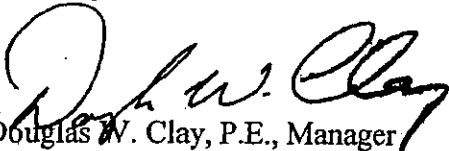
Submit all future correspondence to:

Illinois Environmental Protection Agency  
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1021 North Grand Avenue East  
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Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

If you have any questions or need further assistance, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,



Douglas W. Clay, P.E., Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

DWC:DKS:dks\

c:  Inc.  
BOL File