

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING	)	
GROUP INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. _____
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Division of Legal Counsel
Assistant Clerk of the Board	Illinois Pollution Control Board
Illinois Pollution Control Board	1021 North Grand Avenue East
100 West Randolph Street	Post Office Box 19274
Suite 11-500	Springfield, Illinois 62794
Chicago, Illinois 60601	<b>(VIA FIRST CLASS MAIL)</b>
<b>(VIA ELECTRONIC MAIL)</b>	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **PETITION FOR REVIEW OF AGENCY DECISION REGARDING RESPONSE ACTION PLAN FOR GROUNDWATER INWARD GRADIENT CONTROL**, a copy of which is herewith served upon you.

Respectfully submitted,

THE PREMCOR REFINING  
GROUP INC.,  
Petitioner,

By: /s/Edward W. Dwyer  
Edward W. Dwyer

Date: May 22, 2012

Edward W. Dwyer, #6197577  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 3150  
Springfield, Illinois 62705  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Edward W. Dwyer, the undersigned, certify that I have served the attached  
PETITION FOR REVIEW OF AGENCY DECISION REGARDING RESPONSE  
ACTION PLAN FOR GROUNDWATER INWARD GRADIENT CONTROL upon:

Mr. John Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on May 22, 2012; and upon:

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois, on May 22, 2012.

/s/Edward W. Dwyer  
Edward W. Dwyer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE PREMCOR REFINING	)	
GROUP INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. _____
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**PETITION FOR REVIEW OF AGENCY  
DECISION REGARDING RESPONSE ACTION PLAN  
FOR GROUNDWATER INWARD GRADIENT CONTROL**

NOW COMES Petitioner, THE PREMCOR REFINING GROUP INC.

("Petitioner" or "Premcor"), by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to Section 40 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40) and 35 Ill. Admin. Code Part 105, Subpart B, hereby petitions the Illinois Pollution Control Board ("Board") for review of the Illinois Environmental Protection Agency's ("Agency" or "Illinois EPA") decision regarding Petitioner's request for approval of its "Response Action Plan for Inward Gradient Control" at its Hartford Distribution Center. In support thereof, Premcor states as follows:

1. Premcor is a Delaware corporation doing business in the State of Illinois. Premcor owns property in Hartford, Madison County, Illinois, upon which was located a petroleum refinery and distribution center ("Refinery"). Premcor formerly operated the

Refinery and refined petroleum into gasoline, diesel fuel, asphalt, and other products until September 27, 2002, when it ceased refinery operations at parts of the Refinery.<sup>1</sup>

2. Since 2003, Premcor has been working with the Illinois EPA and the Office of the Attorney General, in performing investigations related to soil and groundwater at the Refinery. As part of these ongoing efforts, Premcor has undertaken specific remedial measures to control groundwater migration along the western property boundary of the Refinery.

3. On May 2, 2011, as part of its investigative and remedial work, Premcor submitted a plan to the Illinois EPA entitled, "Response Action Plan for Groundwater Inward Gradient Control" ("Plan").

4. In January of 2012, Premcor received a written response from Illinois EPA to the May 2, 2011 Plan. In a letter dated January 13, 2012 and directed to Premcor's Environmental Manager, Mr. Thomas Mroz, Illinois EPA advised Premcor that it would not approve the Plan. (A copy of the January 13, 2012 letter is attached and incorporated herein as Exhibit "A.")

5. In its January 13, 2012 letter, the Illinois EPA referred to its determination as a "final decision" and offered Premcor an opportunity to "petition [the Board] for a hearing within 35 days after the date of issuance of the final decision." (See Exhibit "A" pages 2-3.)

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<sup>1</sup> As noted, refining operations are no longer conducted on the property. However, a portion of the Refinery continues active operation as a distribution center for petroleum products, and is referred to as the "Hartford Distribution Center," in correspondence with the Illinois EPA. (See exhibits attached hereto.) For purposes of this filing, we refer to the entire facility, active and inactive portions as the "Refinery."

6. As a precautionary measure, and consistent with Section 40 of the Act and applicable regulations, by letter dated January 25, 2012, Premcor requested a 90-day extension of time to file an appeal of the Illinois EPA's apparent "final decision" rejecting the Plan.

7. In a letter dated February 7, 2012, and signed by Mr. John P. Waligore, Assistant Counsel of Illinois EPA, the Illinois EPA agreed to grant Premcor's request to extend the deadline for appeal. (See Exhibit "B" attached hereto and incorporated herein.)

8. To the extent that the Illinois EPA's letters of January 13, 2012 and February 7, 2012 constitute, respectively, a "final decision" and a valid extension of the 35-day deadline for appeals under Section 40 of the Act and 35 Ill. Admin. Code Part 105, Premcor hereby petitions the Board for review of the Illinois EPA's "final decision" and the findings/requirements in numbered paragraphs 1-4 of the January 13, 2012 letter as arbitrary, capricious, and not supported by the Act or Board regulations.

WHEREFORE, for the above and foregoing reasons, Petitioner, THE PREMCOR REFINING GROUP INC., respectfully petitions the Illinois Pollution Control Board for

a hearing on the Illinois EPA's decision to disapprove its "Response Action Plan for Inward Gradient Control," and for such other relief as the Board deems appropriate.

Respectfully submitted,

THE PREMCOR REFINING  
GROUP INC.,  
Petitioner,

By: /s/Edward W. Dwyer

Edward W. Dwyer

Date: May 22, 2012

Edward W. Dwyer, #6197577  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 3150  
Springfield, Illinois 62705  
(217) 523-4900

PREM:005/Filing/PCB RCRA Permit Appeal/Appeal of Agency Determination to IPCB 5.22.2012



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

**RECEIVED**

JAN 18 2012

217/524-3300

PREMCOX REFINING GROUP  
ENVIRONMENTAL DEPT.

January 13, 2012

CERTIFIED MAIL

7009 3410 0002 3749 5208

Attn: Mr. Thomas Mroz  
Premcor Refining Group  
3133 West 131<sup>st</sup> Place  
Blue Island, Illinois 60406

Re: 1190500002 -- Madison County  
Premcor Refining Group Inc. -- Hartford Distribution Center  
ILD0418889023  
Date Received: May 3, 2011  
Compliance

Dear Mr. Mroz:

This letter is in response to your May 2, 2011, submittal entitled, "Response Action Plan for Groundwater Inward Gradient Control" submitted by St. John-Mittelhauser & Associates (SMA) on behalf of the Premcor Refining Group Inc. (Premcor), to meet the requirements of Condition 4 of the Illinois EPA's April 1, 2011 letter. This submittal incorporates modifications regarding operations towards maintaining inward gradient control along the Western Property Boundary (WPB) of Premcor's Main Facility.

In addition to the review of the subject submittal, two additional submittals were reviewed: (1) the April 2011 Gauging event and Groundwater Contour Maps; and (2) the August 2011 Gauging event and Groundwater Contour Maps. Based on a review of these submittals, the Illinois EPA has determined the May 2, 2011 "Response Action Plan for Groundwater Inward Gradient Control" cannot be approved at this time. The following conditions and modifications must be met:

1. The Illinois EPA does not concur that Premcor has inward gradient control along the WPB with the decreased pumping in RPW-01 and utilization of Low-Flow DPE wells. Therefore, within thirty (30) days from the date of this letter, the facility must increase groundwater pumping in RPW-01 to 200 gpm for the purpose of preventing the off-site migration of groundwater from beneath the Refinery towards the residential area of Hartford and the Village's water supply wells as required by the Draft Consent Order.

Mr. Thomas Mroz

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2. The Illinois EPA does not concur that utilization of Pumping Well P-5 rather than Pumping Well(s) P-1/P-2 creates an inward gradient along the WPB. Therefore, within thirty (30) days from the date of this letter, the facility must reinstate groundwater pumping at P-1 or P-2 (or combination of P-1 and P-2) at a pumping rate which allows for inward gradient control along the WPB for the purpose of preventing the off-site migration of groundwater from beneath the Refinery towards the residential area of Hartford and the Village's water supply wells as required by the Draft Consent Order.
3. Within forty-five (45) days from the date of this letter, the facility must submit a proposed pumping rate for groundwater pumping at P-1/P-2 for Illinois EPA review and approval. Proposed pumping rates must include groundwater contour maps with groundwater monitoring wells utilized in developing the maps. This proposal must be submitted to the Illinois EPA at the following address:

Illinois Environmental Protection Agency  
Bureau of Land - #33  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

4. As a result of Conditions 1 and 2 above, the Response Action Plan cannot be approved at this time. The facility must meet the requirements of the Response Action Plan approved in the October 12, 2007 Illinois EPA letter. Once pumping rates have been approved for P-1/P-2, the facility must submit an updated Response Action Plan.
5. The Illinois EPA must be notified in the event of a complete system shutdown or loss of control along the WPB as specified in the Response Action Plan approved in the Illinois EPA October 12, 2007 letter. Notification to the Illinois EPA must be by email to Paula Stine at [Paula.Stine@illinois.gov](mailto:Paula.Stine@illinois.gov) and by telephone to Gina Search at 618/346-5157.

Work required by this letter may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violations of these laws to the appropriate regulating authority.

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 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 applicant and the Illinois EPA within the initial 35-day



Mr. Thomas Mroz

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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 request for an extension, please contact:

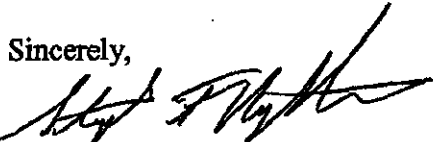
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

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

Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

Should you have any questions regarding the issues of this letter or any other groundwater related issues, please contact Paula Stine at 217/524-3861; for all other issues, please contact Takako Halteman at 217/ 524-3274.

Sincerely,

  
Stephen F. Nightingale, P.E.  
Manager, Permit Section  
Bureau of Land

SFN:PMS:/1190500002-RCRA-DraftCO-Final.docx  
BN SKM

cc: Thomas Mroz (Electronic Copy)  
Monte M. Nienkerk, SMA (Electronic Copy)  
James Morgan, IAGO



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-5544

February 7, 2012

BY CERTIFIED MAIL

Ms. Lisa K. Hodges  
Senior Counsel  
Premcor  
P.O. Box 696000  
San Antonio, TX 78269

Re: Your Request for Extension of Time to Appeal Final Agency Decision  
1190500002—Madison County  
Premcor Refining Group, Inc.—Hartford Distribution Center  
ILD0418889023

Compliance

Dear Ms. Hodges:

I have received and reviewed your January 25, 2012 letter to me requesting a 90 day extension of time to file an appeal of the Agency's final decision contained in Mr. Stephen Nightingale's January 13, 2012 letter to Mr. Tom Mroz (a copy of Mr. Nightingale's letter is enclosed). Illinois EPA hereby agrees to extend the deadline for the filing of an appeal from February 22, 2012 to May 22, 2012. This also confirms that Premcor will be meeting with Illinois EPA representatives at 2 p.m. on February 14, 2012 at the Illinois EPA headquarters in Springfield to discuss the Agency's final decision.

We look forward to meeting with you on February 14.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Waligore".

John P. Waligore  
Assistant Counsel  
Division of Legal Counsel

enclosure

cc: Stephen Nightingale  
Paula Stine  
James Morgan