



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

217/524-3300

CERTIFIED MAIL

7014 2120 0002 3290 1273

OCT 07 2016

Shivam Energy, Inc.
Attention: Rajani Patel
399 West Liberty Street
Wauconda, Illinois 60084

Re: LPC #0971855024 -- Lake County
Wauconda / Liberty Clark
399 West Liberty Street
Leaking UST Incident No. #892744 and #903199
Leaking UST Technical File

Dear Mr. Patel:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amendment to the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated June 11, 2015, was received by the Illinois EPA on June 17, 2015. 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 plan and associated budget are rejected for the reason(s) listed in Attachment A and Attachment B, respectively (Sections 57.7(b) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b), 734.510(a) and 734.510(b)).

Pursuant to Sections 57.7(b) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, a plan and/or budget must be submitted within 120 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.

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Eric Kuhlman, at 217-785-5715.

Sincerely,

A handwritten signature in black ink that reads "Stephen A. Colantino" with a stylized flourish at the end.

Stephen A. Colantino
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

SAC:EK:PA

Attachment: A, B, Appeal Rights

c: TriCore Environmental, LLC
BOL File

Attachment A

Re: LPC #0971855024 -- Lake County
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Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

- I. An owner or operator may choose to use an alternative technology for corrective action in response to a release. Corrective action plans proposing the use of alternative technologies must be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 734.335. In addition to the requirements for corrective action plans contained in 35 Ill. Adm. Code 734.335, the owner or operator who seeks approval of an alternative technology must submit documentation along with the corrective action plan demonstrating that:
 - a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives necessary to comply with the Act and regulations and to protect human health and safety and the environment;
 - b. The proposed alternative technology will not adversely affect human health and safety or the environment;
 - c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;
 - d. The owner or operator will implement a program to monitor whether the requirements of subsection (a) above have been met; and
 - e. Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (a) above and any other applicable regulations. The Illinois EPA may require interim reports as necessary to track the progress of the alternative technology. The Illinois EPA will specify in the approval when those interim reports must be submitted to the Illinois EPA.

(Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.340)

The owner has not submitted any supporting documentation along with the amended corrective action plan demonstrating that the proposed modifications to the alternative

technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives necessary to comply with the Act and regulations and to protect human health and safety and the environment.

- 2 In approving any plan submitted pursuant to Section 57.7(a) or (b) of the Act, the Illinois EPA shall determine, by a procedure promulgated by the Illinois Pollution Control Board (Board) under Section 57.14 of the Act, that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

For purposes of payment from the Fund, corrective action activities required to meet the minimum requirements of Title XVI of the Act shall include, but not be limited to, the following use of the Board's Tiered Approach to Corrective Action Objectives rules adopted under Title XVII of the Act:

- a. For the site where the release occurred, the use of Tier 2 remediation objectives that are no more stringent than Tier 1 remediation objectives.
- b. The use of industrial/commercial property remediation objectives, unless the owner or operator demonstrates that the property being remediated is residential property or being developed into residential property.
- c. The use of groundwater ordinances as institutional controls in accordance with Board rules.
- d. The use of on-site groundwater use restrictions as institutional controls in accordance with Board rules.

(Section 57.7(c)(3)(A) of the Act)

The Illinois EPA has determined that the following corrective action activities are required to meet the minimum requirements of Title XVI of the Act shall include Tier 2 remediation objectives, industrial/commercial property remediation objectives, on-site groundwater use restrictions, and groundwater ordinances as institutional controls.

EK:P

Attachment B

Re: LPC #0971855024 -- Lake County
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Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget includes costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The last paragraph on page 12 states that the use of Redox 390 has been approved and is currently in use at another remediation system TriCore maintains in Fox Lake, Illinois. This may be, but TriCore has not submitted any supporting documentation demonstrating that Redox 390 is effectively reducing or eliminating the frequent and excessive fouling and scaling of various system components at other LUST sites with a similar problem.

2. Pursuant to Sections 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b), the associated budget is rejected for the following reason:

The Illinois EPA has not approved the plan with which the budget is associated. Until such time as the plan is approved, a determination regarding the associated budget— i.e., a determination as to whether costs associated with materials, activities, and services are reasonable; whether costs are consistent with the associated technical plan; whether costs will be incurred in the performance of corrective action activities; whether costs will not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and whether costs exceed the maximum payment amounts set forth in Subpart H of 35 Ill. Adm. Code 734—cannot be made (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)).

EK:P\

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 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:

John Therriault, Assistant Clerk
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
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

