



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

CERTIFIED MAIL

JAN 09 2014

7010 2780 0002 1196 4039

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

Re: LPC #0971855024 -- Lake County
Wauconda / Shivam Energy, Inc.
399 West Liberty Street
Leaking UST Incident No. #903199
Leaking UST Technical File

Dear Mr. Patel:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Removal Report (report) submitted for the above-referenced incident. The report, dated September 16, 2013, was received by the Illinois EPA on September 24, 2013. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Free Product Removal Report is rejected for the reason(s) listed in Attachment A (35 Ill. Adm. Code Section 734.505(b) and 734.510(a)).

In addition, the associated budget is rejected for the reason(s) listed in Attachment A (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.630 and 734.655)).

Pursuant to Sections 57.7(b)(2) and (3) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Corrective Action Plan and budget within 90 days from 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

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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 the Illinois EPA project manager, Eric Kuhlman, at 217-785-5715.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry A. Chappel".

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

HAC:EK:PA

Attachment: A, B, Appeal Rights

c: TriCore Environmental
BOL File

Attachment A

Re: LPC #0971855024 -- Lake County
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399 West Liberty Street
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Citations in this attachment are from the Environmental Protection Act (Act) as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. If any of the applicable indicator contaminants exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants, within 30 days after the Illinois EPA approves the site investigation completion report, the owner or operator shall submit to the Illinois EPA for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The corrective action plan must address all media impacted by the UST release and must contain, at a minimum, the following information:
 - a. An executive summary that identifies the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives. At a minimum, the summary must include the following information:
 - i. The major components (e.g., treatment, containment, removal) of the corrective action plan;
 - ii. The scope of the problems to be addressed by the proposed corrective action, including but not limited to the specific indicator contaminants and the physical area; and
 - iii. A schedule for implementation and completion of the plan;
 - b. A statement of the remediation objectives proposed for the site;
 - c. A description of the remedial technologies selected and how each fits into the overall corrective action strategy, including but not limited to the following:
 - i. The feasibility of implementing the remedial technologies;
 - ii. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved;

- iii. A schedule of when the remedial technologies are expected to achieve the applicable remediation objectives and a rationale for the schedule; and
 - iv. For alternative technologies, the information required under 35 Ill. Adm. Code 734.340;
- d. A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored or measured during their implementation and after their completion;
 - e. A description of the current and projected future uses of the site;
 - f. A description of any engineered barriers or institutional controls proposed for the site that will be relied upon to achieve remediation objectives. The description must include, but not be limited to, an assessment of their long-term reliability and operating and maintenance plans;
 - g. A description of water supply well survey activities required pursuant to 35 Ill. Adm. Code 734.445(b) and (c) that were conducted as part of site investigation; and
 - h. Appendices containing references and data sources relied upon in the report that are organized and presented logically, including but not limited to field logs, well logs, and reports of laboratory analyses.

(Sections 57.1(a) and 57.7(b)(2) of the Act and 35 Ill. Adm. Code 734.335(a))

The Agency will require the submittal of a Corrective Action Plan and budget including the above-mentioned information within 90 days from the date of this letter.

Note: In accordance with Section 734.215(a)(4) within 45 days after the confirmation of the presence of free product from a UST, the owner or operators must prepare and submit to the Agency a free product removal report. However, if free product removal activities will be conducted more than 45 days after the confirmation of the presence of free product, the owner or operator must submit to the Agency for review a free product removal plan, in accordance with Section 734.215(c). Therefore, if any free product removal activities are required, they will not be proposed in an AMCAP.

- 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 Agency intends to use the appropriate institutional controls listed above to meet the minimum requirements of Title XVI of the Act.

3. 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)

TriCore has not submitted the necessary documentation to demonstrate that dual phased extraction would remediate the residual soil and groundwater contamination more effectively than the institutional controls mentioned in item #2.

Attachment B

Re: LPC #0971855024 -- Lake County
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Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. 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)).

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:

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