

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRANDIS AIRCRAFT)	
Petitioner,)	
)	
v.)	PCB 22-
)	(RCRA Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Clerk
Illinois Pollution Control Board
100 West Randolph Street,
Suite 11-500
Chicago, Illinois 60601-3218

Stephen F. Hedinger
Sorling Northrup Attorneys
1 North Old State Capitol Plaza, Suite 200
PO Box 5131
Springfield, Illinois 62705

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Associate Counsel
Dated: May 2, 2022
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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v.)	PCB 22-
)	(RCRA Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
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**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Associate Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to August 29, 2022, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows

1. On or about April 21, 2022, the Illinois EPA issued a final decision to the Petitioner.
2. On April 28, 2022, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about April 25, 2022.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

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



Melanie A Jarvis
Associate Counsel

Dated: May 2, 2022

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 2, 2022, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the method(s) and to the persons identified below:

Electronic Service

Clerk
Illinois Pollution Control Board
100 West Randolph Street,
Suite 11-500
Chicago, Illinois 60601-3218

Stephen F. Hedinger
Sorling Northrup Attorneys
1 North Old State Capitol Plaza, Suite 200
PO Box 5131
Springfield, Illinois 62705

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Associate Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)

From: [Stephen F. Hedinger](#)
To: [Jarvis, Melanie](#)
Subject: [External] RCRA Permit Appeal extension of appeal deadline -- Brandis Aircraft (0210600007 -- Christian County; ILD 982 624 690, Log No. C-900)
Date: Thursday, April 28, 2022 3:35:19 PM
Attachments: [Scanned from a Xerox Multifunction Printer.pdf](#)

Melanie:

I am writing to request a 90-day extension of the time within which my client, Brandis Aircraft, is to file an appeal with the Pollution Control Board of the Agency's April 21, 2022 denial of a proposed RCRA closure plan. A copy of the denial letter is attached.

We are interested in this extension to allow time for our consultants at Andrews Engineering to consult with the Agency's RCRA permitting staff to make sure that we understand fully what the Agency is requiring. You should know that only a few days prior to receipt of this letter, the Agency, including the permit reviewers, inspected the facility, and spoke directly with Allison Kmett, the professional engineer on this project on behalf of Brandis. Allison's understanding from that meeting does not completely mesh with the Agency's requirements stated in the letter. At a minimum, we would like the meeting to reconcile the understanding from that meeting with the requirements of this letter.

Assuming the date of receipt of this letter is April 21, the extension of the appeal deadline must be filed with the Board no later than May 26.

Thank you for your prompt attention to this request. Please contact me directly with any questions, or for further information or explanation.

-Steve Hedinger

Stephen F. Hedinger

Phone: 217-544-1144

Fax: 217-522-3173

sfhedinger@sorlinglaw.com



1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
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217/524-3301

Certified Mail
Return Receipt Requested

7020 1290 0002 1665 9437

APR 21 2022

The Paint Shop
Attn: Michael Brandis
2207 S. Spresser Street
Taylorville, Illinois 62568

Re: 0210600007-- Christian County
Brandis Aircraft, The Paint Shop
ILD 982 624 690
Log No. C-900
Received: January 21, 2022
RCRA Closure

Dear Mr. Brandis:

This is response to the RCRA Closure Plan for the hazardous waste (S01) storage area and hazardous waste (T04) treatment area dated January 21, 2022 and received on January 21, 2022. The plan was prepared and submitted by Allison S. Kmett, P.E of Andrews Engineering on behalf of Brandis Aircraft.

Due to the following deficiencies, the plan cannot be approved at this time. The closure plan must be revised to include the following:

1. Description Of The Facility - The plan should describe the type of industry, Standard Industrial Code (SIC Code), products, location, size and other general, summarized information. The plan must address and identify each hazardous waste management unit at the facility.
2. Description Of The Waste Management Units - Describe each unit at the facility and provide the process code and unit of measure code from the Part A (e.g., SOI-1000 gal.). Include waste types for each unit (by standard chemical name and EPA Hazardous Waste No.), time period of use, dimensions, topography, soil types (as appropriate), and any other relevant information. Identify these units by reference to line numbers on the Part A application. Plans for closure must address all units on the Part A application. If some of the unit(s) will not be closed until some date in the future, identify those units and their expected date of closure. A copy of the following documents should be included in the closure plan:
 - a. the original Part A application (EPA Forms 3510-1 and 3510-3); and

Brandis Aircraft-The Paint Shop

Log No. C-900

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- b. any revised Part A with proof of approval by USEPA or Illinois EPA.
3. Map of Facility - The location of the facility on a topographic or county map should be provided, plus a more detailed scaled map or diagram of the facility, with each hazardous waste management unit clearly located and identified. Map scale must be specified. The location of the facility must be provided with respect to township, range and section.
4. Detailed Drawing of The Unit(S) - Submit a plan view of the unit(s), showing dimensions, appurtenant structures and relationship to other points or structures on the facility property, at a minimum. The scale of the drawing must be specified. The map should indicate where wastes would flow if spilled, including the location of any drains, sumps or sewers that could potentially receive such spilled waste or contaminated runoff.
5. Storage Area Pavement/Surface Description - Provide a description of the type of pavement surface at the storage area(s), structural integrity (i.e., cracks, joints, deterioration) and containment structures (curbs). If containment structures are not present, describe the drainage features of the unit and its surroundings, and identify where spilled waste would flow. Additional sampling and analysis must be proposed to determine if releases have occurred to soil, groundwater or surface water.
6. List of Hazardous Waste - Provide a complete, detailed list of hazardous wastes (chemical name and EPA hazardous waste number) treated, stored or disposed of at each unit. Trade names or common names should not be used when generic chemical names are available. Provide the maximum inventory of wastes treated, stored or disposed of at each unit. Take care to differentiate between listed and characteristic waste classifications.
7. Schedule for Closure - 35 IAC 725.213 requires the owner/operator to treat, remove or dispose of all hazardous waste in accordance with the approved closure plan within 90 days after receiving the final volume of hazardous wastes or 90 days after approval of the closure plan by the Illinois EPA. The owner/operator must complete all closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or 180 days after approval of the closure plan, if that is later.

Closures requiring time periods longer than the above, including extensions after the closure plan approval, must be reviewed and approved by the Illinois EPA (refer to 725.213).

The plan should contain a timetable which shows all critical dates for closure activities, including waste removal, sampling, soil removal, critical points when the independent engineer or his representative will be present, backfilling, survey plat preparation, independent engineer's certification, and other relevant activities. This timetable should generally start at the point of approval or some other definable date (i.e., award of contract, etc.), and not rely on calendar dates.

Brandis Aircraft-The Paint Shop

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8. Certification Statement - All partial or final (full) closures of hazardous waste management units must be certified by both the owner/operator and an independent registered professional engineer (725.215). The closure plan must include a statement acknowledging this requirement. Certification is due sixty (60) days after completion of closure and no more than 240 days from the date of closure plan approval (unless otherwise approved).

The Illinois Professional Engineering Act (Ill. Rev. Stat., Ch. 111, par. 5101 et. seq.) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a professional engineer must be registered under the Illinois Professional Engineering Act (par. 5101, Sec. 1). Therefore, any certification or engineering services which are performed for a closure plan in the State of Illinois must be done by an Illinois P.E. The closure plan must include a statement acknowledging this requirement.

Plans and specifications, designs, drawings, reports, and other documents rendered as professional engineering services, and revisions of the above must be sealed and signed by a professional engineer in accordance with par. 5119, sec. 13.1 of the Illinois Professional Engineering Act.

The independent engineer should be present during all major closure activities. These might include soil sampling, soil removal, backfilling, decontamination, final cover placement, etc. The frequency of inspections by the independent engineer must be sufficient to determine the adequacy of each critical activity.

9. Statement of Facility Status After Closure - The closure plan should clearly state the status of the hazardous waste facility after closure is completed. For example, it should state if a storage facility is to be operated as a generator (less-than-90-day storage), and it should describe whether closure is partial or complete. If partial, it should name both the units covered by the closure plan as well as those remaining in operation. It should indicate whether the facility will continue to be a generator and transporter (if applicable).

Indicate which of the following categories describes the intended use of the facility:

- a. No treatment, storage or disposal will occur at this facility.
- b. Disposal will continue at this facility.
- c. This facility will continue to treat hazardous wastes.
- d. Less than 1,000 kg/month will be generated, and storage will be for less than 90 days.

Brandis Aircraft-The Paint Shop

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- e. The facility will generate and store more than 1,000 kg/month for less than 90 days.
- f. The facility will generate and store more than 1,000 kg/month for more than 90 days.
- g. The facility will generate and store more than 100 kg/month, but less than 1,000 kg/month for less than 180 days (270 days if applicable).
- h. The facility will be exempt from treatment storage and disposal (TSD) regulation under RCRA.
- i. The facility will be a transporter of hazardous waste.

Pursuant to 35 IAC 725.212(d)(4), you must submit a complete, revised closure plan (i.e., not just revised or additional pages) (one original and 3 copies) within thirty (30) days which adequately responds to the above noted comments. Failure to submit a revised plan within thirty (30) days of the date of your receipt of this letter will be considered non-compliance with the interim standards of 35 IAC, Part 725, Subpart G -- Closure and Post-closure and Subpart H -- Financial Requirements.

This action shall constitute Illinois EPA's final action on the subject submittal. Within 35 days after the date of mailing of Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

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:

Brandis Aircraft-The Paint Shop

Log No. C-900

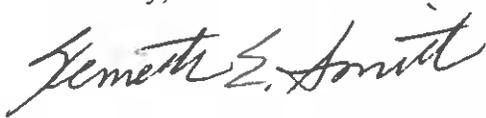
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Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

Work required by this letter, your submittal(s) or the regulations 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 violation of these laws to the appropriate regulating authority.

Should you have any questions concerning this matter, please contact William T. Sinnott, II at 217-524-3310.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:WTS: 0210600007-RCRA-C-900-Denial

wts wts
cc: Norberto Gonzalez, USEPA Region V

bcc: Bureau File
Regional Office
Bill Sinnott
Rob Watson
James Kropid