

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TERMINAL RAILROAD ASSOCIATION,)	
OF ST. LOUIS,)	
Petitioner,)	
)	
v.)	PCB 13-
)	(Permit Appeal – Land)
ILLINOIS ENVIRONMENTAL PROTECTION)	(Ninety Day Extension)
AGENCY,)	
Respondent.)	

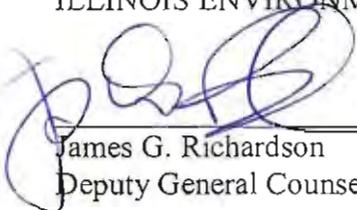
NOTICE

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

Peter S. Strassner
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

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



James G. Richardson
Deputy General Counsel

Dated: July 5, 2012
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

TERMINAL RAILROAD ASSOCIATION)	
OF ST. LOUIS,)	
Petitioner,)	
)	
v.)	PCB No. 13-
)	(Permit Appeal – Land)
ILLINOIS ENVIRONMENTAL)	(Ninety Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Deputy General 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 October 2, 2012, 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:

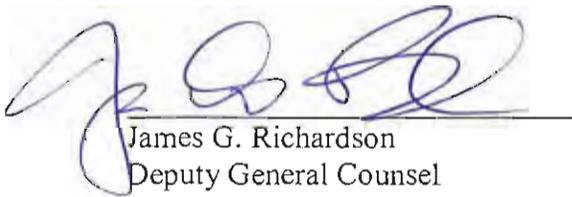
1. On May 30, 2012, the Illinois EPA issued a final decision to the Petitioner.
2. On July 3, 2012, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. The United States Postal Service website does not have information on when the Petitioner received the final decision, but it could not have occurred before May 31, 2012.

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



James G. Richardson
Deputy General Counsel

Dated: July 5, 2012

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



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

217/524-3300

May 30, 2012

CERTIFIED MAIL

7009 3410 0002 3749 5956

Terminal Railroad Association

Attn: Mr. Joe Bentrup

1201 McKinley Street

Venice, Illinois 62090

Re: 1638995001--St. Clair County
Terminal Railroad Association
ILD984778340
Date Received: November 1, 2011
Log No. C-749-M-11
RCRA Closure
Permit Closure Final Action

Dear Mr. Bentrup:

This is in response to your October 31, 2011 groundwater work plan submitted by ARCADIS U.S., Inc. on your behalf and received by the Illinois EPA on November 1, 2011. This work plan was submitted to address groundwater contamination in the vicinity of the former oil-water separator and to satisfy Condition 9 of the Illinois EPA's August 31, 2011 letter (Log No. C-749-M-8, 9 & 10).

Illinois EPA initially approved a RCRA closure plan for the following alleged hazardous waste management units at this facility on July 2, 1996:

- An Oil Water Separator (OWS) comprised of an 8,000 gallon capacity buried railroad car.
- Three wash pits located in the southwest corner of the maintenance building where wastes stored in the separator were generated.
- The sewer piping connection to Cahokia Creek.
- The Safety Kleen parts washer release area.

Based on a review of the subject submittal the Illinois EPA has determined the following:

1. At this time, the groundwater beneath the facility has been determined to contain contaminants in excess of the applicable 35 Ill. Adm. Code 620 Class I, Groundwater Quality

Page 2

Standards and 35 Ill. Adm. Code 742, Tier 1 Groundwater Remediation Objectives. Therefore, the requirements of 35 Ill. Adm. Code Parts 620, 725 and 742 must be met in completing closure for groundwater at the site.

2. In accordance with 35 Ill. Adm. Code 742.800 and Condition 6 of the Illinois EPA's August 31, 2011 letter (Log No. C-749-M-8, 9 & 10), the facility has the following options in completing closure for groundwater at the site:
 - a. Demonstrate that the groundwater ingestion route is excluded from consideration pursuant to 35 Ill. Adm. Code 742, Subpart C;
 - b. Demonstrate that the groundwater contamination is at or below area background concentrations in accordance with 35 Ill. Adm. Code 742, Subpart D, and if necessary, an institutional control restricting usage of the groundwater is in place in accordance with 35 Ill. Adm. Code 742, Subpart J;
 - c. Remediate to Tier 1 remediation objectives in accordance with Condition 4 below;
 - d. Propose and obtain approval of Tier 2 groundwater remediation objectives in accordance with 35 Ill. Adm. Code 742.805 and remediate to that level, if necessary;
 - e. Conduct a Tier 3 evaluation in accordance with 35 Ill. Adm. Code 742, Subpart I; or
 - f. Obtain approval from the Board to either: 1) reclassify groundwater pursuant to 35 Ill. Adm. Code 620.260; or 2) use an adjusted standard pursuant to Section 28.1 of the Act.
3. Should the facility propose to obtain approval of Tier 2 groundwater remediation objectives in accordance with 35 Ill. Adm. Code 742.805, the facility must complete the following for Illinois EPA review and approval:
 - a. Identified the horizontal and vertical extent of groundwater for which the Tier 2 groundwater remediation objective is sought;
 - b. Taken corrective action, to the maximum extent practicable to remove any free product;
 - c. Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater will meet:
 - A) The applicable Tier 1 groundwater remediation objective at the point of human exposure; or
 - B) For any contaminant of concern for which there is no Tier 1 groundwater remediation objective, the concentration determined according to the procedures

Page 3

specified in 35 Ill. Adm. Code 620 at the point of human exposure. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;

- d. Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater within the minimum or designated maximum setback zone of an existing potable water supply well will meet the applicable Tier 1 groundwater remediation objective or, if there is no Tier 1 groundwater remediation objective, the concentration determined according to the procedures specified in 35 Ill. Adm. Code 620. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;
 - e. Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater discharging into a surface water will meet the applicable water quality standard under 35 Ill. Adm. Code 302;
 - f. Demonstrated that the source of the release is not located within the minimum or designated maximum setback zone or within a regulated recharge area of an existing potable water supply well; and
 - g. If the selected corrective action includes an engineered barrier as set forth in Subpart K to minimize migration of contaminant of concern from the soil to the groundwater, demonstrated that the engineered barrier will remain in place for post-remediation land use through an institutional control as set forth in Subpart J.
4. Should the facility choose to eliminate the groundwater ingestion exposure route the facility must meet the requirements of 35 Ill. Adm. Code 742.925. Technical information must demonstrate that there is no actual or potential impact of contaminants of concern to receptors from a particular exposure route. A demonstration excluding the groundwater ingestion exposure route must be submitted to the Agency for review and approval. A submittal under this Section must include the following information:
- a. A description of the route evaluated;
 - b. A description of the site and physical site characteristics;
 - c. A discussion of the result and possibility of the route becoming active in the future; and
 - d. Technical support that may include, but is not limited to, the following:
 - A) A discussion of the natural or man-made barriers to that exposure route;

Page 4

- B) Calculations and modeling;
 - C) Physical and chemical properties of contaminants of concern; and
 - D) Contaminant migration properties.
5. Any proposal for the elimination of the groundwater ingestion route or for Tier 2 groundwater remediation objectives must contain detailed information in support of any calculations made. This includes providing:
- a. The actual calculations made;
 - b. Identification of all input values for the calculations; and
 - c. Documentation supporting the input values used in conducting the calculations. All physical parameters used in making the calculations must be site specific.
6. Groundwater samples which are collected for comparison to the groundwater quality standards of 35 Ill. Adm. Code 620 must be unfiltered (total). In general, the standards found in Part 620 are equal to the USEPA's Maximum Concentration Levels (MCL) applicable "at-the-tap" pursuant to the Safe Drinking Water Act, the MCA levels are specified as water quality standards under the principle that groundwater that are naturally potable should be available for drinking water supply without treatment (i.e. untreated and unfiltered). Therefore, samples which are collected for comparison to the groundwater quality standards of 35 Ill. Adm. Code 620 must be unfiltered.
7. The facility must continue to conduct sampling and analysis of groundwater in accordance with Condition 14 of the Illinois EPA's April 10, 2000 letter (Log No. C-749-M-4) unless otherwise stated herein.
8. Except as modified by the subject submittal and this letter, closure activities shall be carried out in accordance with the following Illinois EPA closure plan approval letters dated (and associated submittals from TRRA): July 2, 1996 (Log No. C-749-M-2); November 17, 1977 (Log No. C-749-M-3); April 10, 2000 (Log No. C-749-M-4); September 12, 2000 (Log No. C-749-M-5); January 2, 2002 (Log No. C-749-M-7); and August 31, 2011 (Log Nos. C-749-M-8, 9 & 10).
9. The RCRA Interim Status Closure and Post-Closure Care Plans General Form (LPC-PA18) must be completed and accompany all information submitted to the Illinois EPA associated with the closure activities described in this letter. As noted on this form, two copies must accompany the original of all submittals, so that the information submitted can be distributed, as necessary to Illinois EPA personnel and regional offices. In addition, it is recommended,

Page 5

but not required, that the facility or its representative contact the designated Illinois EPA project manager(s) listed at the end of this letter when submitting any submittals to Illinois EPA.

10. All RCRA Closure activities at the subject facility must meet the requirements of 35 Ill. Adm. Code 620, 725, and 742, and plans approved by Illinois EPA.

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 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:

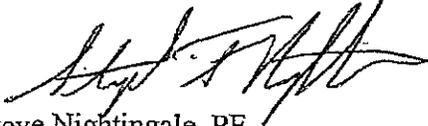
Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

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.

Page 6

Should you have any questions regarding aspects of this letter please contact Paula Stine at 217/524-3861; for all other questions please contact James K. Moore at 217/524-3295.

Sincerely,



Steve Nightingale, PE
Manager, Permit Section
Bureau of Land

^{B-TM}
SFN:PMS:1638995001-RCRA-C749M11-Final.docx

sen

cc: Kevin Peterburs, ARCADIS U.S., Inc.

bcc: Bureau File
Collinsville Region
Melanie Jarvis
Terri Blake Myers
Gina Search
Paula Stine

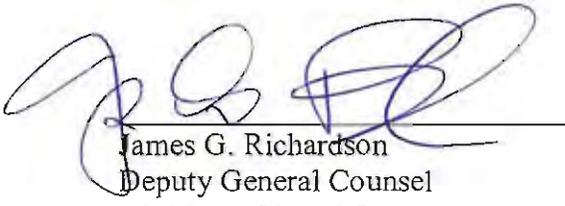
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 5, 2012 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by electronic mail and first class mail of the United States Postal Service upon the persons as follows:

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

Peter S. Strassner
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)