

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PERMA-TREAT OF ILLINOIS INC.	)	
And FARMER’S STATE BANK	)	
Petitioner,	)	
	)	
v.	)	PCB 22-
	)	(LUST 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



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Melanie A. Jarvis  
Associate Counsel  
Dated: January 5, 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**

PERMA-TREAT OF ILLINOIS INC.	)	
And FARMER’S STATE BANK	)	
Petitioner,	)	
	)	
v.	)	PCB 22-
	)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
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 May 1, 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 December 14, 2021, the Illinois EPA issued a final decision to the Petitioner.
2. On December 27, 2021, 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 December 27, 2021.

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



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Melanie A Jarvis  
Associate Counsel

Dated: January 5, 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 January 5, 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



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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 <[sfhedinger@sorlinglaw.com](mailto:sfhedinger@sorlinglaw.com)>  
**Sent:** Monday, December 27, 2021 1:41 PM  
**To:** Kropid, James <[James.Kropid@Illinois.gov](mailto:James.Kropid@Illinois.gov)>  
**Cc:** Henshaw, Brad <[bhenshaw@myfsb.com](mailto:bhenshaw@myfsb.com)>  
**Subject:** [External] (PermaTreat of Illinois, Inc. facility closure (Farmers State Bank of Alto Pass, secured creditor applicant) -- request for permit appeal extension

James:

On behalf of Farmers State Bank of Alto Pass, I am drafting a request for a 90 day extension of the deadline to appeal the December 14 denial of the RCRA closure plan/closure certification that was submitted on September 9; it is my client's intent to then contact the permit reviewers to schedule a virtual meeting between them and my client's engineers, to fully discuss the reasons for the denial and the information that will be needed to address the identified deficiencies. Should that correspondence be directed to you, or to someone else in the Division of Legal Counsel?

I am attaching the denial letter. If this email is sufficient to constitute the request and is accepted as such, please let me know. Thank you.

-Steve Hedinger

**Stephen F. Hedinger**

Phone: [217-544-1144](tel:217-544-1144)

Fax: [217-522-3173](tel:217-522-3173)

[sfhedinger@sorlinglaw.com](mailto:sfhedinger@sorlinglaw.com)



1 North Old State Capitol Plaza, Suite 200  
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Springfield, IL 62705

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1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Electronic Filing: Received, Clerk's Office 01/05/2022 \*\*PCB 2022-030\*\*

7011 1150 0001 0856 9641

US POSTAGE  
000836

Mr. Brad Henshaw  
President  
Farmers State Bank  
555 S. Commercial St.  
Harrisburg, Illinois 62946

**Farmer Feed of Illinois 199055010 7-903**  
SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3.  
Print your name and address on the reverse so that we can return the card to you. **LA-MIA**  
Attach this card to the back of the mailpiece, or on the front if space permits.

Mr. Brad Henshaw  
President  
Farmers State Bank  
555 S. Commercial St.  
Harrisburg, Illinois 62946



2. Article Number (Transfer from service label)  
9590 9402 6879 1104 5525 89

PS Form 3811, July 2020 PSN 7530-02-000-9063  
**7011550510852 964**

COMPLETE THIS SECTION ON DELIVERY

A. Signature  X  
B. Received by (Printed Name)  Agent  
 Addressee  
C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail  
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt





217/524-3301

Certified Mail

Return Receipt Requested

7011 1150 0001 0856 9641

**DEC 14 2021**

Farmer's State Bank  
Attn: Brad Henshaw  
555 S. Commercial Drive  
P.O. Box 250  
Harrisburg, Illinois, 62946

Re: 1990555010 -- Williamson County  
Perma-Treat of Illinois, Inc.  
ILD 063698971  
Log No. C-903  
RCRA Closure File

Dear Mr. Henshaw:

This letter is in response to a RCRA Closure Plan, dated September 9, 2021 and received on September 16, 2021, prepared by Victor San Agustin of M&D Industrial Services on behalf of the Farmer's State Bank (FSB), the owner of the Perma-Treat of Illinois facility. This submittal addressed closure of three interim hazardous waste management units (HWMUs) at the above-referenced facility: (1) the Drip Pad (T04); (2) the Storage Tank Area (S02); and (3) the Container Storage Area (S01). A site layout map showing the three units undergoing closure is attached to this letter.

The subject Closure Plan was submitted in response to a letter, dated August 14, 2019, issued by the Illinois EPA Field Operations Section. The August 14, 2019 letter required a series of actions to be implemented to address the identified issues associated with the storage of hazardous waste during Illinois EPA's July and August 2019 Compliance Inspection at the facility. Action Item No. 7 of the August 14, 2019 letter required the facility to submit a Resource Conservation and Recovery Act (RCRA) Closure Plan of the Drip Pad, the Storage Tank Area, and the Container Storage Area, and the associated secondary containment systems.

The subject RCRA Closure Plan was reviewed by Illinois EPA and has determined that it cannot be approved due to the following deficiencies:

1. Illinois EPA cannot accept the subject Closure Certification for the three aforementioned-hazardous waste management units included in the subject submittal as additional closure requirements included in this letter still must be met. A revised Closure Plan must be submitted to Illinois EPA within 30 days of this letter.

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2. The Integrity Inspection Report included in the subject submittal identified numerous cracks and construction joints within the Drip Pad that were sealed with a caulk. Although the report indicated that they were deemed watertight by an Illinois licensed engineer, it was not identified when the caulk material was applied. It is likely that any contamination released may be sealed underneath prior to the caulking material was applied. Thus, Illinois EPA is not in concurrence the 3 cracks mentioned in the subject submittal may be omitted from the sampling plan. A soil sampling plan to meet the requirements in Condition 4 below must be included in the revised Closure Plan required in Condition 1 above.
3. There were no integrity inspections of the tank storage area, the container storage area, or any secondary containment areas. An independent Illinois registered engineer must inspect the integrity of the surfaces of the storage tank area, the container storage area, and all secondary containment structures (including the tank farm and pressure cylinder secondary containments and tank pit). Based on available information, secondary containment structures have been used as primary containment. If joints, cracks, or other defects are found during the integrity inspection which would potentially allow hazardous constituents to migrate through them, then soil samples must be collected beneath them to determine if hazardous waste or hazardous constituents have been released to the underlying soil as required in Condition 4 below.
4. Any sampling/analysis effort conducted as a result of integrity inspection must be carried out in accordance with the general procedures listed below:
  - a. soil samples must be collected from at least one location along each joint that provides a potential for hazardous waste or hazardous constituents to migrate to underlying soil. If the crack/joint is greater than 15-ft, then samples must be collected along the joint/crack at 10-ft intervals. Such locations must be biased to stained areas or low-lying areas where spills would tend to accumulate;
  - b. soil samples must be collected from at minimum 0-6" and from 18-24" below the subgrade/natural soil interface; and
  - c. soil samples must be collected and analyzed in accordance with the procedures approved by this letter.
5. The procedure of sampling and analytical methods for wipe testing was not reviewed and approved by Illinois EPA prior to implementation. The subject submittal did not specify and describe the sampling and analytical procedures in detail for Illinois EPA's evaluation that the sampling and analysis of the samples conducted was acceptable. Thus, the wipe testing used to demonstrate clean closure, as discussed in section "6.0 Demonstration of Clean Closure" in the subject submittal cannot be accepted by Illinois EPA to demonstrate

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clean closure.

6. Wipe test sampling results in the subject submittal indicate the presence of Arsenic, Chromium, and Cadmium in locations in HWMU areas, as shown in Figure 4 in the subject submittal. Therefore, this indicates that decontamination of the concrete floor of the HWMUs was not properly completed.
7. In addition to Condition 6 above, the facility did not provide all necessary information concerning the decontamination of the concrete floors and secondary containment walls.
  - a. There is no description of an appropriate solvent used during the washing process in the above-referenced submittal.
  - b. There is no description in the subject submittal of scraping and/or brushing after pressure washing.
  - c. There is no description of a final triple rinsing.
8. Figures 3 through 5 in the subject submittal are unacceptable and do not adequately describe the HWMUs as required in a RCRA Closure Plan, as described in the section 2.3.8 of the RCRA Closure Guidance (see Condition 13). In the revised Closure Plan required in Condition 1, the facility must at minimum include scaled drawings of:
  - a. locations of drains, sewers, trenches, and other appurtenant structures in the HWMUs and within 15-ft of each HWMU;
  - b. any secondary containment feature in each HWMU (including berms, pits and other changes in elevation);
  - c. drainage pathways around each HWMU;
  - d. the location of the drip pad sump; and
  - e. locations of soil samples, as required in Conditions 2, 3, 4, 10, 11, 12 and 15.
9. If the facility desires to demonstrate that the concrete floors and walls may be cleaned without steam, then appropriate demonstration must be made. Such demonstration may include sampling and analysis results of the rinsate water or wipe sampling results. Decontamination procedures are described in section 2.5.2 of the RCRA Closure Guidance (see Condition 13 below) and must be included in the revised sampling plan, as required in Condition 1 above.

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10. Due to a past compromised curbing or other secondary containment features of the Drip Pad, soil samples must be collected and analyzed around the perimeter of the drip pad. Soil sampling must, at minimum, extend to and include the marshy area of the west side of the Drip Pad. In the revised Sampling Plan:
  - a. the facility must identify the proposed sampling location and depths on a scaled map;
  - b. soil samples must be at minimum collected from 0-6" and from 18-24" below the subgrade/natural soil interface; and
  - c. soil samples must be collected and analyzed in accordance with the procedures approved by this letter.
  
11. A revised sampling plan must be included in the revised Sampling Plan, as required in Condition 1 above.
  - a. The facility must clearly identify the selected soil sampling and analytical procedures in the Closure Plan.
  - b. A revised sampling plan must include all constituents in the wastes that may have been present/managed, including, but not limited to arsenic, barium, cadmium, lead, selenium, silver, copper, chromium, and volatile organic compounds (VOCs).
  - c. It must be noted, if contaminated soil is encountered during any required soil sampling/analysis effort, then a sufficient number of additional samples should be collected and analyzed to clearly determine the horizontal and vertical limits of the soil which exceed the established remediation objectives in and around the subject HWMUs. The procedures used to collect and analyze these samples must be in accordance with those approved by this letter. The procedures used for determining the horizontal and vertical locations from which these samples must be collected shall be in accordance with Sections 2.4.5 of the Illinois EPA's RCRA closure plan instructions (July 2003). No random sampling shall be used to make this determination.
  
12. Concrete coring samples, as a result of soil sampling from an integrity inspection, as required in Condition 2 above, must be collected and analyzed for both TCLP and total RCRA of the metals required in Condition 11b above. Collected concrete samples must be biased to stained areas. Color photograph documentation before, during and after closure is required.
  
13. Guidance for the development of a RCRA Interim Status Closure Plan can be found on

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Illinois EPA's internet site: (<https://www2.illinois.gov/epa/topics/cleanup-programs/rcra/remediation-projects/Pages/default.aspx>).

14. If contamination is found to extend to near the water table during the closure investigation, it will be necessary to investigate to determine if the groundwater has been impacted
15. The following procedures must be utilized in the collection of all soil samples:
  - a. Collection of all soil samples must be carried out in accordance with ASTM or SW-846 procedures. Acceptable ASTM procedures include:
    - (1) Method D 4700-91 (Method for Soil Sampling for the Vadose Zone);
    - (2) Method D 6001-96 (Guide for Direct-Push Sampling for Geoenvironmental Investigations); and
    - (3) Method 6169-67 (Guide for Selection of Soil and Rock Sampling Devices Used with Drill Rigs for Environmental Investigations).
  - b. Soil samples collected for volatile organic compound (VOC) analysis require specialized sampling and handling procedures, as specified in Attachment A of Illinois EPA's RCRA closure plan guidance document or Method 5035 of SW-846
  - c. All soil encountered during the sampling effort must be field classified in accordance with ASTM D-2488.
  - d. Soil samples must be collected continuously at several locations to provide information regarding the shallow geology of the area where the investigation is being conducted.
  - e. Horizontal/vertical locations, where samples are collected, must be biased, as appropriate, to stained/discolored areas or areas where contamination is suspected to be present (such as the highest field-screening results).
  - f. Soil which is encountered in an area where VOC contamination is a concern must be field-screened for VOCs. However, the actual samples collected for analysis at the laboratory must not be field-screened.
  - g. Illinois EPA boring logs, unless otherwise approved by the Illinois EPA, must be used.

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16. Quality assurance/quality control procedures which meet the requirements of SW-846 must be implemented during all required sampling/analysis efforts.
17. All soil samples shall be analyzed individually (i.e., no compositing). Analytical procedures shall be conducted in accordance with Test Methods for Evaluating Solid Wastes (SW-846), Third Edition and Finalized Updates. When a SW-846 analytical method is specified, all the chemicals listed in the Quantitation Limits Table for that method shall be reported unless specifically exempted in writing by the Illinois EPA. Apparent visually contaminated material within a sampling interval shall be included in the sample portion of the interval to be analyzed. The facility's sampling program must be extensive enough to determine the lateral and vertical extent of contamination. Each soil sample must be analyzed for: constituents of concern for all wastes managed and all wastes manifested in each subject HWMU.
18. A detailed cost estimate to complete the required closure activities must also be submitted with the revised Closure plan for Illinois EPA review and approval. Assurance of financial responsibility is required to be established for completing the required RCRA Closure per 35 Ill. Admin. Code 725.242 and 243.
19. It must be noted that once Illinois EPA approves a revised sampling plan, the facility shall carry out the additional sampling in accordance with the approved plan. Once the additional sampling is completed, a report documenting the results of the required sampling/analysis must be submitted to the Illinois EPA in accordance with the Illinois EPA's approval of a revised sampling plan. This report must include:
  - a. identification of the reason for the sampling/analysis effort and the goals of the effort;
  - b. a summary in tabular form of all analytical data, including all quality assurance/quality control data;
  - c. a scaled drawing showing the horizontal location from which all soil samples were collected;
  - d. identification of the depth and vertical interval from which each sample was collected;
  - e. a description of the soil sampling procedures, sample preservation procedures and chain of custody procedures;
  - f. identification of the test method used and detection limits achieved, including sample preparation, sample dilution (if necessary) and analytical interferences;

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- g. copies of the final laboratory report sheets, including final sheets reporting all quality assurance/quality control data;
  - h. visual classification of each soil sample in accordance with ASTM D-2488;
  - i. a summary of all procedures used for quality assurance/quality control, including the results of these procedures; and
  - j. a discussion of the data, as it related to the overall goal of the sampling/analysis effort.
20. The Professional Engineering Practice Act (225 Illinois Compiled Statutes 325/1-325/49) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a professional engineer must be licensed under that Act. 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.

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 Paragraph 325/14 of the Professional Engineering Practice Act.

21. All references to "SW-846" refer to the USEPA document entitled Test Methods for Evaluating Solid Wastes, Third Edition and any finalized updates.
22. All waste generated as part of this project must be managed in accordance with the requirements of 35 Ill. Adm. Code 721, 722, 723, 728, 808 and 809.
23. If Illinois EPA determines that implementation of the approved closure plan fails to satisfy the requirements of 35 Ill. Adm. Code 725.211, the Illinois EPA reserves the right to amend the closure plan. Revisions of closure plans are subject to the appeal provisions of Section 40 of the Illinois Environmental Protection Act.
24. Under the provisions of 29 CFR 1910, cleanup operations must meet the applicable requirements of OSHA's Hazardous Waste Operations and Emergency Response standard. These requirements include hazard communication, medical surveillance, health and safety programs, air monitoring, decontamination and training. General site workers engaged in activities that expose or potentially expose them to hazardous substances must receive a minimum of 40 hours of safety and health training off site plus a minimum of three days of actual field experience under the direct supervision of a trained experienced supervisor. Managers and supervisors at the cleanup site must have at least an additional eight hours of specialized training on managing hazardous waste operations.

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25. Closure activities must be completed within 180 days of the date of this letter. In accordance with 35 Ill. Adm. Code 725.215, when closure is complete, the attached certification must be submitted to Illinois EPA by the owner/operator and an independent professional engineer that the hazardous waste management units at the facility have been closed in accordance with the specifications in the approved closure plan. This certification should be received at the Illinois EPA within sixty (60) days after closure.
26. As part of the closure certification, to document the closure activities at your facility in accordance with 35 Ill. Adm. Code 725.215, a Closure Documentation Report must be developed and submitted to Illinois EPA along with the closure certification statement which includes the following:
  - a. Background information about the facility overall and the overall closure project.
  - b. A description of the unit(s) closed (include scaled maps showing location of unit(s) within facility and layout of unit(s), information related to construction of the unit(s), identification of wastes managed in the unit(s)).
  - c. A chronological discussion of all closure activities and what was accomplished as a result of completing these activities.
  - d. The volume of waste, waste residue and contaminated soil (if any) removed. The term waste includes wastes resulting from decontamination activities.
  - e. Scaled drawings showing the horizontal and vertical boundaries of the extent of any soil removal effort.
  - f. A description of the method of waste handling and transport.
  - g. The waste manifest numbers.
  - h. Copies of the waste manifests.
  - i. Information documenting the results of all sampling/analysis efforts. The goal of presenting this information should be to describe, in a logical manner, the activities and results associated with the sampling/analysis effort. At a minimum, this information must include:
    - (1) identification of the reason for the sampling/analysis effort and the goals of the effort;
    - (2) a summary in tabular form of all analytical data, including all quality



Mr. Henshaw  
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- assurance/quality control data;
- (3) a scaled drawing showing the horizontal location from which all soil samples were collected;
  - (4) identification of the depth and vertical interval from which each sample was collected;
  - (5) a description of the soil sampling procedures, sample preservation procedures and chain of custody procedures;
  - (6) identification of the test method used and detection limits achieved, including sample preparation, sample dilution (if necessary) and analytical inferences;
  - (7) copies of the final laboratory report sheets, including final sheets reporting all quality assurance/quality assurance dates;
  - (8) visual classification of each soil sample in accordance with ASTM D-2488;
  - (9) a summary of all procedures used for quality assurance/quality control, including the results of these procedures; and
  - (10) a discussion of the data, as it relates to the overall goal of the sampling/analysis effort.
- j. Information demonstrating that the remediation objectives approved for the project have been achieved, including establishment of any engineered barriers or institutional controls necessary to support these objectives.
  - k. Color photo documentation of the investigation and closure. Document conditions before, during and after closure.
  - l. A detailed summary of the costs incurred in completing the required closure activities, such as field boring logs.
27. Illinois EPA may approve an extension of this deadline if FSB submits a closure plan modification request which contains information demonstrating that: (1) the closure activities will, of necessity, take longer than 180 days to complete; and (2) FSB Industries has taken and will continue to take all steps necessary to prevent threats to human health and the environmental from the unit(s), including compliance with all applicable interim status requirements.

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- a. In accordance with 35 Ill. Adm. Code 725.213(c), a closure modification request for an extension of the time required to complete closure must be submitted to Illinois EPA at least 30 days prior to the expiration of the 180-day closure period.
  - b. The closure plan modification request for an extension of the time required to complete closure must contain a revised schedule which identifies: (1) the various tasks which must be conducted to complete closure of the unit(s); (2) the estimated time frame during which the required tasks will be completed; and (3) the final date when closure will be completed.
28. Closure efforts at this facility must meet the requirements of 35 Ill. Adm. Code 725, Subpart G. Any variation to the closure activities approved by this letter shall be the subject of a request to modify the approved closure plan which is submitted to Illinois EPA for review and approval. (I.e., any changes to the approved closure plan must be submitted separately as closure modification requests.) Any such request must contain detailed information regarding the proposed modifications and the procedures which will be followed to complete closure of the unit(s). In addition, this request must contain information demonstrating that the proposed modifications meet the requirements of 35 Ill. Adm. Code 725, Subpart G. A revised schedule for completing the various tasks necessary to complete closure must be included in this request. (Finally, if the proposed modifications will require the closure project to take more than 180 days to complete, then it will be necessary for this modification request to also contain the information identified in Condition 28 in support of extension requests.)

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

Mr. Henshaw  
Log No. C-903  
Page 11

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, 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 Curtis Samson, P.E. at 217/524-8115.

Sincerely,



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

*WPS CS 12/13/2021*

KES: CS:1990555010-RCRA-C903-Denial.docx

**Attachments:**

1. Letter dated August 14, 2019 from Illinois EPA to Farmers State Bank
2. Site layout map
3. Closure Certification Statement

Bcc: Bureau File  
Marion Region  
Curtis Samson





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

618/346-5120  
FAX: 618/346-5155

August 14, 2019

Farmers State Bank  
Attn: Brad Henshaw  
555 S. Commercial Street  
P.O. Box 250  
Harrisburg, Illinois 62946

Re: 1990555010 – Williamson County  
Marion/Perma Treat of Illinois  
Compliance File

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

OCT 01 2019

REVIEWER: EMI

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SEP 16 2019

IEPA/BOL

Dear Mr. Henshaw:

On August 6, 2019, Maggie Stevenson and I met with you and representatives of M&D Industrial Services, LLC and Clean Earth of Alabama at the former Perma-Treat of Illinois facility in Marion, Illinois. At this meeting, the Illinois EPA was asked to provide a list of action items that would be needed to address the storage of hazardous waste at this facility. The following is a list of action items that need to be implemented to address the storage of hazardous waste at this facility.

1. Immediately fix all holes in the roof to prevent the generation of additional hazardous waste from precipitation refilling the secondary containments.
2. Immediately secure the treatment building to prevent unauthorized access.
3. Immediately post warning signs outside of the building that read "Danger – Unauthorized Personnel Keep Out" [see 35 IAC 725.114(c)].
4. Conduct hazardous waste determinations pursuant to 35 IAC 722.111 on all remaining containers of chemicals, debris, removed wood, removed insulation, sludge, removed gasket seals disposed of during cleaning.
5. Remove all liquid and residues from the tank systems including secondary containment, tank piping and ancillary equipment. [see 35 IAC 725.297].
6. Remove all liquid and residues from the drip pad, treatment cylinder and cylinder secondary containment.
7. Submit a Resource Conservation and Recovery Act (RCRA) Closure Plan for the closure of the Subpart W drip and the secondary containment systems of all the tanks that contained material that was disposed of as a hazardous waste. A RCRA Closure Plan for the drip pad and all secondary containments that contained hazardous waste is required by 35 IAC 725 Subparts G and W.

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760  
595 S. State Street, Elgin, IL 60120 (847) 608-3131  
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington Street, Suite 0, Peoria, IL 61602 (309) 671-3022  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

The forms to submit a closure plan can be found at:

<https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>

The Guidance for Preparing RCRA Closure Plan can be found at

<https://www2.illinois.gov/epa/Documents/epa-forms/land/permits/rcra-closureplans.pdf>


Submit three copies of the closure plan to

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

8. Dispose of all containerized chemicals, liquids, and residues remaining at the facility at facilities permitted to accept the waste. Provide a copy of all waste-determination documentation and manifests to the Illinois EPA.
9. Releases of hazardous waste constituent from this facility to the environment not associated with the drip pad and/or tank systems can be addressed through the Illinois EPA Site Remediation Program. <https://www2.illinois.gov/epa/topics/cleanup-programs/srp/Pages/default.aspx>.

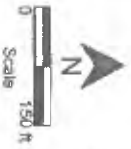
If you have any questions concerning this letter, please contact me at 618/346-5136.

Sincerely,

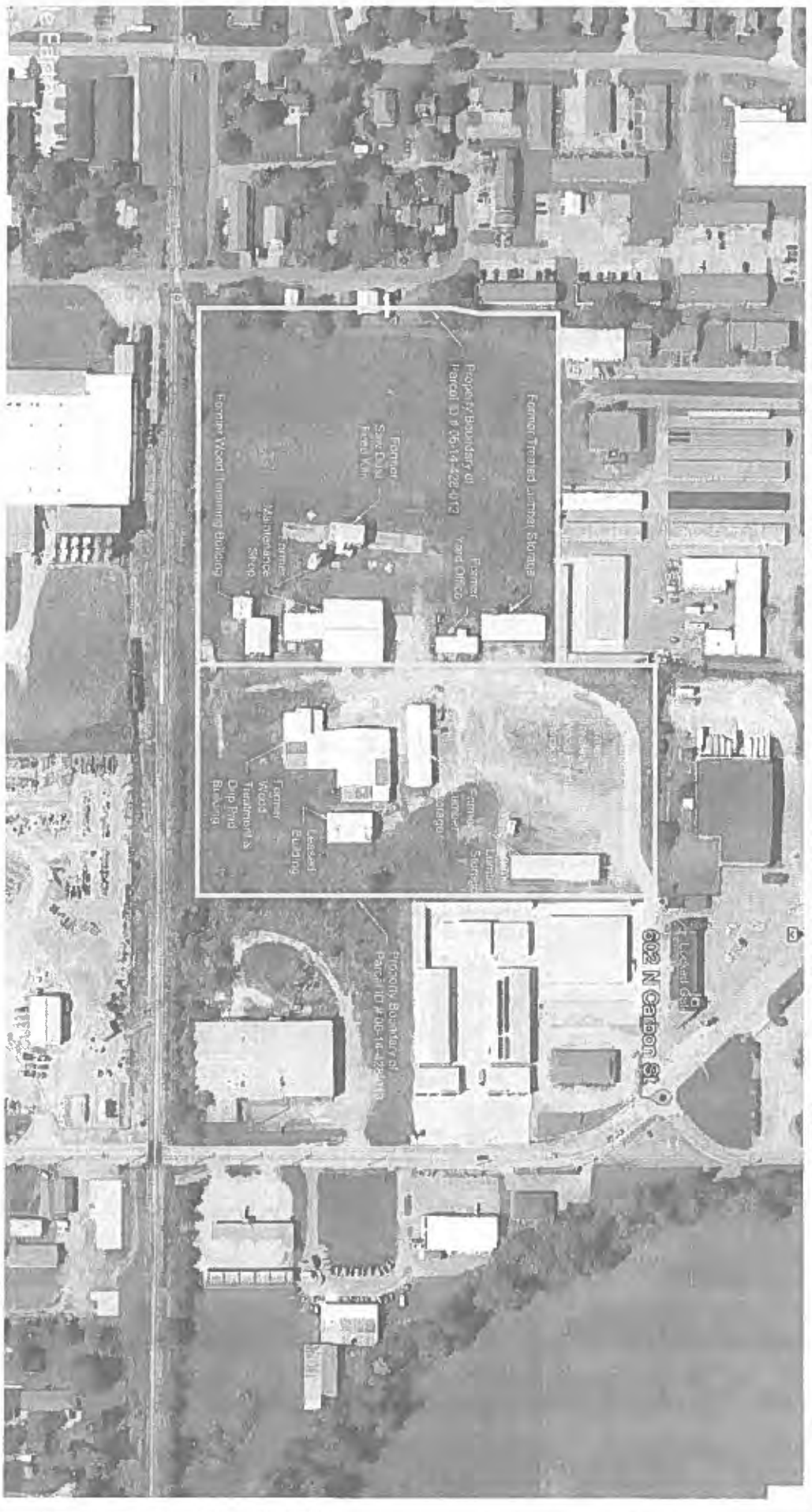


Chris N. Cahnovsky, CHMM  
Regional Manager Collinsville/Marion  
Field Operations Section  
Bureau of Land

cc: Marion Regional Office  
cc: Division of Legal Counsel – James Kropid



- Notes:
1. Permeable site is currently split into two parcels, both owned by Farmers State Bank of Alto Pass. Parcel ID numbers shown above.
  2. Subpart W Drip Pad RCRA-regulated unit is located inside former Wood Treatment and Drip Pad Building.
  3. There is no other RCRA-regulated unit present at the site.



<b>PERMEABLE SITE</b>	
1000 Farmers State Bank	
Alto Pass, MN 56005	
Parcel LAYERS	
NO. OF LAYERS	05/06
DATE	01/05/2022
FILE NO.	PCB/RE 2







# Illinois Environmental Protection Agency

## CERTIFICATION OF COMPLETION OF RCRA CLOSURE

Perma-Treat of Illinois, Inc. (1990555010) – Williamson County

USEPA ID: ILD063698971

RCRA Closure Log No. C-903

To meet the requirements of 35 Ill. Adm. Code 725.215, this statement is to be completed by both a responsible officer of the owner/operator (as defined in 35 Ill. Adm. Code 702.126) and by a qualified professional engineer upon completion of closure of the Drip Pad, Storage Tank Area, Container Storage Area. Submit one copy of the certification with original signatures and two additional copies.

The hazardous waste management units, known as the Drip Pad, Storage Tank Area, Container Storage Area, at Perma-Treat of Illinois, Inc. has been closed in accordance with the specifications in the approved closure plan. A report documenting that closure has been carried out in accordance with the approved closure plan is attached.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS5/44(h))

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<b>Facility Name</b>		<b>Printed Name of Responsible Officer</b>	
<hr/>		<hr/>	
<b>Signature of Owner/Operator</b>	<b>Date</b>	<b>Printed Title of Responsible Officer</b>	
<b>Responsible Officer</b>			
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<b>Signature of Licensed P.E.</b>	<b>Date</b>	<b>Printed Name of Licensed P.E. and Illinois License Number</b>	
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<b>Mailing Address of P.E.:</b>		<b>Licensed P.E.'s Seal:</b>	
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