

environmental services, inc.

July 15, 2022

Clerk of the Board  
Illinois Pollution Control Board  
60 East Van Buren Avenue, Suite 630  
Chicago, Illinois 60605

Re: Filing Appeal of Decision  
LPC #: 0971255169/Lake County  
Emco Chemical Distributors, Inc.  
2525 Greenfield Lane  
North Chicago, Illinois  
LUST Incident No. 20220253  
LUST Technical File

Dear Sir/Madam:

EPS Environmental Services, Inc. (EPS Environmental), on behalf of Emco Chemical Distributors, inc. (the Petitioner) is filing this appeal of the Illinois Environmental Protection Agency (the Agency) decision to reject the 45-Day/Corrective Action Completion Report (CACR) for the above referenced Site. A release of heating oil from two (2) 10,000-gallon and one (1) 12,000-gallon underground storage tanks (USTs) was reported to the Illinois Emergency Management Agency (IEMA) on March 24, 2022 during removal of the USTs. Emco Chemical Distributors, Inc., current owner of the Site, retained EPS Environmental Services Inc. (EPS Environmental) to oversee the removal of the USTs, conduct soil remediation and sampling in the area of the removed USTs and submit this CACR.

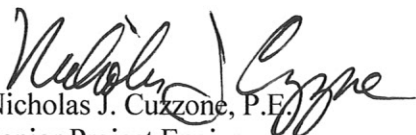
Based on soil sample analytical results, no concentrations of contaminants associated with heating oil remain on-Site above Tier 1 soil remediation objectives (SROs) for residential land use and Class I Groundwater as listed in 35 Illinois Administrative Code Part 742, titled *Tiered Approach to Corrective Action Objectives* (TACO). Emco Chemical Distributors, Inc. requested a No Further Remediation letter from the Agency leaking underground storage tank (LUST) incident #:20220253. However, the Agency rejected this request and requested a Stage I Groundwater Investigation be conducted.

The Petitioner is appealing this decision for several reasons. Although there was a large amount of water that was removed from the underground storage tank (USTs) excavation during the removal of three (3) USTs from the Site, this water was not true groundwater. Persistent rain during the UST removals, couple with runoff from the east adjacent building's downspouts, caused excessive buildup of water. Also, a water line that ran near the excavation was determined to be leaking which resulted in additional water being released. Furthermore, a previous subsurface investigation conducted on the Site noted groundwater was not encountered to a depth of 16 feet below ground surface. Based on these facts the Petitioner feels a groundwater investigation is not required.



Attached is the Agency's decision letter dated June 16, 2022. As required by under Section 40(a)(1) of the Illinois Pollution Control Act, this appeal is being submitted within 35 days of the Agency's decision. Your attention to this matter is greatly appreciated. Should you have any questions, or need additional information, please feel free to me at your convenience.

Sincerely,

  
Nicholas J. Cuzzone, P.E.  
Senior Project Engineer

Enclosure: Agency letter dated June 16, 2022



**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

(217) 524-3300

CERTIFIED MAIL

7011 1150 0001 0855 0472

JUN 16 2022

BJ Korman  
EMCO Chemical Distributors, Inc.  
8601 95<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Re: 0971255169 -- Lake County  
North Chicago/EMCO Chemical Distributors, Inc.  
2525 Greenfield Lane  
Leaking UST Incident 20220253  
Leaking UST Technical File

Dear Mr. Korman:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted pursuant to Section 57.6 of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart B. The report, dated April 20, 2022, was received by the Illinois EPA on April 25, 2022.

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the Illinois EPA hereby notifies the owner or operator that the report is rejected for the reason(s) described below:

The Illinois EPA is requiring a Stage 1 groundwater investigation due to the continued presence of groundwater in the excavation, per (734.210(h)(4)(C)).

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 undersigned at (217) 524-1663 or at [nathan.d.fox@illinois.gov](mailto:nathan.d.fox@illinois.gov).

Sincerely,

Nathan Fox  
Project Manager  
Leaking Underground Storage Tank Section  
Bureau of Land

Attachment: Appeal Rights

c: Nicholas J. Cuzzone, EPS Environmental Services, Inc. (electronic copy), [ncuzzone@epsenv.com](mailto:ncuzzone@epsenv.com)  
BOL File

### 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 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:

Clerk of the Board  
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  
PO Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544