

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

WEST CHICAGO PARK DISTRICT,	)	
Petitioner,	)	
	)	
v.	)	PCB 24-
	)	(LUST – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	

**NOTICE**

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Michael Gasparini  
West Chicago Park District  
201 West National Street  
West Chicago, IL 60185  
[gradun@we-goparks.org](mailto:gradun@we-goparks.org)

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  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: March 19, 2024

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

WEST CHICAGO PARK DISTRICT,	)	
Petitioner,	)	
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v.	)	PCB 24-
	)	(LUST – 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, Melanie A. Jarvis, Assistant 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 June 26, 2024, 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 February 16, 2024, the Illinois EPA issued a final decision to the Petitioner.
2. On March 18, 2024, 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 February 22, 2024.

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  
Deputy Chief Counsel – Land Enforcement  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
866/273-5488 (TDD)  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)  
Dated: March 19, 2024

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on March 19, 2024, 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*

Don Brown, Clerk  
Illinois Pollution Control Board  
60 East Van Buren St., Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Michael Gasparini  
West Chicago Park District  
201 West National Street  
West Chicago, IL 60185  
[gradun@we-goparks.org](mailto:gradun@we-goparks.org)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Melanie A. Jarvis  
Deputy Chief Counsel – Land Enforcement  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
866/273-5488 (TDD)  
[melanie.jarvis@illinois.gov](mailto:melanie.jarvis@illinois.gov)



03/18/2024

**Re: 0430905825- DuPage County- Leaking UST Incident 980814**

Teresa Carreno  
Diana Gunderson  
Brian Huey  
Frank Lenertz  
Courtney Voelz

[commissioners@we-goparks.org](mailto:commissioners@we-goparks.org)

Gina Radun  
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[bnelson@we-goparks.org](mailto:bnelson@we-goparks.org)

Michael Gasparini  
Superintendent of Parks  
[mgasparini@we-goparks.org](mailto:mgasparini@we-goparks.org)

Gergana Minchev  
Superintendent of Finance  
[gminchev@we-goparks.org](mailto:gminchev@we-goparks.org)

Illinois Environmental Protection Agency,

This letter is a formal request for a 90-day extension of the modified budget for:

Re: 0430905825- DuPage County  
West Chicago/West Chicago Park District  
201 West National Street  
Leaking UST Incident 980814  
Leaking UST Technical File

February 16, 2024 was the date the final decision was made. Attached is a copy of this decision.

The West Chicago Park District's consultant, Dan Horvath, from Resource Consulting, has been in conversations with Brian Bauer, from Illinois EPA, regarding the modified budget. It was recommended that the period is extended to continue discussion with the Illinois EPA of rejected portions of the proposed budget amendment.

Please let me know if there is anything else needed on our end.

Thank you,

A handwritten signature in black ink, appearing to read "Gina Radun", written in a cursive style.

**Gina Radun, AFO, CPO, CPRP**  
Executive Director

e: [gradun@we-goparks.org](mailto:gradun@we-goparks.org)  
p: 630.231.9474 | f: 630.231.2352

West Chicago Park District  
201 W. National Street  
West Chicago, IL 60185  
[we-goparks.org](http://we-goparks.org)



(217) 524-3300

**CERTIFIED MAIL**

9589 0710 5270 1328 8588 99

**FEB 16 2024**

Michael Gasparini  
West Chicago Park District  
201 West National Street  
West Chicago, IL 60185

Re: 0430905825 -- DuPage County  
West Chicago / West Chicago Park District  
201 West National Street  
Leaking UST Incident 980814  
Leaking UST Technical File

Dear Mr. Gasparini:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report included a Corrective Action Plan Budget (budget). This report was dated June 16, 2023 and was received by the Illinois EPA on June 23, 2023. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.7(c), 57.8(d), 57.8(e) and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

All future correspondence must be submitted 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

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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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,



Eric Kuhlman  
Project Manager  
Leaking Underground Storage Tank Section  
Bureau of Land

SP: 

Attachments: Appeal Rights  
Attachment A

c: Dan Horvath, Resource Consulting, Inc. (e-copy) [dhorvath@resourceillinois.com](mailto:dhorvath@resourceillinois.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  
60 East Van Buren Street, Ste. 630  
Chicago, IL 60605  
(312) 814-3461

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544



Attachment A

Re: 0430905825 -- DuPage County  
West Chicago / West Chicago Park District  
201 West National Street  
Leaking UST Incident 980814  
Leaking UST Technical File

**SECTION 1**

Based on the modifications in Section 2 of this Attachment A, the following amounts have been approved:

\$3,035.95	Drilling and Monitoring Well Costs
\$939.10	Analytical Costs
\$0.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$25,859.69	Consulting Personnel Costs
\$145.78	Consultant's Materials Costs

Handling charges will be determined at the time an application for payment is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

Please note, Resource Consulting, Inc. submitted additional information dated November 22, 2023, and received by the Illinois EPA on December 8, 2023 that included updated budget forms. This information was requested by the Illinois EPA in an email dated October 10, 2023.

**SECTION 2**

Note. The Illinois EPA has approved the drilling and monitoring wells costs presented in this budget, even though, Resource Consulting, Inc has not yet submitted the soil boring logs and well completion report for GP-1 and MW-4B, respectively. However, such costs can/will be deducted if the Illinois EPA does not receive this supporting documentation, prior to reviewing the reimbursement claim.

1. \$38.90 will be deducted from Analytical Costs in the original budget dated June 16, 2023, which was received on June 23, 2023 since the budget summary totals are different from the updated budget forms.
2. \$1,535.81 for well abandonment costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine

that costs will not be used for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Please note, the Illinois EPA was told the parking lot had been paved and the wells no longer accessible, as stated on page 2 of the addendum to the Corrective Action Completion Report dated April 6, 2021, and received by the Illinois EPA on April 22, 2021. As such, the Illinois EPA will need additional supporting documentation to determine whether these costs are eligible for payment from the Fund.

3. \$112.72 will be deducted from Consulting Personnel Costs in the original budget dated June 16, 2023, which was received on June 23, 2023 since the budget summary totals are different from the updated budget forms.

Note: Since there was no correspondence between Resource Consulting, Inc. and the Illinois EPA between August 26, 2014 and June 17, 2019; any consulting personnel costs proposed during this time period will not be approved, except for field activities.

4. \$10,453.93 for consulting personnel costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Costs associated with consulting personnel between August 26, 2014 and June 17, 2019 will not be approved, except for field activities, since no supporting documentation was submitted to the Illinois EPA during this time frame. As such, the Illinois EPA cannot determine whether such costs were used for activities and associated materials or services that exceeded the minimum requirements necessary to comply with the Act.

5. \$618.10 for consulting personnel costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Costs associated with project management by the Senior Project Manager and Project Manager lacks supporting documentation since this task description is too vague to determine that costs were used for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act.

6. \$1,207.20 for indirect corrective action costs for personnel, materials, service, or equipment charged as direct costs. Such costs are ineligible for payment from the Fund

pursuant to 35 Ill. Adm. Code 734.630(v). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Costs associated with clerical work and invoicing by Senior Administrative Assistant are ineligible for payment from the Fund since such costs are indirect corrective action costs for personnel, materials, service, or equipment charged as direct costs.

7. \$6,199.50 for site investigation or corrective action costs for consulting personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Costs associated with preparation of comprehensive CACR are not reasonable as submitted since these actions already included the preparation of CACR budget amendment and J&E equations, which are also submitted as separate tasks.

8. \$1.68 will be deducted from Consulting Personnel Costs in the original budget dated June 16, 2023, which was received on June 23, 2023 since the budget summary totals are different from the updated budget forms.
9. \$0.07 for vehicle costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Pursuant to 35 Ill. Adm. Code 734.850(b), costs associated with activities that do not have a maximum payment amount set forth in Subpart H of 35 Ill. Adm. Code 734 must be determined on a site-specific basis, and the owner or operator must demonstrate to the Illinois EPA the amounts sought for reimbursement are reasonable.

In addition, without supporting documentation, the rate requested for vehicle costs are unreasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The Illinois EPA will reimburse for mileage at a rate of \$0.535 per mile when sufficient documentation has not been submitted for vehicle costs. Based on the round-trip mileage from the consultant's office to the site location of 13 miles per trip and a total of 1 trip, a proposed allowable reimbursement amount is \$6.96. Based on this, \$0.065 is being deducted from the consultant's materials costs portion of the budget.