

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

SEP 15 2003

STATE OF ILLINOIS
Pollution Control Board

ROY STROM BUILDING)
CORPORATION,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04-32
(LUST Appeal – Ninety Day Extension)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Thomas R. Carey
Bell, Boyd & Lloyd, LLC
Three First National Plaza
70 West Madison Street
Suite 3300
Chicago, IL 60602-4207

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John L. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: September 10, 2003

**BEFORE THE POLLUTION CONTROL BOARD
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ROY STROM BUILDING)
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ILLINOIS ENVIRONMENTAL)
PROTECTION 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, John J. Kim, Assistant Counsel and Special Assistant Attorney General, 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 December 11, 2003, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On August 5, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)

2. On September 4, 2003, 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 join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner represented that the final decision was received on August 8, 2003. (Exhibit B)

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,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: September 10, 2003



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1224 2285

AUG 05 2003

Roy Strom Building Corporation
1201 Greenwood Avenue
Maywood, IL 60153

Re: LPC #0978995120 - Lake County
Russell/Roy Strom Building Corporation
43410 Kilbourne Road
LUST Incident No. 981697
LUST Technical File

Dear Sir/Madam:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted pursuant to 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.300(b). The Illinois EPA received the Corrective Action Completion Report, dated April 4, 2003, on April 7, 2003.

Pursuant to 35 Ill. Adm. Code 732.300(b)(1), an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives in 35 Ill. Adm. Code 732.408 without conducting a site classification. If the owner or operator chooses not to characterize the site in accordance with the procedures established in Title XVI of the Environmental Protection Act and 35 Ill. Adm. Code 732, and to proceed under 35 Ill. Adm. Code 732.300(b)(1), he/she may not be entitled to full payment if a request for reimbursement from the Underground Storage Tank Fund is submitted.

Pursuant to 35 Ill. Adm. Code 732.503(b), the Corrective Action Completion Report is rejected for the reasons described below:

1. The extent of benzene contamination exceeding the Tier 1, Class 1 soil component of the groundwater ingestion remediation objective has not been defined to the east of soil boring SB28.
2. A "default" laboratory hydraulic conductivity was utilized in the Tier 2 groundwater component of the groundwater ingestion exposure route evaluation. Please note that the in-situ hydraulic conductivity shall be utilized.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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The owner or operator must submit a Corrective Action Completion Report within 120 days of the date of this letter 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

The Corrective Action Completion Report shall include:

1. The Corrective Action Completion Report Form,
2. The analytical results and Tier 1 remediation objectives in tabular format,
3. Site maps showing the plumes of contamination as defined by laboratory analysis (minimum of one for each exposure route – soil component of the groundwater ingestion exposure route, inhalation exposure route, soil ingestion exposure route, groundwater component of the groundwater ingestion exposure route...),
4. A discussion of how the final remediation objectives were determined (including supporting Tier 2 calculations, etc.),
5. A list of the engineered barriers and institutional controls that are to be incorporated into the No Further Remediation (NFR) Letter,
6. Site maps showing the extent of the on-site groundwater use restriction (including the setback zone of the on-site potable water supply well) and the extent of the engineered barrier,
7. The Owner/Operator Property Summary Form, and
8. The Professional Engineer Certification Form.

Please submit the Corrective Action Completion Report in duplicate and include the Re: block shown at the beginning of this letter.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

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)(D) 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 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:

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

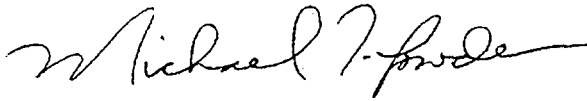
For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

Page 3

If you have questions or need further assistance, please contact Trent Benanti at 217/524-4649.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects\Roy Strom Building Corporation\Letter7.doc

Attachment: Appeal Rights

cc: K-Plus Environmental Services
Division File

BELL, BOYD & LLOYD LLC

THOMAS R. CAREY
312.807.4365
tcarey@bellboyd.com
DIRECT FAX: 312.827.8059

THREE FIRST NATIONAL PLAZA
70 WEST MADISON STREET, SUITE 3300
CHICAGO, ILLINOIS 60602-4207
312.372.1121 FAX 312.372.2098

OFFICES IN CHICAGO
AND WASHINGTON, D.C.

BY FAX & U.S. MAIL

September 4, 2003

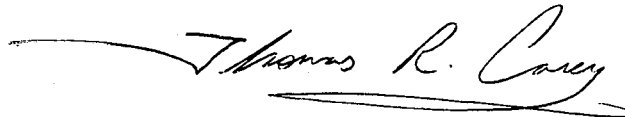
John Kim, Esq.
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

**RE: LPC #0978995120
Russell/Roy Strom Building Corporation
43410 Kilbourne Road
LUST Incident No. 981697**

Dear Mr. Kim:

This law firm represents Roy Strom Company ("Strom"). Attached please find a letter dated August 5, 2003, reflecting the Illinois Environmental Protection Agency's ("IEPA") decision concerning the above-captioned matter. The attached letter was received by Strom on August 8, 2003. On behalf of Strom, we request a 90-day extension to file an appeal before the Illinois Pollution Control Board. We hope to resolve our outstanding differences with IEPA during this time period in order to avoid filing an appeal, if possible. Please feel free to call me if you have any questions.

Very truly yours,



Thomas R. Carey

TRC:tyh
359602

Enclosure

Copies to Dale L. Brooks (by fax w/o enclosure)
Daniel Caplice (by fax w/o enclosure)

RECEIVED
Division of Legal Counsel
SEP 08 2003
Environmental Protection
Agency

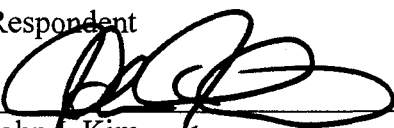
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 10, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Thomas R. Carey
Bell, Boyd & Lloyd, LLC
Three First National Plaza
70 West Madison Street
Suite 3300
Chicago, IL 60602-4207

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Respondent



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