

ORIGINAL

J. Randle Schick,
Of Counsel
Hodge Dwyer Zeman
3150 Roland Avenue
Springfield, Illinois 62705-5776

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CLERK'S OFFICE

FEB 26 2004

STATE OF ILLINOIS
Pollution Control Board

February 24, 2004

Clerk of the Board
Illinois Pollution Control Board
Attn: John Therriault
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Re: Exhibits to Great Lakes Dredge and Dock's
Petition for Review

Dear Sir:

Thank you for alerting me to the missing exhibits by your phone call today. I have enclosed an original Exhibit A and Exhibit B and nine copies of each to attach to the Petition and copies we sent you.

Yours truly,



J. Randle Schick

PCB04-143

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GREAT LAKES DREDGE &
DOCK COMPANY, a New Jersey
Corporation,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB No. 04-143

**PETITION FOR REVIEW OF AGENCY DETERMINATION
REGARDING BUDGET AMENDMENT #001 OF THE SITE
INVESTIGATION BUDGET AND THE CORRECTIVE ACTION PLAN**

NOW COMES Petitioner, GREAT LAKES DREDGE & DOCK COMPANY ("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, and pursuant to Sections 40 and 57.7(c)(4)(D) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40 and 5/57.7(c)(4)(D)), and 35 Ill. Admin. Code Part 105, hereby requests review of the decision by the Respondent, Illinois Environmental Protection Agency ("Agency"), regarding Petitioner's Amended Site Investigation Budget and Corrective Action Plan. In support of this Petition, the Petitioner states as follows:

1. Petitioner is the owner of certain property located at 9320 South Ewing Avenue, Chicago, Illinois, hereinafter referred to as "the site."
2. Petitioner is the owner of underground storage tanks ("USTs") formerly located at the site.



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

RENÉE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1227 6198

JAN 14 2004

Great Lakes Dredge & Dock
Attention: Glenn Dawson
9320 South Ewing Avenue
Chicago, Illinois 60617

Re: LPC #0316525013 -- Cook County
Chicago / Great Lakes Dredge & Dock
9320 South Ewing Avenue
LUST Incident No. #921587
LUST Technical File

Dear Mr. Dawson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 1st Amendment to the Site Investigation Budget (budget) submitted for the above-referenced incident. This budget, dated October 2003, was received by the Illinois EPA on October 14, 2003. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed in Attachment A (Section 57.7(a) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b)).

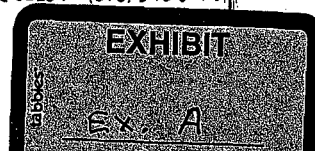
All future correspondence must be submitted to:

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.

ROCKFORD - 4102 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 60121 - (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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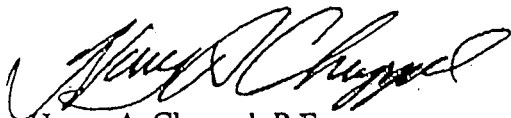


Page 2

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,



Harry A. Chappel, P.E.

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAC:EK:EK\

Attachment: Attachment A
Appeal Rights

c: Remediation Technologies, LTD
Division File

Attachment A

Re: LPC #0316525013 -- Cook County
Chicago / Great Lakes Dredge & Dock
9320 South Ewing Avenue
LUST Incident No. #921587
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The Illinois EPA has determined that these costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c)). Costs for activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)). It has also been determined that the costs are site investigation costs. In addition, Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund. (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c), 732.606(hh) and 732.606(o)).
2. The budget includes costs for additional soil borings and groundwater monitoring wells. These costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)).
3. Costs for investigative activities and related services or materials for developing a corrective action plan that are unnecessary or inconsistent with generally accepted practices or unreasonable costs for justifiable activities, materials, or services are ineligible. The budget includes such costs. These costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)) and/or are not reasonable as submitted (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(hh)).

EK:EK\



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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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 1255 0953

FEB 09 2004

Great Lakes Dredge & Dock
Attention: Glenn Dawson
9320 South Ewing Avenue
Chicago, Illinois 60617

Re: LPC #0316525013 -- Cook County
Chicago / Great Lakes Dredge & Dock
9320 South Ewing Avenue
LUST Incident No. #921587
LUST Technical File

Dear Mr. Dawson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated October 24, 2003, was received by the Illinois EPA on October 30, 2003. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Sections 57.7(b) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), the Corrective Action Plan is rejected for the reasons listed in Attachment A.

Pursuant to Sections 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.503(b), the associated budget is rejected for the reasons listed in Attachment B.

Pursuant to Sections 57.7(b) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 732.100 and 732.105, a plan and/or budget must be submitted within «Days» 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

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) 693-5463 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61821 - (217) 244-2200
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62424 - (618) 491-7200
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 491-7200

EXHIBIT

Ex: B

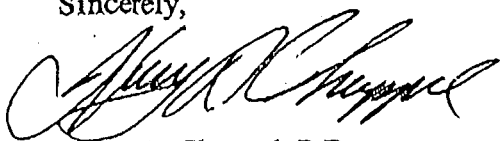
Page 2

Please submit all correspondence 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.

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Eric Kuhlman, at 217/785-5715.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:EK:EK\

Attachment: A and B
Appeal Rights

c: Remediation Technologies, Ltd
Division File

Attachment A

Re: LPC #0316525013 -- Cook County
Chicago / Great Lakes Dredge & Dock
9320 South Ewing Avenue
LUST Incident No. #921587
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The plan does not address the soil contamination encountered by S-10 beneath the former pump island along the northern wall of the former paint shop. Therefore, the Illinois EPA will require the soil contamination beneath the former pump island be remediated.
2. The plan also includes investigative activities and related services or materials for developing this corrective action plan, which are not necessary or inconsistent with generally accepted practices. Since these activities are in excess of those required to meet the minimum requirements of the Act, they are therefore, unreasonable and ineligible for reimbursement from the Fund (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c), 732.606(o), and 732.606(hh)).
3. The plan also includes the excavation of contaminated soil that the Illinois EPA believes to be unrelated to the above-referenced site. For the purpose of reimbursement, since these activities are in excess of those necessary to meet the minimum requirements of Title XVI of the Act; costs for such activities are not reimbursable (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

EK:EK\

Attachment B

Re: LPC #0316525013 -- Cook County
Chicago / Great Lakes Dredge & Dock
9320 South Ewing Avenue
LUST Incident No. #921587
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The Illinois EPA has not approved the plan with which the budget is associated. Therefore, the Illinois EPA cannot determine whether these costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)). It also cannot be determined whether the costs are corrective action costs. "Corrective action" means an activity associated with compliance with the provision of Section 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act and 35 Ill. Adm. Code 732.505(c)). In addition, it cannot be determined whether these costs are reasonable as submitted (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(hh)).

EK:EK\