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MAR 29 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL JOHNSON, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 05-109
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY and)	
VILLAGE OF WATERMAN, ILLINOIS,)	
)	
Respondents.)	

NOTICE OF FILING

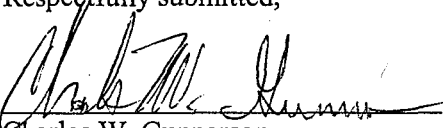
To: Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-8917

Richard M. Saines, Esq.
Baker & McKenzie
130 East Randolph Drive, Suite 3500
Chicago, Illinois 60601
(312) 861-8000

Kevin E. Buick, Esq.
Cliffe, Foster, Corneille, Buick & Buick
331 West State Street
Sycamore, Illinois 60178
(815) 895-7411

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **Post-Hearing Brief** of the Illinois Environmental Protection Agency in the above-captioned matter, copies of which are herewith served upon you.

Respectfully submitted,

Charles W. Gunnarson
Assistant Counsel

March 24, 2005

Charles W. Gunnarson
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East, Post Office Box 1976
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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VILLAGE OF WATERMAN,)
Respondents.)

PCB No. 05-109
(Petition for Water Well
Setback Exception)

POST-HEARING BRIEF OF RESPONDENT ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by Charles W. Gunnarson, one of its attorneys, and respectfully submits its POST-HEARING BRIEF ("Brief") in the above-captioned matter. This Brief is being filed pursuant to the schedule agreed to by the parties and the Hearing Officer for the Illinois Pollution Control Board ("Board") at the March 8, 2005 hearing in this matter, and memorialized in the Hearing Officer's Hearing Report of March 21, 2005. For its Brief, the Illinois EPA states as follows:

1. On December 10, 2004 the Petitioner, PAUL JOHNSON, INC. ("PJI") filed its Petition for Water Well Setback Exception ("Petition") with the Board for its former trucking leasing and repair facility ("Facility") in Waterman, DeKalb County, Illinois. The water well setback exception is sought by PJI to enable it to utilize direct-push bioremediation techniques to remediate a release of petroleum hydrocarbons to the ground at the Facility.

2. On January 27, 2005 the Illinois EPA filed its Response to Petitioner's Petition for Community Well Setback Exception ("Response"), pursuant to 35 Ill. Adm. Code 106.306(a). In its Response, the Illinois EPA recommended that the Board grant the exception, subject to three conditions:

- a). The data provided by PJI to the Illinois EPA subsequent to the filing of its Petition demonstrating the effectiveness of the direct push bioremediation technique be entered into the record of this proceeding and made available to the Board and other concerned parties for review prior to the Board's final order in this matter;
- b). The data provided by PJI to the Illinois EPA subsequent to the filing of its Petition addressing the environmental impact/hazard to the potable water supply well of the direct push bioremediation technique be entered into the record of this proceeding and made available to the Board and other concerned parties for review prior to the Board's final order in this matter; and
- c). The Board orders PJI to continue groundwater remediation efforts for petroleum hydrocarbons for a minimum of two (2) consecutive quarters with no exceedence of a Class I: Potable Resource Groundwater standard (35 Ill. Adm. Code 620.410) or an applicable remedial objective pursuant to 35 Ill. Adm. Code 742, before bioremediation is considered complete.

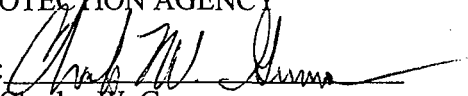
3. During the hearing in this matter held on March 8, 2005, PJI introduced into the hearing record the information concerning the effectiveness of the direct push bioremediation technique, as well as the information concerning the environmental impact/hazard to the potable water supply well from the direct push bioremediation technique, that was supplied to the Illinois EPA subsequent to the filing of its Petition. That information was ultimately admitted into the record as evidence. (Tr. pg. 61)

4. During closing arguments at the hearing, counsel for PJI noted for the record that PJI did not object to the condition that it continue its proposed remediation of petroleum hydrocarbons for a minimum of two (2) consecutive quarters with no exceedence of a Class I: Potable Resource Groundwater standard (35 Ill. Adm. Code 620.410) or an applicable remedial objective pursuant to 35 Ill. Adm. Code 742, before bioremediation may be considered complete. (Tr. pg. 63)

WHEREFORE, the Respondent, Illinois EPA, respectfully recommends that the Board grant the water well setback exception request of the Petitioner PJI, on the condition that it continue the proposed remediation activities until such time as a minimum of two (2) consecutive quarters of sampling indicates no exceedence of a Class I: Potable Resource Groundwater standard (35 Ill. Adm. Code 620.410) or an applicable remedial objective pursuant to 35-Ill. Adm. Code 742, after which bioremediation efforts may be considered complete. The Illinois EPA notes that the information regarding the proposed bioremediation plan the Illinois EPA requested of PJI subsequent to its filing of its Petition was ultimately entered into the record at the hearing as evidence.

Respectfully submitted:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Charles W. Gunnarson
Assistant Counsel
Division of Legal Counsel

Dated: March 24, 2005
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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CERTIFICATE OF SERVICE


I, Charles W. Gunnarson, certify that I have served the attached **Post Hearing Brief** of the Illinois Environmental Protection Agency, by first class mail, upon the following persons:

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

Bradley P. Halloran, Esq.
Hearing Officer
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