

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE
DEC 13 2005
STATE OF ILLINOIS
Pollution Control Board

BASIC WIRE & CABLE CO.,)
Petitioner,)
v.) PCB No. ⁰⁶⁻⁹¹~~05-~~
(UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PETITION FOR REVIEW

Pursuant to 35 Ill. Adm. Code 105.400 *et seq.*, Basic Wire & Cable Co. ("BWC") hereby requests that the Illinois Pollution Control Board ("Board") review the Illinois Environmental Protection Agency's ("IEPA") November 8, 2005 final decision rejecting BWC's Corrective Action Completion Report. In support of this Petition, BWC states as follows:

Background

1. BWC has an industrial facility located in Chicago at 3900 N. Rockwell St. (the "Site").
2. In January 2005, BWC removed an old, unused gasoline UST at the Site. BWC's consultants observed a potential leak from the UST.
3. BWC reported the potential release which received LUST Incident No. 20050025.
4. BWC then excavated contaminated soil from around the UST and did post-excavation sampling. The post-excavation sampling data showed that the UST site met residential Tier 1 criteria for the ingestion and inhalation pathways for all compounds

including lead and benzene. For lead and benzene, some of the data exceeded the migration to groundwater pathway.

5. On March 3, 2005, based on the sampling, BWC submitted a Corrective Action Completion Report ("Report") to the IEPA for the UST release at the BWC Site.

6. In a letter dated April 11, 2005 and received by BWC on April 14, 2005, IEPA rejected BWC's Report because "[t]he extent of soil contamination for benzene and lead has not been defined." (See Exhibit A). The IEPA's letter cited no regulatory authority for this decision.

7. Although its letter was conspicuously silent as to regulatory authority, IEPA told BWC's consultant that the reason for rejecting the Report was based on the Board's proposed Part 734 regulations (Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks), which the IEPA staff interpret as requiring the owner or operator of a site to investigate and delineate contamination in the City of Chicago even if it is above the Tier 1 criteria only for the migration of groundwater pathway but below those criteria for all the other remaining pathways. (See Proposed Sections 734.300, 734.310, 734.315, 734.320, 734.325 and 734.335).

8. On May 2, 2005, BWC's counsel, Raymond T. Reott, submitted comments to the Board's Hearing Officer for the Proposed Part 734 regulations, regarding a potential ambiguity with regard to the proposed requirements as they apply to Chicago properties like the BWC Site, where the City of Chicago groundwater ordinance provides for an institutional control, thus obviating the need to delineate soil contamination which only is above Tier 1 criteria for the migration of groundwater pathway. (See Exhibit B).

9. BWC filed a Petition for Review of the IEPA's April 11, 2005 decision on August 17, 2005, and the Board accepted this petition on September 1, 2005. *Basic Wire & Cable v. IEPA*, PCB No. 05-198 (August 17, 2005). The Board has not yet ruled on this appeal, and BWC agreed to extend the decision deadline until March 15, 2005.

10. On August 10, 2005, R. J. Mustari and Associates, Inc. ("RJM") sent IEPA a letter urging it to reconsider its rejection of BWC's Report. (Exhibit C).

11. IEPA treated this letter as another BWC Corrective Action Completion Report.

12. In a letter dated November 8, 2005 and received by BWC on November 14, 2005, IEPA rejected the August 10, 2005 Report because "[t]he extent of contamination has not been defined." (See Exhibit D).

13. The Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks have not yet been completed, however the Board must complete this rulemaking by February 2006. (See Exhibit E)

Grounds for Appeal

14. BWC challenges the IEPA's rejection of BWC's August 10, 2005 Report because the IEPA is attempting to apply regulations that have not yet been promulgated, namely the Board's proposed Part 734 rules. The IEPA lacks the authority to require compliance with the not yet promulgated Part 734 rules.

15. BWC also challenges IEPA's rejection of BWC's August 10, 2005 Report on the ground that BWC should not be required to investigate and delineate soil contamination for its Chicago Site, where the only contamination above residential Tier 1 standards is for the migration of groundwater pathway, which already is addressed by the

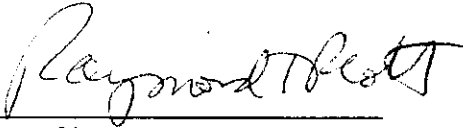
existing City of Chicago groundwater ordinance institutional control. See 35 Ill. Adm. Code 742.1015.

16. BWC further challenges IEPA's rejection of BWC's August 10, 2005 Report because there is no regulatory basis for the requirements stated in the IEPA's November 8, 2005 letter.

WHEREFORE, for the reasons stated above, BWC requests that the Board review the IEPA's rejection of its August 10, 2005 Corrective Action Completion Report and set this appeal for hearing.

Respectfully submitted,

BASIC WIRE & CABLE CO.

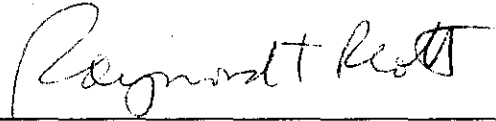
By: 
One of its attorneys

Raymond T. Reott (#8440)
Jorge T. Mihalopoulos
Reott Law Offices, LLC
35 East Wacker Drive, Suite 650
Chicago, IL 60601
(312) 332-7544

Dated: December 13, 2005

Certificate of Service

I, Raymond T. Reott, hereby certify that on December 13, 2005, I caused the original and nine (9) copies of the Petition for Review to be filed with the Clerk of the Pollution Control Board and a true copy to be mailed by United States Mail postage pre-paid to John Kim of the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Post Office Box 19276, Springfield IL, 62794-9276, and also to Hearing Officer Bradley P. Halloran of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

A handwritten signature in cursive script that reads "Raymond T. Reott". The signature is written in black ink and is positioned above a horizontal line.

Raymond T. Reott



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

APR 11 2005

CERTIFIED MAIL

7002 3150 0000 1105 9143

Basic Cable & Wire
Phil Garoon
3900 North Rockwell Street
Chicago, IL 60618

Re: LPC 0316050007 – Cook County
 Chicago/Basic Cable & Wire
 3900 North Rockwell Street
 LUST Incident No. 20050025
 LUST Technical File

Dear Mr. Garoon:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report was dated March 3, 2005 and was received by the Illinois EPA on March 4, 2005. 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 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), the report is rejected for the reason(s) listed below:

The extent of soil contamination for benzene and lead has not been defined.

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

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 - 7520 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 • COLLINGSVILLE - 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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If you have any questions or need further assistance, please contact Scott Rothering at 217-785-1858.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR\20050025

c: R.J. Mustari & Associates, Inc.
Division 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)(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

Raymond T. Reott
312-332-7544
rreott@reottlaw.com

Reott Law Offices, LLC

35 East Wacker Drive, Suite 650
Chicago, Illinois 60601
312-332-7545, Fax 312-782-4519

Jorge T. Mihalopoulos
312-546-5078
jtm@reottlaw.com

May 2, 2005

Marie Tipsord
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: In Re Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks; R04-22 and R04-23 (Consolidated)

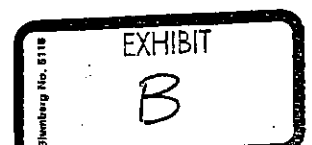
Dear Ms. Tipsord:

Pursuant to the March 11, 2005 hearing officer order in the above rulemaking, I am submitting these comments on the proposed rules.

By way of background, I am an environmental lawyer with over 20 years of experience. I have appeared before the Board and given oral and written testimony in a number of rulemakings over the last ten years related to the U.S.T. program and TACO objectives.

Recent discussions with Illinois EPA personnel have uncovered a potential ambiguity which ought to be clarified in the pending Part 732 and 734 rules. At several points in the proposed rules, the rules provide in substance something like the following: Unless the owner or operator submits a report pursuant to Section 734.210(h)(3) of this Part demonstrating that the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been met, the owner or operator must investigate the site, conduct corrective action, and (See, e.g., Section 734.300.) The ambiguity is created because some of the "most stringent Tier 1 remediation objectives" may be for pathways which have been severed by preexisting institutional controls. The most important example would be in the City of Chicago where the Tier 1 soil criteria for the migration to the groundwater pathway have been met throughout the City by the City's adoption of (and the Illinois EPA's approval of) the City of Chicago groundwater ordinance as an approved institutional control.

With regard to a site in the City of Chicago, the Illinois EPA staff have expressed concerns recently that the proposed Section 734 regulations would require the owner or operator to investigate and delineate contamination which is above the Tier 1 criteria only for the migration of groundwater pathway but below those criteria for all the other



remaining pathways. Essentially, the owner would be delineating contamination that already is addressed by the existing City of Chicago groundwater ordinance institutional control. Similar provisions exist in other places in the regulations such as Sections 734.310, 734.315, 734.320, 734.325 and 734.335.

There is no regulatory basis to require an owner or operator to delineate contamination where the only pathway for which the contamination exceeds the most stringent Tier 1 remediation objectives is a pathway which already is controlled by an existing approved institutional control. In other provisions in the proposed regulations, and in the Board's opinion in this matter, the regulations endorse the proposition that the failure to use available groundwater ordinances as an institutional control may result in certain corrective action costs being ineligible for payment from the fund. See the Board Note to Proposed Section 734.410; Section 734.630 (ccc). According to the Board's February 17, 2005 opinion at page 21, the proposed regulations are intended to require owners or operators to use a groundwater ordinance as an institutional control if the ordinance already has been approved by the Illinois EPA. This prevents sites from seeking reimbursement for costs which are unnecessary because of preexisting approved institutional controls and would seem to be consistent with the overall purpose of the rulemaking to streamline the UST reimbursement program and to reduce requests for unnecessary costs.

I suggest that the Board amend the proposed provision at part 734.300 to provide as follows:

“Unless the owner or operator submits a report pursuant to Section 734.210(h)(3) of this Part demonstrating that the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been met for all pathways not otherwise controlled by an approved institutional control, the owner or operator must investigate the site, conduct corrective action, and prepare plans, budgets, and reports in accordance with the requirements of this subpart C.

The additional language is shown as an underlined insert. The Board should make similar parallel revisions to the other sections containing similar phrasing such as Sections 734.310, 315 and 320.

In addition, the exclusion from the recoverable costs contained in proposed Section 734.630(ccc) is too narrowly drawn. As currently worded, the exclusion relates only to costs “associated with groundwater remediation” if a groundwater ordinance already approved by the Agency for use as an institutional control in accordance with 35 Ill. Adm. Code 742 can be used as an institutional control for the release being remediated. That provision ought to be slightly broader to make it clear that the excluded costs include costs “associated with groundwater remediation or soil remediation if 1) the only basis for the soil remediation is the migration to groundwater pathway and 2) a groundwater ordinance already approved by the Agency would make the remediation of the soil pathway unnecessary.” The current wording would appear to invite parties to submit requests for reimbursement for soil remediation costs where the only basis for that

soil remediation would be the migration to groundwater pathway already addressed by an approved institutional control. This could be a very frequent occurrence within the City of Chicago as well as the other communities around Illinois which have adopted groundwater ordinances approved by the Agency as institutional controls pursuant to Section 742.

Because of the length of the proposed rule making and the various opinions and submissions in this matter, it is possible that there are additional instances where the same language ought to be conformed to the changes suggested above. I suggest that the Board staff conduct a comprehensive search of the pending rulemaking proposal to identify any such parallel provision which would need to be conformed.

Sincerely yours,

Raymond T. Reott
RTR/d

CC: Jorge Mihalopoulos
Rulemaking Service List



R. J. Mustari and Associates, Inc.

12912 Forest View Road ❖ Palos Heights, IL 60463

Phone: (708) 448-2910 Fax: (708) 448-8792

rmustari@sbcglobal.net

August 10, 2005

File #04082TNK (05016TNK)

Mr. Scott Rothering
Leaking Underground Storage Tank Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Incident No.: H2005-0025
County: Cook
City: Chicago
Site Name: Basic Wire and Cable
Site Address: 3900 North Rockwell Avenue

Dear Mr. Rothering:

In response to the rejection letter dated April 11, 2005, RJM is asking you to consider our opinion regarding the additional investigation that would be required to delineate the extent of benzene and lead contamination. There are contaminate levels in two (2) samples that exceed soil migration to Class II groundwater for benzene, and there was one (1) sample that slightly exceeded concentrations of inorganic chemicals in background soils within metropolitan statistical areas for lead at 48 ppm but was below the Residential Ingestion standard of 400ppm. Modeling with only one (1) point is not statistically possible, with a delineation being based solely on an unsupported estimation. From the soil conditions seen, the lack of a groundwater table in the proximity of the impacted soils and the relatively low levels reported by the laboratory, it is RJM's opinion, based on the site's conditions, that contamination below the above cited Site Remediation Objectives (SROs) would be reached within a few feet of the previously measured sampling points.

ENGINEERING CONSULTANTS ❖ PROJECT MANAGEMENT ❖ ENVIRONMENTAL CONSULTANTS



Mr. Scott Rothering

August 10, 2005

RJM performed a RCBA R-26 calculation, using conservative assumptions, even though R-26 applies to movement of contaminants through water, which was not encountered, nor were there any indications that a water table was in the proximity of the bottom of the excavation. RJM used the highest benzene soil value as the source, which is an overly conservative value. With the distance to the property line, there would be no measurable benzene migration offsite, even if all of the detected benzene already was in the water. The calculations were performed using Andrews Environmental Engineering, Inc., TACO Pro 2.0 software. *See Attachment - Calculations.*

Lastly, the site is Industrial / Commercial, and it will remain as such for the foreseeable future, and the site is located in the City of Chicago, which has an approved Groundwater Ordinance. Therefore, RJM would appreciate your consideration in that the additional costs involved in further soil borings and laboratory analysis would be unnecessary, based on the site's conditions, and that a No Further Remediation letter could be approved with institutional controls, as requested in the previously submitted 45 Day Report/Corrective Action Report.

If you have questions or require further information, please feel free to contact my office.

Sincerely,

R. J. MUSTARI AND ASSOCIATES, INC.
Professional Design Firm
Professional Engineering Corporation

Robert J. Mustari II, PE
President

Enclosures

Copy to: Mr. Raymond T. Reott, Attorney at Law
Mr. Philip Garoon, Basic Wire & Cable
Mr. Doug Clay, Illinois EPA

RJMII/ts
Enviro Zip/05016TNK Letter 1.DOC



CONTINGENT AND LIMITING CONDITIONS

The certification, statements and values as stated in this report are expressly subject to the following stipulations.

RJM assumes that documents, drawings and information provided to them by other facilities or persons are accurate and correct. RJM assumes no responsibility for the errors and omissions of others. RJM assumes no responsibility for the legal contents or information which may or could be provided by any governmental agency which affects matters stated within this report.

RJM will not be required to testify in court on data contained herein, unless previous arrangements and/or agreements have been made.

The use of any fractional part of this report for purposes other than that described in the purpose of this report makes it invalid. Neither all, any part of, any conclusions or values, the identity of RJM, its employees or affiliates as pertaining to this report will be conveyed to the public through advertising, public relations, news, sales or media, without the prior written consent and approval of RJM.

The physical condition of the improvements described herein was based on visual inspection, unless noted otherwise in this report. No liability is assumed for soundness of members, equipment, mechanical or otherwise, or soil conditions, without proper and adequate engineering tests being performed, evaluated and analyzed by persons being fully knowledgeable and with proper educational background and expertise in the specific field.

The recipient of this report has been informed of any tests which were made, including said recipient's written approval for such testing. If no approval and/or test data are included in this report, it is to be assumed that a visual inspection was the only basis for our opinion, and that the findings herein are our personal opinion and only valid for the exact condition at the time of the inspection.

The improvement is assumed to be within the lot lines and, except as herein noted, is in accordance with local zoning and building ordinances. Any plots, diagrams and drawings found herein are to facilitate and aid the reader in picturing the subject property and are not meant to be used as references in matters of survey.



CONTINGENT AND LIMITING CONDITIONS

The costs set forth in this evaluation are effective as of the date of inspection as specified in this report. Due to the unstable cost of construction material and labor most suppliers have included clauses in their estimates stating prices, including tax and freight, are effective the date of shipment. If action is not taken within 30 days after the date hereof, adjustment cost factors should be added to make this report current.

The costs as calculated and stated in this report are final costs to the owner and include the following: (i) contractors overhead and profit, (ii) sales tax, (iii) freight, (iv) workers' compensation, and (v) fire, liability, and unemployment insurance. The costs also include, unless specifically stated as a line item, architects and engineers fees and permits. They do not include contract management fees. The contract manager is normally used on larger projects, where special conditions exist or when requested by the owner. He represents the owner and the owner's benefits and, hence, his fee is normally paid directly by the owner.

RJM's assessment performed in conjunction with their assignment and the dates developed is intended as a description and evaluation of the information available at that date and location which is the subject of this report only.

RJM does not warrant against future operations, conditions or findings nor do they warrant against present operation or condition of a type or at a location not investigated and/or been made aware of to them.

RJM does not warrant against any change in the environmental characteristic change of the site or surrounding property due to the passage of time.

RJM performed their professional services, obtained findings and prepared recommendations based on their professional opinion in accordance with standard and customary practices and principles acceptable in the environmental science or engineering fields at the time of the investigation.



CONTINGENT AND LIMITING CONDITIONS

RJM is not responsible for the independent conclusions, opinions or recommendations made by others based on the field exploration and laboratory test data presented, if any, in this report.

The conclusions as set forth in this report are based on the documents specified in the contingent and limiting conditions, with only the specified revisions and dates being applicable to this report. Even though the reference plans and specifications have not been physically included in this report in their entirety, RJM considers them an integral part of this report and assumes construction will be/or is as described in the plans and specifications unless specifically noted in this report.

In addition to setting forth the conditions, correlations and estimates of value, the report contains a description of the property that is the subject of our report; a statement of the various facts, assumptions and conditions upon which the report was based; the valuation nor conditions as of the date of our inspection, and our limiting conditions which relate to the report. The portions of the report referred to herein are qualified in their entireties by reference to the complete report, a copy of which is in our file and will be known as the master copy and is available for review upon request, in writing, to any person who has a proper purpose in reviewing the same and should not be relied upon except in the context of the entire master copy of the report which must be considered as a whole. The terms of our engagement are such that we have no obligation to update this report or revise it in any manner because of events or transactions occurring subsequent to the date of such report.



QUALIFICATIONS OF ROBERT J. MUSTARI II

EDUCATION

University of Illinois: Bachelor of Science - Civil Engineering
Two Years Graduate Work in Advance Structural/Geotechnical Engineering
One Year Graduate Work in Business Administration

ENGINEERING EXPERIENCE SINCE 1976

Full and part time design, technical illustration, project management, inspection and evaluation of structures, evaluation and environmental engineering, equipment evaluation and expert witness for the State of Illinois

CERTIFICATIONS

Federal EPA and Illinois Department of Public Health - Asbestos Abatement Program, Asbestos Inspector, Project Designer, Management Planner
OSHA Hazardous Waste Site Worker, Hazardous Waste Site Supervisor, Confined Space Entry and Confined Space Entry Rescue
Lead Inspector, Radon Inspector

DESIGNATIONS & MEMBERSHIPS

Professional Engineer, State of Illinois, Indiana, Wisconsin, National Society of Professional Engineers; Illinois Society of Professional Engineers; American Society of Civil Engineers; American Concrete Institute; ASTM; BOCA; National Fire Protection Association

PARTIAL LIST OF CLIENTELE (List furnished upon request)

Real Estate Appraisers & Consultants
Law Firms
Major Corporations & Companies

LENDING INSTITUTIONS

Bank One	New York Life Insurance
Evergreen Community Bank	Principal Financial Group
General Electric Investments Corp.	Fifth Third Bank
TCF Bank	The Northern Trust Company

Governmental Agencies

Federal Deposit Insurance Corporation
Resolution Trust Corporation
General Service Administration
United States Postal Service
United States Department of the Navy
Numerous City and Village Administrations
State of Illinois - Attorney General, Office of Chief Counsel
Department of Transportation, Land Acquisition, Specialty Appraiser
Department of Transportation, Division of Water Resources



QUALIFICATIONS OF ROBERT J. MUSTARI

EDUCATION

University of Illinois: Mechanical Engineering
Graduate of Aeronautical University: Chicago, Illinois
Bachelor of Science - Aeronautical Engineering
Graduate Studies: Washington University, St. Louis, Mo. - Mathematics, Structural Analysis, Engineering Management

ENGINEERING EXPERIENCE SINCE 1957

Full time design, evaluation and environmental engineering, engineering investigations, structural analysis, building site inspections, property condition surveys, reserve cost studies, equipment evaluation, project management, construction of processing systems, and expert witness throughout the United States and Puerto Rico.

Previous U. S. Government Security Clearance
McDonnell Aircraft Corporation
Hurlertron Corporation

CERTIFICATIONS

Federal EPA and Illinois Department of Public Health - Asbestos Abatement Program, Asbestos Inspector and Management Planner.
OSHA Hazardous Waste Site Worker, Hazardous Waste Site Supervisor, Confined Space Entry and Confined Space Entry Rescue

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Real Estate Appraisers & Consultants
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Major Corporations & Companies

Lending Institutions

Bank One
Evergreen Community Bank
General Electric Investments Corp.
TCF Bank

New York Life Insurance
Principal Financial Group
Fifth Third Bank
The Northern Trust Company

Governmental Agencies

Federal Deposit Insurance Corporation
Resolution Trust Corporation
General Service Administration
United States Postal Service
United States Department of the Navy
Numerous City and Village Administrations
State of Illinois - Attorney General, Office of Chief Counsel
Department of Transportation, Land Acquisition, Specialty Appraiser
Department of Transportation, Division of Water Resources



QUALIFICATIONS OF TERRY C. SHEEHAN

EDUCATION

Benedictine University: Bachelor of Science - Environmental Science

CERTIFICATIONS

OSHA Hazardous Waste Site Worker

EXPERIENCE

Environmental consulting experience since 2003 including Phase I and Phase II Environmental Site Assessment field investigations and site characterizations.

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Law Firms
Major Corporations & Companies

Lending Institutions

Bank One
Evergreen Community Bank
Fifth Third Bank
General Electric Investments Corp.

New York Life Insurance
Principal Financial Group
TCF Bank
The Northern Trust Company

Governmental Agencies

Federal Deposit Insurance Corporation
Resolution Trust Corporation
General Service Administration
United States Postal Service
United States Department of the Navy
Numerous City and Village Administrations
State of Illinois - Attorney General, Office of Chief Counsel
Department of Transportation, Land Acquisition, Specialty Appraiser
Department of Transportation, Division of Water Resources



Tier 2 Remediation Objectives Datasheets

A. Site Information

EPA Generator Number (10 Digit): 0316050007

IEMA Number (6 Digit): 050025

Site Name: BasicCable&Wire

Site Address: 3900NRockwellStreet

City: Chicago

County: Cook

B. Signatures

I hereby affirm that all information contained in this form is true and accurate to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner (or Authorized Agent)

Name: Mr.PhilGaroon

Title:

Signature: _____

Operator (or Authorized Agent)

Name: Same

Title:

Signature: _____

Consultant

Name: RobertJ.Mustari,P.E.

Consulting Firm: R.J.Mustari&Assoc.,Inc.

Signature: _____

Street: 129129ForestviewRoad

City/State/ZIP: PalosHeights, IL 60463

Phone Number: (708) 448-2910

Datasheet: RBCA Parameters

Parameter	Units	Value Used
ATn	yr	Residential = 30 Industrial/Commercial = 25 Construction Worker = .115
ATc	yr	70
BW	kg	Residential = 70
ED	yr	Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
EF	d/yr	Residential = 350 Industrial/Commercial = 250 Construction Worker = 30
I (Infiltration Rate)	cm/yr	30
IRair	m3/d	20
IRsoil	mg/d	Residential = 100 Industrial/Commercial = 50 Construction Worker = 480
IRw	l/d	Residential = 2 Industrial/Commercial = 1
Ls	cm	100
M	mg/cm2	.5
Pe	g/cm2-s	.000000000000069
RAFd	unitless	Volatiles = .5 PNAs = .05 Metals = 0
RAFo	unitless	1
SA	cm2/d	3160
THQ (Target Hazard Quotient)	unitless	1
TR (Target Cancer Risk)	unitless	.000001
Uair	cm/s	225
Ambient Air Mixing Zone Height	cm	200
Groundwater Mixing Zone Thickness	cm	200
Averaging Time for Vapor Flux	s	946000000

Datasheet: Chemical Properties for the RBCA Equations

Chemical	Solubility In Water (mg/L)	Diffusivity in Air (cm ² /s)	Diffusivity in Water (cm ² /s)	Henry's Law Constant (unitless)	Organic Carbon Partition Coefficient (cm ³ /g)	First Order Degradation Constant (1/d)
Benzene	1750	.088	.0000098	.228	58.9	.0009

Datasheet: Toxicological Properties for the RBCA Equations

Chemical	RfDo (mg/kg-d)	RfDI (mg/kg-d)	RfDs (mg/kg-d)	RfDis (mg/kg-d)	SF _o	SF _i [1/(mg/kg-d)]
Benzene	—	—	—	—	.029	.029

Datasheet: Physical Soil Parameters for the RBCA Equations

Parameter	Units	Value Used
Soil Bulk Density	g/cm ³	1.7
Organic Carbon Content (Surface Soil)	g/g (unitless)	.006
Organic Carbon Content (Subsurface Soil)	g/g (unitless)	.002
Total Soil Porosity	cm ³ /cm ³ (unitless)	.36
Volumetric Air Content in Vadose Zone Soils (Surface)	cm ³ /cm ³ (unitless)	.17
Volumetric Air Content in Vadose Zone Soils (Subsurface)	cm ³ /cm ³ (unitless)	.17
Volumetric Water Content in Vadose Zone Soils (Surface)	cm ³ /cm ³ (unitless)	.17
Volumetric Water Content in Vadose Zone Soils (Subsurface)	cm ³ /cm ³ (unitless)	.17
Lower Depth of Surficial Soil Zone	cm	100
Hydraulic Gradient	cm/cm	.01
Hydraulic Conductivity	cm/d	.0864
Source Width perpendicular to Groundwater Flow Direction in Vertical Plane	cm	3048
Source Width perpendicular to Groundwater Flow Direction in Horizontal Plane	cm	3658
Specific Discharge	cm/d	.0024
Groundwater Darcy Velocity	cm/yr	.31536
Width of Source Area parallel to Wind Movement	cm	7310
Width of Source Area parallel to Groundwater Movement	cm	7310
Distance along centerline of plume emanating from the source	cm	22860
Longitudinal Dispersivity	cm	2286
Transverse Dispersivity	cm	762
Vertical Dispersivity	cm	114.3
pH	unitless	6.8

Datasheet: RBCA Calculated Values - 1 of 2

Chemical	VFp (kg/m3)	VFss (kg/m3)	VFsub (kg/m3)	RBSLair (residential) (ug/m3)
Benzene	1.120867E-11	2.919192E-05	2.86304E-03	.2936782

Datasheet: RBCA Calculated Values - 2 of 2

Chemical	k_s (surface) (g/g)	k_s (subsurface) (g/g)	$D_s(\text{eff})$ (surface) (cm ² /s)	$D_s(\text{eff})$ (subsurface) (cm ² /s)	LFsw (mg/L)/(mg/kg)
Benzene	.3534	.1178	1.859879E-03	1.859879E-03	4.155081

Datasheet: RBCA Source Concentration and Groundwater Impact

Chemical	C _{source} (mg/L)	Groundwater Impact C(x) (mg/L)	C(x)/C _{source} (unitless)
Benzene	.33	—	—



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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7004 2510 0001 8648 3681

NOV 08 2005

Basic Cable & Wire
 Phil Garoon
 3900 North Rockwell Street
 Chicago, IL 60618

Re: LPC# 0316050007 - Cook County
 Chicago/Basic Cable & Wire
 3900 North Rockwell Street
 LUST Incident No. 20050025
 LUST Technical File

Dear Mr. Garoon:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report was dated August 10, 2005 and was received by the Illinois EPA on August 15, 2005. 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 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), the report is rejected for the reason(s) listed below:

- Pursuant to Section 57.7 (a)(1) of the Act, for any site investigation activities required by statute or rule, the owner or operator shall submit to the Agency for approval a site investigation plan designed to determine the nature, concentration, direction of movement, rate of movement, and extent of the contamination as well as the significant features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment. The extent of contamination has not been defined.

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

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) 693-5453
 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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If you have any questions or need further assistance, please contact Scott Rothering at 217-785-1858.

Sincerely,



Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:SRR

Attachment: Appeal Rights

c: Rob Mustari & Associates, Inc.
Division 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)(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

ILLINOIS POLLUTION CONTROL BOARD

August 1, 2005

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-22
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35)
ILL. ADM. CODE 732))

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STATE OF ILLINOIS
Pollution Control Board

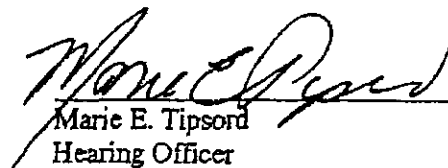
IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-23
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35) (Consolidated)
ILL. ADM. CODE 734))

HEARING OFFICER ORDER

On July 27, 2005, the Board held a hearing in this matter in Carbondale, Illinois. At that hearing, substantial testimony that had not been prefiled was submitted by Mr. Jay P. Koch with United Science Industries (USI). Both the Board and the Illinois Environmental Protection Agency (Agency) indicated that after reviewing the testimony, seen for the first time at hearing, there may be additional questions for USI. Therefore, before the close of hearing, the parties agreed that the Board and the Agency will file any additional question for USI by August 12, 2005. The mailbox rule does not apply. USI will file any response by August 26, 2005, and the mailbox rule will not apply. In addition, USI will file by August 3, 2005 a copy of USI's suggested rulemaking language changes, marking the changes in the text of the document. The mailbox rule does not apply.

All final comments in this rulemaking must be filed by September 23, 2005. The mailbox rule does not apply. The Board must complete this rulemaking by February, 2006, and therefore must proceed to second notice under the Administrative Procedure Act (5 ILCS 100/5 et. seq. (2004)) no later than the November 3, 2005 Board meeting. Because of the tight timeframe for Board action, extensions of the final comment period will not be granted.

IT IS SO ORDERED.


Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925

