

**RECEIVED**  
CLERK'S OFFICE

APR 06 2006

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

Northern States Financial Corporation,	)	
Petitioner,	)	
v.	)	PCB No. 06- <b>155</b>
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,	)	
Respondent.	)	

**NOTICE**

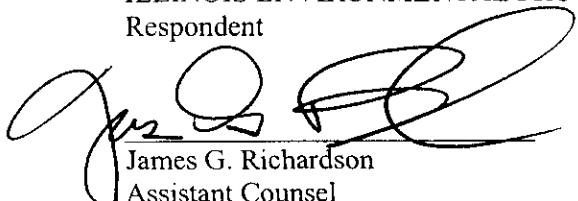
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Mr. Walter Karla  
Vice President-Remediation/Risk Assessment  
Benchmark Environmental Services, Inc.  
P.O. Box 824  
Antioch, IL 60002

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



James G. Richardson  
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: April 4, 2006

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

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**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

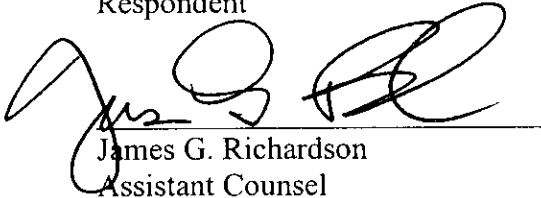
NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 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 July 5, 2006, 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 March 1, 2006, the Illinois EPA issued a final decision to the Petitioner.
2. On March 29, 2006, 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.
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

A handwritten signature in black ink, appearing to read "James G. Richardson", is written over a horizontal line. The signature is stylized and cursive.

James G. Richardson  
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: April 4, 2006



# 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**

**MAR 01 2006**

**7004 2510 0001 8590 5313**

Northern States Financial Corporation  
1777 North Cedar Lake Road  
Round Lake Beach, IL 60073

Re: LPC #0974205036 - Lake County  
Fox Lake/Pistakee Marina  
410 Kings Road  
LUST Incident Nos. 980569 and 20000246  
LUST Technical File

Dear Ms. Gross:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. The Illinois EPA received this plan, dated December 2005, on December 27, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is rejected for the reasons listed in Attachment A.

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the High Priority Corrective Action Plan Budget is rejected for the reasons listed in Attachment B.

Pursuant to 35 Ill. Adm. Code 732.401, the Illinois EPA requires submittal of a revised plan and budget 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

Page 2

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

The current High Priority Corrective Action Plan Budget is incorporated by reference. In the future, include a full copy of the High Priority Corrective Action Plan Budget.

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 assistance, please contact Trent Benanti at (217) 524-4649.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Lowder", followed by a horizontal line extending to the right.

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

MTL:TLB:H:\Projects2\Pistakee Marina\Letters\HPCAP.doc

Attachments: Attachment A  
Attachment B  
Appeal Rights

c: Benchmark Environmental Services, Inc.  
Division File

Attachment A

Re: LPC #0974205036 – Lake County  
Fox Lake/Pistakee Marina  
410 Kings Road  
LUST Incident Nos. 980569 and 20000246  
LUST Technical File

1. The High Priority Corrective Action Plan does not include laboratory certification for groundwater samples MW-14, MW-15 and MW-16.
2. The High Priority Corrective Action Plan does not include completion reports for groundwater monitoring wells MW-14, MW-15 and MW-16.
3. Soil sample D-7 is not included in the proposed zone of excavation.
4. The High Priority Corrective Action Plan does not include a proposal to analyze the remediation verification (corrective action excavation) samples for TCLP lead.
5. The High Priority Corrective Action Plan does not include a Class II groundwater demonstration. As such, the full extent of lead in the groundwater has not been delineated. The owner or operator shall investigate the extent of lead in the groundwater prior to submitting a High Priority Corrective Action Plan.

Note: The owner or operator has not investigated the extents of BTEX and lead contamination to the southwest of groundwater monitoring well MW-1, as requested in the Illinois EPA's letters dated March 17, 2005 and July 1, 2005.

MTL:TLB:H:\Projects2\Pistakee Marina\Letters\HPCAP\_A.doc

## Attachment B

Re: LPC #0974205036 – Lake County  
Fox Lake/Pistakee Marina  
410 Kings Road  
LUST Incident Nos. 980569 and 20000246  
LUST Technical File

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

1. A budget must include a copy of the eligibility and deductibility decision for accessing the Fund (35 Ill. Adm. Code 732.305(b)(2) and 732.405(b)).

The High Priority Corrective Action Plan Budget does not include a copy of the eligibility and deductibility decision, which demonstrates that Northern States Financial Corporation is eligible to access the Fund.

2. The High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget include costs necessary to return the subject site to its present condition subsequent to corrective action activities.

Please note that costs associated with the replacement of above grade structures such as pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies, including but not limited to those structures destroyed or damaged during corrective action activities, are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(d)). Such replacement exceeds the minimum requirements necessary to comply with Title XVI (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

Further, such replacement is not a corrective action cost. "Corrective action" means an activity associated with compliance with the provisions of Sections 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).

3. A full financial review shall consist of a detailed review of the costs associated with each element necessary to accomplish the goals of the High Priority Corrective Action Plan as required pursuant to the Act and regulations. Items to be reviewed shall include, but not be limited to, costs associated with any materials, activities or services that are included in the High Priority Corrective Action Plan Budget. The overall goal of the financial review shall be to assure that costs associated with materials, activities and services shall be reasonable, shall be consistent with the associated High Priority Corrective Action Plan, shall be incurred in the performance of corrective action activities and shall not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.505(c)).

Without an approvable High Priority Corrective Action Plan, the High Priority Corrective Action Plan Budget cannot be fully reviewed.

MTL:TLB:H:\Projects2\Pistakee Marina\Letters\HPCAP\_B.doc



## 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

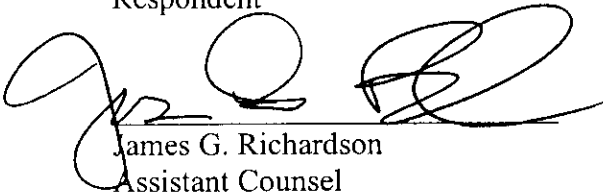
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 4, 2006, 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

Mr. Walter Karla  
Vice President-Remediation/Risk Assessment  
Benchmark Environmental Services, Inc.  
P.O. Box 824  
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
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