

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APEX MATERIAL TECHNOLOGIES, LLC,)	
Petitioner,)	
)	
v.)	PCB 18-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

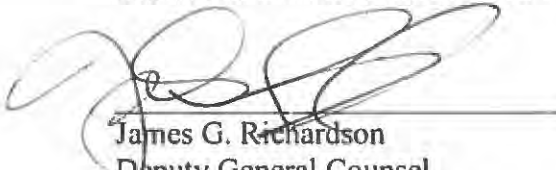
NOTICE

Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Marie Mueller
Mostardi Platt
888 Industrial Drive
Elmhurst, Illinois 60126

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel
Dated: November 30, 2017
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APEX MATERIAL TECHNOLOGIES, LLC,)	
Petitioner,)	
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v.)	PCB No. 18-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL)	Extension)
PROTECTION AGENCY,)	
Respondent.)	

**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, Deputy General Counsel, 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 March 15, 2018, 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:

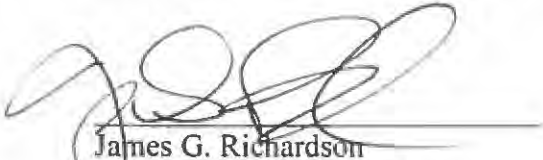
1. On November 9, 2017, the Illinois EPA issued a final decision to the Petitioner.
2. On November 27, 2017, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Petitioner advises that it received the final decision on or about November 10, 2017.

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



James G. Richardson
Deputy General Counsel

Dated: November 30, 2017

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/524-3300

November 9, 2017

Mr. Michael Hinchion
c/o Glenda Gul
Apex Material Technologies, LLC
10 Industry Avenue
Joliet, Illinois 60435

Re: 1970250002 -- Will County
Apex Material Technologies, LLC
ILD062480850
Log No. B-127R-CA-10
Received: December 23, 2016
RCRA Permits
Permit CA

Dear Mr. Hinchion:

This letter is in response to the December 20, 2016 submittal received by the Illinois EPA on December 23, 2016. This document was submitted by Marie E. Mueller, P.G. of Mostardi Platt on behalf of Apex Material Technologies, LLC to provide a statistical evaluation of background objectives and to respond to a September 23, 2016 Illinois EPA letter (Log No. B-127R-CA-6 and 8).

The Illinois EPA has reviewed the subject submittal and hereby approves your request, subject to the following conditions and modifications:

1. Revisions to the 35 Ill. Adm. Code 620 Groundwater Quality Standards (GQS) in 2012 revised the Class I GQS for arsenic from 0.05 mg/L to 0.01 mg/L. Therefore, the remediation objective for arsenic will be 0.01 mg/L.
2. Due to exceedences of the 35 Ill. Adm. Code 620, Class I GQSs, the facility must institute corrective action as necessary to protect human health and the environment for releases from SWMUs at the facility in accordance with 35 Ill. Adm. Code 724.201. Therefore, the facility must conduct groundwater monitoring and propose corrective action for groundwater as discussed in Conditions 4 and 5 below. In addition, groundwater monitoring requirements for the facility are summarized in Attachment A to this letter.

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3. The requirements of 35 Ill. Adm. Code 620, 724 and 742 must be met in completing closure for groundwater at the site. As discussed in Condition 2 above, the groundwater beneath the facility has been determined to contain contaminants in excess of 35 Ill. Adm. Code 620, Class I GQSs. Conditions 4 and 5 below outline options the facility can utilize to achieve these requirements.
4. To complete closure for groundwater at the site, the facility has the following options:
 - a. Demonstrate that groundwater contamination is at or below area background concentrations in accordance with 35 Ill. Adm. Code 742, Subpart D, and if necessary, an institutional control restricting usage of groundwater is in place in accordance with 35 Ill. Adm. Code 742, Subpart J;
 - b. Demonstrate that the groundwater ingestion exposure route is excluded from consideration pursuant to 35 Ill. Adm. Code 742, Subpart I;
 - c. Remediate to TACO, Tier I, Class I GROs in accordance with Condition 5 below;
or
 - d. Conduct a Tier 3 evaluation in accordance with 35 Ill. Adm. Code 742, Subpart I;
 - e. Obtain approval from the Illinois Pollution Control Board to either: 1) reclassify groundwater pursuant to 35 Ill. Adm. Code 620.260; or 2) use an adjusted standard pursuant to Section 28.1 of the Act.
5. In order for the facility to conduct remediation efforts as discussed in Condition 4.c above, the facility must implement a Groundwater Management Zone in accordance with 35 Ill. Adm. Code 620.250 and the Illinois EPA's guidance document entitled, "Establishing a Groundwater Management Zone at RCRA Facilities," which can be found at <http://www.epa.state.il.us/land/regulatory-programs/permits-and-management/establishing-groundwater-management-zone.html>.
6. In order for the Illinois EPA to properly evaluate and approve the utilization of 35 Ill. Adm. Code Part 742, TACO, as discussed in Condition 4 above, the facility is required to: (1) thoroughly address each criterion; (2) utilize site-specific parameters; and (3) submit copies of any calculations performed.
7. Within 90 days of the date of the Illinois EPA response letter, the facility must submit a work plan to address groundwater contamination at the facility for Illinois EPA review and approval. This work plan must address the following, as applicable:
 - a. The option selected for instituting corrective action for groundwater at the facility and a proposal for implementing corrective action which must also demonstrate compliance with the regulations applicable to the option selected;

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- b. Any request for institutional controls restricting groundwater usage in the vicinity of the site must provide the information required by 35 Ill. Adm. Code 742, Subpart J. In addition, this request must contain information demonstrating the requirements of 35 Ill. Adm. Code 742.925 will be met; and
 - c. Any proposal for the elimination of the groundwater ingestion exposure route or for TACO, Tier 3 GROs must contain detailed information in support of any calculations made. This includes providing:
 - (1) The actual calculations made;
 - (2) Identification of all input values for the calculations; and
 - (3) Documentation supporting the input values used in conducting the calculations. All physical parameters used in making the calculations must be site-specific.
8. Except as modified herein, corrective action activities at the facility must be carried out in accordance with: (1) 35 Ill. Adm. Code 620, 724, and 742; (2) the facility's RCRA Permit; and (3) Illinois EPA letters regarding such activities for this facility.
9. A completed RCRA Corrective Action Certification form must accompany all submittals to the Illinois EPA associated with this project. In addition, to allow for the proper review of all submitted information, please provide the original and two copies of each submittal.

This letter shall constitute Illinois EPA's final decision on the subject submittal. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 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 applicant 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 request for 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

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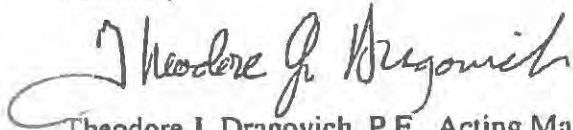
For information regarding the filing of an appeal, please contact:

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

Work required by this letter, your submittal, or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Act of 1989, the Professional Geologist Licensing Act and the Structural Engineering Act of 1989. This letter does not relieve anyone from compliance with these laws. All work that falls within the scope and definition of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation to the appropriate regulating authority.

For questions regarding groundwater-related matters associated with this project, please contact Brandon Hargrave at 217/524-8964; questions regarding other aspects of this project should be directed to William T. Sinnott, II at 217/524-0076.

Sincerely,



Theodore J. Dragovich, P.E., Acting Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

TJD:BEH:1970250002-RCRA-B127RCA10-Approval.docx

BEH JKH

Attachment A: Groundwater Monitoring Requirements

Attachment A

Groundwater Monitoring Requirements for Apex Material Technologies

Groundwater monitoring must be carried out as part of the required corrective action activities at the facility in accordance with 35 Ill. Adm. Code 724, Subpart F.

1. The following wells shall be monitored on a quarterly basis:

<u>Illinois EPA Well No.</u>	<u>Apex Well No.</u>
G101	MW-1
G102	MW-2
G103	MW-3
G104	MW-4
G105	MW-5
G106	MW-6
G107	MW-7
G108	MW-8
G109	MW-9
G110	MW-10

2. Each collected groundwater sample shall be analyzed for the following metals on both a total (unfiltered) and dissolved (filtered) basis:

<u>Constituent</u>	<u>Storet Number</u>	<u>Reporting Units</u>
<u>Inorganics (dissolved)</u>		mg/L
Arsenic	01000	mg/L
Cadmium	01025	
Chromium	01030	mg/L
Hexavalent Chromium	01032	mg/L
Lead	01049	mg/L
Nickel	01065	mg/L
<u>Inorganics (total)</u>		
Arsenic	01002	mg/L
Cadmium	01027	mg/L
Chromium	01034	
Lead	01051	mg/L
Nickel	01067	mg/L

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3. The total (unfiltered) values shall be compared to the approved groundwater remediation objectives (GRO) listed below in order to identify unacceptable exceedences of hazardous waste constituents present in groundwater at the facility. In order to determine if an exceedence is "significant," statistical evaluation using dissolved (filtered) values must be used.

Arsenic	0.05 mg/L
Cadmium	0.014 mg/L
Chromium	0.1 mg/L
Hexavalent Chromium	0.1 mg/L (GRO for total chromium)
Lead	0.0075 mg/L
Nickel	1.28 mg/L

4. Each time groundwater is sampled, the elevation of the groundwater in each well must be determined and referenced to mean sea level prior to the collection of any groundwater samples. The results of this effort must be documented in tabular form in the report required by Condition 5 below. A potentiometric surface map using this data must also be developed and included in this report.
5. The groundwater monitoring efforts described above must be carried out in accordance with the following schedule:

<u>Samples Collected During the Following Quarter of the Calendar Year</u>	<u>Results Submitted to Illinois EPA by the Following Date</u>
First Quarter	April 15
Second Quarter	July 15
Third Quarter	October 15
Fourth Quarter	January 15

6. The results of the evaluations required by Conditions 2, 3 and 4 above must be included in the semi-annual reports required by Condition 5 above.
7. Information required by Conditions 2 and 4 must be submitted in an electronic format. The information is to be submitted, as fixed-width text files formatted as found in Attachment B, in accordance with the schedule found in Condition 5 above. Additional guidance regarding the submittal of the information in an electronic format can be found at www.epa.state.il.us/land/regulatory-programs/electronic-intro.html.
8. The facility shall submit a completed "RCRA Facility Groundwater, Leachate and Gas Reporting Form" (LPC-592) as a cover sheet for any notices or reports for identification purposes. Only one copy of the LPC-592 must accompany the submittal. However, the facility must submit one (1) original and (excluding the groundwater monitoring results submitted in an electronic format) a minimum of two (2) copies of each notice or report

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submitted to the Illinois EPA. The form is not to be used for corrective action modification requests.

9. This groundwater monitoring program must be modified, as necessary, to ensure the requirements of 35 Ill. Adm. Code 724, Subpart F are met.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 30, 2017 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the methods and to the persons identified below:

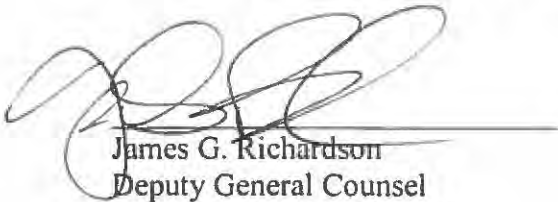
Electronic Service

Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

USPS First Class Mail

Marie Mueller
Mostardi Platt
888 Industrial Drive
Elmhurst, Illinois 60126

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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