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FEB 01 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

VISION PROPERTIES BLUE ISLAND, LLC,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 147
(RCRA Appeal - 90-Day Extension)

NOTICE

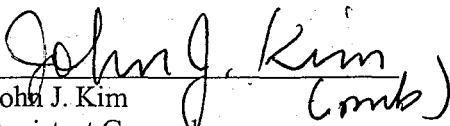
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Timothy Ramsey
Weinberg Richmond LLP
333 West Wacker Drive
#1800
Chicago, IL 60606-1288

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


John J. Kim
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: January 31, 2005

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
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VISION PROPERTIES BLUE ISLAND, LLC,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05-147
(RCRA Appeal – 90-Day Extension)

REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, 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 May 13, 2005, or any other date not more than a total of one hundred twenty-five (125) days the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 28, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

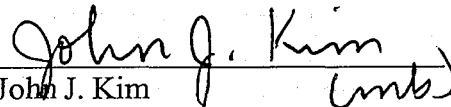
2. On January 28, 2005, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner represent that the final decision was received on January 7, 2005. (Exhibit B)

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


John J. Kim
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: January 31, 2005

Jan. 7. 2005 5:01PM

No. 7242 P. 4/13



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-702-3397
JAMES R. THOMPSON CENTER, 100 WEST KANAKA DRIVE, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENÉE CIPRIANO, DIRECTOR

217/524-3300

December 28, 2004

Certified Mail
7002 3150 0000 1220 6058

Vision Properties Blue Island, LLC
Attn: Mr. Benjamin L. Kadish, Managing Member
150 North Wacker Drive, Suite 2160
Chicago, Illinois 60606

Re: 0310240004 -- Cook County
Vision Properties Blue Island, LLC (Vision Properties)
(Formerly Gilbert & Bennett Mfg. Co.)
ILD005109525
Log No. B-149-CA-20
Received: August 6, 2004
RCRA Permit

Dear Mr. Kadish:

This is in response to a document entitled "RCRA Phase II Supplemental Investigation" submitted August 5, 2004 by Mahlon T. Hewitt III, LPG, Andrews Environmental Engineering, Inc. (Andrews) on behalf of Vision Properties Blue Island, LLC (Vision Properties). The subject submittal addresses corrective action at several solid waste management units (SWMUs) undergoing corrective action in accordance with Section IV of the facility's RCRA post-closure permit (Log No. B-149) dated September 28, 1995.

The Illinois EPA has determined that it can approve the above-referenced submittal subject to the following conditions and modifications:

1. The SWMUs of concern at this facility are as follows:
 - a. SWMU 1—Closed (pre-RCRA) Surface Impoundment
 - b. SWMU 2—Water Soluble Waste Oil Drum Storage Area
 - c. SWMU 7—Scrap Steel Storage Area
 - d. SWMU 10—Trichloroethylene Hazardous Waste Storage Area in Production Area
 - e. SWMU 12—Wastewater Treatment System

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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) 693-5462 • 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
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EXHIBIT

tabbies

A

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Mr. Benjamin Kadish
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- f. SWMU 13---Mosquito Creek
- g. SWMU 14---Suspected Disposal Area
- h. SWMU 15---Landfarm No. 1
- i. SWMU 16---Landfarm No. 2;
- j. SWMU 17---Sulfuric Acid Cleaning House
- k. SWMU 19---Trichloroethylene Hazardous Waste Storage Area Northeast of Production Area

A drawing showing the location of each of these units within the facility is attached. In addition, a table summarizing the current status of corrective action efforts at each of these SWMUs is also attached.

- 2. The Solid Waste Management Unit referred to as Mosquito Creek cannot be considered clean closed at this time. Lead contamination above Tier 1 levels set forth in 35 Ill. Adm. Code 742 has been found at this unit. A plan to conduct further investigation at this unit was approved by Illinois EPA on September 8, 2004. Once the contamination at this unit has been adequately characterized, it will be necessary for Vision Properties to take appropriate action to ensure the contaminant levels remaining at this unit meet the requirements of 35 Ill. Adm. Code 742.
- 3. The SPLP results for soil samples collected and analyzed for metals which are presented in Table 3 indicate that the detection limit is higher than the remediation objectives found in 35 Ill. Adm. Code 742. As such, it appears as though the soil samples must be collected and analyzed again.
- 4. Based on boring logs and geologic cross-sections provided in the subject submittal, the Illinois EPA concurs with the facility's conclusion that the site was constructed on top of historical fill material, and that the fill material is laterally extensive across the site.
- 5. The Illinois EPA does not consider SPLP results to be directly comparable to 35 Ill. Adm. Code 742 Tier 1 GROs and thus does not concur with the discussion of those comparisons in Section 3.2 of the subject submittal or the analytical result comparisons as presented in Table 5 of the subject submittal.
- 6. The Illinois EPA has determined that, at this time, it cannot approve the facility's request to delete chloride, sulfate, iron, manganese, nickel and zinc from groundwater.

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monitoring at SWMUs 1, 5, 10, 12, 13 and 19 or the capped hazardous waste area (regulated unit) based on 35 Ill. Adm. Code 620.420(a)(3). This is due to the following:

- a. The boring logs and geologic cross-sections provided in the subject submittal indicate that the uppermost aquifer at the facility extends to greater than 10 ft below the original land surface and possesses additional criteria specified in 35 Ill. Adm. Code 620.210. This information indicates that groundwater at the facility is appropriately classified as Class I Groundwater in accordance with 35 Ill. Adm. Code Part 620. The groundwater parameter monitoring exemption discussed in 35 Ill. Adm. Code 620.420(a)(3) applies to Class II Groundwater only.
 - b. The facility has not adequately demonstrated that these groundwater contaminants are not the result of releases from sources other than the SWMUs or the regulated unit. The Illinois EPA acknowledges that the facility has been working to complete a background evaluation pursuant to 35 Ill. Adm. Code 742.410 as required by Condition 4 of the November 13, 2003 Illinois EPA letter (Log No. B-149-CA-15, 16 and 18). The statistical demonstration discussed in Section 3.4 of the subject submittal is not appropriate to meet the requirements of 35 Ill. Adm. Code 742.410. Therefore, that evaluation has yet to be completed, and as a result, not enough information is available to make that determination.
 - c. Requests to remove parameters from the groundwater monitoring requirements for the regulated unit must be in the form of requests to modify Section II of the Permit through a permit modification request.
7. The Illinois EPA has determined that, at this time, it cannot approve the facility's request to delete cadmium, chromium and lead from groundwater monitoring at SWMUs 1, 5, 10, 12, 13 and 19 or the capped hazardous waste area based on currently observed background concentrations. This is due to the following:
- a. The Illinois EPA does not concur with the following statement on Page 13 of the subject submittal:

"... a comparison of the parameters cadmium, chromium and lead to that found in the background or upgradient well G115 reveals that the background concentration of these parameters appear to be greater than that found on-site."

This statement is not totally accurate. While it appears true for chromium and lead based on First and Second Quarter 2004 groundwater results, historically

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their concentrations tend to be about an order of magnitude higher at well G-110 than concentrations detected so far at well G-115. As discussed in Condition 7.c below, an appropriate background evaluation for these parameters has yet to be completed by the facility. Additionally, the statement quoted above has been true for cadmium in eastern portions of the facility, but not the vicinity of well R-110. At that well, cadmium has consistently been detected at concentrations several orders of magnitude higher than observed so far at well G-115.

- b. The Illinois EPA does not concur with the following statement from Page 13, paragraph 3 of the subject submittal:

"... it is Andrews Engineering opinion that the ubiquitous nature of the parameters of concern provide sufficient evidence to document that the groundwater impacts are not from the remaining SWMUs."

The Illinois EPA acknowledges that information provided in the subject submittal indicates that many of these contaminants are relatively widespread across the facility. However, widespread distribution is not in and of itself sufficient evidence to demonstrate that groundwater impacts are not from any of the SWMUs. The facility must adequately demonstrate that concentrations of contaminants in downgradient wells are not the result of releases from the SWMUs or the regulated unit. This has yet to be accomplished for the units in question.

- c. As discussed in Comment 6.b above, the Illinois EPA acknowledges that the facility has been working to complete a background evaluation pursuant to 35 Ill. Adm. Code 742.410 as required by Condition 4 of the November 13, 2003 Illinois EPA letter (Log No. B-149-CA-15, 16 and 18). The statistical demonstration discussed in Section 3.4 of the subject submittal is not appropriate to meet the requirements of 35 Ill. Adm. Code 742.410. Therefore, that evaluation has yet to be completed, and as a result, not enough information is available to make that determination.
- d. Requests to remove parameters from the groundwater monitoring requirements for the regulated unit must be in the form of requests to modify Section II of the Permit through a permit modification request.
8. Based on Conditions 6 and 7 above, the Illinois EPA has determined that, at this time, it cannot approve the facility's request for a No Further Action (NFA) determination for groundwater at SWMUs 1, 5, 10, 12, 13, and 19.

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9. The facility must continue the background evaluation for cadmium, chromium, iron, lead, manganese, nickel, zinc, chloride and sulfate in accordance with Condition 4 of the November 13, 2003 Illinois EPA letter.
10. By February 15, 2005, the facility must submit a report of the results of the background evaluation discussed in Condition 7 above. The report must be submitted as a request to modify corrective action activities at the facility. It must include, but not be restricted to the following information:
 - a. Identification of the reason for the subject submittal;
 - b. A discussion of the statistical method employed in the background analysis;
 - c. Derived background values for the COCs in question and calculations used to determine those values;
 - d. A summary in tabular form of analytical data used in the evaluation, including the appropriate Tier 1, Class I GRO and the derived background value for each COC;
 - e. Isoconcentration maps for each COC depicting the extent of contamination exceeding appropriately derived background concentrations; and
 - f. A course of action based on the evaluation results.
11. The facility must continue semi-annual groundwater monitoring at SWMUs 1, 5, 10, 12, 13 and 19 in accordance with Conditions 2.a through 2.g of the November 13, 2003 Illinois EPA letter.
12. The November 13, 2003 Illinois EPA letter (Log No. B-149-CA-15, 16 and 18) conditionally approved a Tier 2 evaluation for cis-1,2-DCE, TCE, vinyl chloride, copper, sulfate at SWMUs 5, 10, and 19, as well as zinc at SWMUs 1, 12 and 13. The Illinois EPA thus approves the facility's request to discontinue monitoring for those parameters at the respective SWMUs. Condition 6 of the November 13, 2003 letter, which outlines the steps necessary to eliminate the groundwater ingestion exposure pathway for those COCs, remains outstanding.
13. Considering that historic fill material has been identified to be laterally extensive at the facility, and that 35 Ill. Adm. Code 620.420(a)(3) cannot be applied to groundwater COCs at the facility because of the appropriate groundwater classification, the Illinois EPA wishes to provide the following guidance regarding groundwater:

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- a. The facility may be able to request excluding some of the remaining groundwater constituents as COCs pursuant to 35 Ill. Adm. Code 742.415(b)(1) by way of the background evaluation required in Comments 8 and 9 above.
 - b. The facility may request to utilize the derived background values as GROs in accordance with 35 Ill. Adm. Code 742.415(b)(2).
 - c. For any constituents that exhibit elevated background concentrations that cannot be excluded from consideration as COCs by way of a background evaluation, additional Tier 2 evaluations may be conducted (assuming that the requirements necessary to allow the use of 35 Ill. Adm. Code Part 742 risk assessment have been met). Under these circumstances, the extent of groundwater contamination would be defined as the area(s) where COC concentrations exceed background based GROs.
 - d. The facility must meet the requirements of 35 Ill. Adm. Code 742, Subpart J to exclude the groundwater ingestion pathway for any COCs evaluated under Tier 2.
14. As investigation of groundwater proceeds at the facility, it may be necessary to include additional groundwater constituents to meet the requirements of 35 Ill. Adm. Code 742.1015(b)(2).
 15. Corrective action activities at this facility must meet the requirements of: (a) the facility's RCRA permit; (2) 35 Ill. Adm. Code 724.201 and 742; and (3) previous Illinois EPA letters regarding corrective action at this facility (Log No. B-142-CA-1 through B-142-CA-19).
 16. As can be seen in the attached table, an engineered barrier and associated restrictions are being used at SWMUs 7, 14, 15, 17 and 17. This barrier must meet the requirements of 35 Ill. Adm. Code 742, Subpart K. It must be noted that an institutional control meeting the requirements of 35 Ill. Adm. Code 742, Subpart J must be met when an engineered barrier is used in developing remediation objectives for a project.

A detailed description of the proposed barriers must be submitted to Illinois EPA by May 1, 2005. The information submitted to Illinois EPA must include: (1) a description of the characteristics and construction details of the barrier; (2) plans and specifications for the barrier; (3) scaled drawing showing the horizontal and vertical boundaries of the barrier; and (4) a demonstration that the proposed barrier meets the requirements of 35 Ill. Adm. Code 742, Subpart K.

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17. Remediation objectives for this project have been based on one of the following: (1) industrial/commercial property use; (2) engineered barriers; (3) point of human exposure at a location other than the source; and/or (4) exclusion of exposure routes. In accordance with 35 Ill. Adm. Code 742.1000, an institutional control meeting the requirements of 35 Ill. Adm. Code 742, Subpart J must be established to ensure that these facts do not change in the future, as they were fundamental to the establishment of the approved remediation objectives.

A proposed institutional control meeting the requirements of 35 Ill. Adm. Code 742, Subpart J must be placed on the property must be submitted to Illinois EPA by May 1, 2005. It must be noted that Illinois EPA's internet site (www.epa.state.il.us) contains guidance regarding proposed institutional controls, including a model environmental land use control. This institutional control must:

- a. Restrict future use of the site to commercial/industrial activities (necessary for SWMUs 5, 10, 12 and 19);
 - b. Require maintenance of an engineered barrier and restrict SWMUs 7, 14, 15, 16 and 17; and
 - c. Requires maintenance of the final cover over SWMU 1 and restricts exposure to the material remaining at that unit.
- 18 The institutional control for an engineered barrier for SWMUs 7, 14, 15, 16 and 17 and for the final cover at SWMU 1 must be developed in accordance with 35 Ill. Adm. Code 742, Subpart J and must also clearly include the following information and restrictions:
- a. A statement that contaminated soil/material is present at the site, but does not pose a threat to human health or the environment, provided an engineered barrier or cover remains over it and the restrictions set forth in the institutional control are met;
 - b. A scaled drawing showing the boundaries of the required engineered barrier or cover placed over the contaminated soil/material, relative to the property boundaries at the site;
 - c. A description of the construction details of the required engineered barrier or cover placed over the contaminated soil/material;
 - d. A requirement that the engineered barrier or cover in place over the contaminated soil/material of concern properly maintained in a future;

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Mr. Benjamin Kadish
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Code 1010(d)(8); (b) identifies the map within the exhibit which addresses the individual requirements of 35 Ill. Adm. Code 742.1010(d)(8)(A), (B), (C) and (D); and (c) lists the maps which comprise the exhibit by name and number.

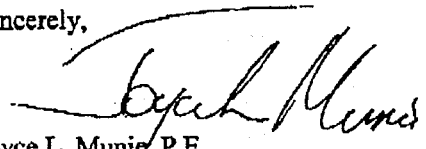
(3) The Real Estate Tax Index/Parcel Index Number (PIN) of the property in question must be contained on each map in Exhibit B.

This letter shall constitute Illinois EPA's final action on the subject submittal. Within 35 days of the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed ninety days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day appeal period.

Work required by this letter, your submittals 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 Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Should you have any questions regarding corrective action at the facility please contact William T. Sinnott; II at 217/524-3310. If you have any questions regarding groundwater issues please contact Scott Kaufman at 217/785-6869.

Sincerely,


Joyce L. Munie, P.E.
Manager, Permit Section
Bureau of Land

JLM:WTS:bjh\04311s.doc
Jim DSK TBW

Attachments: Facility Layout Map
Corrective Action Status of the SWMUs of Concern at Vision Properties

cc: Harriet Croke—USEPA Region V (w/o enclosures)
Mahlon T. Hewitt III

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No.7242 P. 12/13

**Corrective Action Status of the Various SWMUs of Concern at Vision Properties
B-149-CA-20**

SWMU No. /Name	Status of Corrective Action Efforts
1—Closed (pre-RCRA) Surface Impoundment	Per 1/29/99 letter: (1) unit properly closed as a landfill; (2) institutional control needed to reflect fact unit is a closed disposal unit and establish appropriate restrictions; and (3) post-closure care must be provided (cover maintenance and groundwater monitoring). Groundwater investigation/monitoring efforts have been and continues to be carried out in accordance with plans and reports approved by Illinois EPA.
5—Water Soluble Waste Oil Drum Storage Area	Per 7/21/00 letter, no further action needed provided: (1) an institutional control is establish to restrict future use of facility to commercial/industrial activities; and (2) a groundwater investigation and, as necessary, remediation program is completed. Groundwater investigation/monitoring efforts have been and continue to be carried out in accordance with plans and reports approved by Illinois EPA.
7—Scrap Steel Storage Area	Per 1/29/99 letter, engineered barrier and associated institutional control needed for soils remaining at unit.
10 TCE Haz Waste Storage Area at the Production Area	Same as SWMU 5.
12—Wastewater Treatment System	Same as SWMU 5
13—Mosquito Creek	Lead detected at unit. Add'l investigation must be conducted in accordance with Illinois EPA's September 8, 2004 letter. Remediate, as necessary, to meet requirements of 35 Ill. Admin. Code 742. Groundwater investigation/monitoring efforts have been and continue to be carried out in accordance with plans and reports approved by IEPA.
14—Suspected Disposal Area	Same as SWMU 7
15—Landfarm #1	Same as SWMU 7
16—Landfarm #2	Same as SWMU 7
17—Sulfuric Acid Cleaning House	Per 1/29/99 letter, no further action needed if unit is: (1) cleaned; (2) found to be structurally sound; (3) filled with sand; and (4) covered with a concrete cap.
19—TCE Haz Waste Storage Area NE of Production Area	Same as SWMU 5

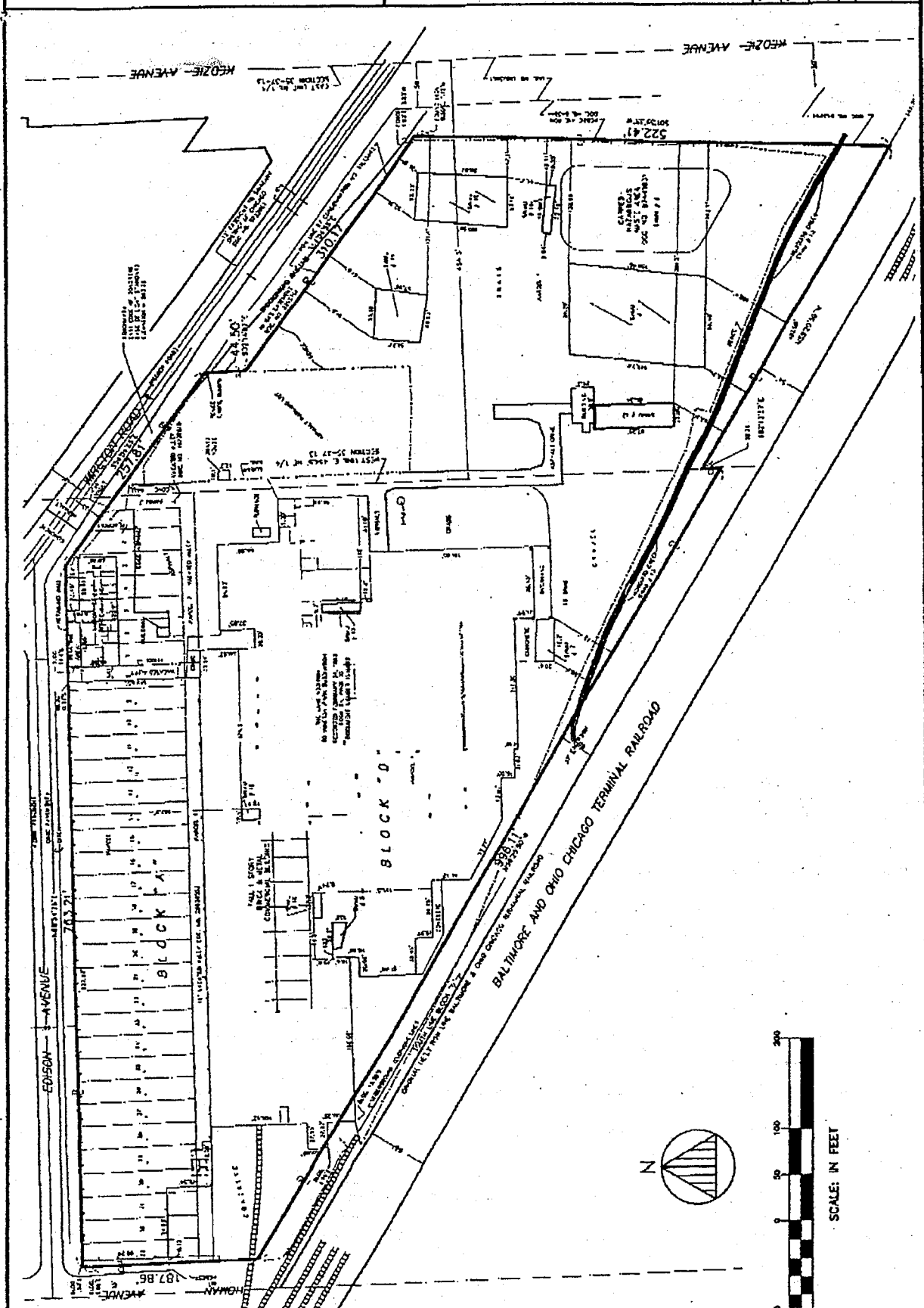
Vision Properties—SWMU summary

Jan. 7. 2005 5:04PM

ANDREWS ENVIRON

SITE MAP

No. 7242 SP. 13/13



Jan. 7. 2005 5:00PM

No. 7242 P. 2/13

Vision Properties Blue Island LLC
Benjamin L. Kadish
333 West Wacker Drive
Suite 1020
Chicago, IL 60606
312-220-0607
312-220-0052 FAX
312-953-4344 CELL

January 7, 2005

Ms. Joyce Mumie
Mr. Scott Kaufman
Mr. William T. Sinnott, II
Mr. James Moore
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

RE: 0310240004- Cook County
Vision Properties Blue Island LLC
RECRA Permit

Dear Ms. Mumie and Messrs. Kaufman, Sinnott, and Moore:

I received the attached letter dated December 28, 2004 in my office today, Friday, January 7, 2005 via certified mail.

My office moved to 333 West Wacker Drive in March 2004, and the letter was addressed to my old address.

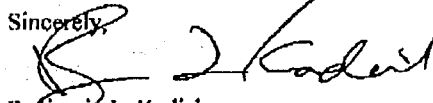
The letter is missing page 8, and we are informing the IEPA of this in writing by this letter.

Please resend page 8 to my office at the current address, or fax the letter to my office and to Timothy Ramsey, Esquire of Weinberg & Richmond, and to Kenn Liss and Mahlon Hewitt of Andrews Environmental at the fax numbers listed below.

If someone from the IEPA can confirm receipt of this letter, please call, fax or email to confirm receipt at ben.kadish@prairerealtyadvisors.com.

We look forward to further discussions with the IEPA.

Sincerely,



Benjamin L. Kadish
Managing Member
Vision Properties Blue Island LLC

Cc: Timothy Ramsey via fax 312-807-3903
Kenn Liss, Mahlon Hewitt via fax 217-787-9495



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

TELECOPIER COVER PAGE

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DATE: January 10, 2005TIME: 11:15 AM

PLEASE DELIVER THESE 2 PAGES
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CITY: _____

FIRM OR LOCATION PHONE NUMBER: _____

FIRM OR LOCATION FAX NUMBER: (312) 307-3903FROM: William T. Sinnott IISENDER'S PHONE NUMBER: (217) 524-3310

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PLEASE NOTE THAT THE DECEMBER 28, 2004 LETTER
 WILL BE REISSUED TO YOUR CLIENTS APPEAL RIGHTS.
 THE 35-DAY CLOCK WILL BEGIN ON THE
 DATE OF THE NEW LETTER.

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 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) 693-5462 • 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

Mr. Benjamin Kadish
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- e. A requirement that a site safety plan meeting the requirements of 29 CFR be developed and implemented any time construction/excavation work takes place in the contaminated soil/material present beneath the engineered barrier. Among other things, this plan must properly restrict worker exposure and any other person's exposure to the contaminated soil/material;
 - f. A requirement that any soil removed from beneath the engineered barrier be managed in accordance with 35 Ill. Adm. Code, Subtitle G: Waste Disposal.
19. 35 Ill. Adm. Code 742.1010(d)(8) requires that an ELUC contain scaled maps which show information about the facility, any remaining contamination at the facility and any physical features at the facility to which the ELUC applies.
- a. The required scaled site maps must specifically show:
 - (1) the legal boundary of the property to which the ELUC applies;
 - (2) The horizontal and vertical extent of contaminants of concern above applicable remediation objectives for soil and groundwater to which the ELUC applies;
 - (3) Any physical features to which an ELUC applies (e.g., engineered barriers, monitoring wells, caps); and
 - (4) The nature, location of the source, and direction of movement of the contaminants of concern.
 - b. Exhibit B of the model ELUC developed by Illinois EPA is comprised of the maps necessary to meet the requirements of 35 Ill. Adm. Code 742.1010(d)(8). In developing such an exhibit for an ELUC associated with an engineered barrier or industrial/commercial land use restrictions:
 - (1) If only one drawing is used to present all the required information, then it must be clearly labeled as Exhibit B to the ELUC in question. Many times however, it will be necessary to include more than one drawing in Exhibit B to meet the requirements of the requirements of 35 Ill. Adm. Code 742.1010(d)(8). In such cases, each map shall be given a unique Exhibit number (i.e., Exhibit B-1, B-2, B-3, etc.) and labeled as such.
 - (2) A cover sheet must be provided for the exhibit which: (a) lists the types of scaled maps that must be provided in the ELUC as required in 35 Ill. Adm.



333 WEST WACKER DRIVE #1800
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TELEPHONE (312) 807-3800
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TIMOTHY RAMSEY
(312) 845-2507
TRAMSEY@WR-LLP.COM

January 28, 2005

BY ELECTRONIC MAIL
(john.kim@epa.state.il.us)

Mr. John Kim
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P. O. Box 19276
Springfield, Illinois 62702

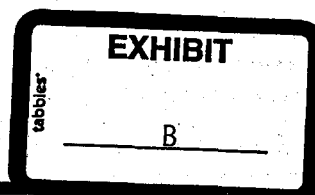
Re: 0310240004 – Cook County
Vision Properties Blue Island, LLC (Vision Properties)
(formerly Gilbert & Bennett Mfg. Co.)
ILD005109525
Log No. B-149-CA-20

Dear John:

As I indicated in our telephone call earlier today, we are representing Vision Properties Blue Island, LLC ("Vision") with respect to the above-referenced facility. Enclosed herewith are copies of the following documents relating to this facility:

1. Letter dated December 28, 2004 (without page 8) from Joyce L. Munie of the Illinois Environmental Protection Agency ("IEPA") to Vision;
2. Letter dated January 7, 2005 from Benjamin L. Kadish, Managing Member of Vision, to Joyce Munie and others at IEPA stating, among other things, that the IEPA letter dated December 28, 2004 was received on January 7, 2005 and was missing page 8; and
3. Telecopier cover page dated January 10, 2005 from William T. Sinnott II of IEPA to me, along with a copy of page 8 of IEPA's letter dated December 28, 2004.

The IEPA letter dated December 28, 2004 states that Vision has 35 days from the date of mailing of that letter to petition for a hearing before the Pollution Control Board to contest



Mr. John Kim
January 28, 2005
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IEPA's decision but that this 35-day period may be extended for up to 90 days by written notice provided to the Pollution Control Board from Vision and IEPA within the 35-day appeal period. I understand that, in fact, the 35-day appeal period commences on the date of Vision's receipt of the December 28, 2004 letter, not the date of IEPA's mailing of that letter. Further, please note that Mr. Sinnott's notation on the telecopier cover page dated January 10, 2005 states that IEPA's letter dated December 28, 2004 will be reissued and that the 35-day appeal period will be based on the reissued letter and not on the December 28, 2004 letter. To date, Vision has not received any such reissued letter from IEPA.

IEPA's letter dated December 28, 2004 addresses many technical aspects of the RCRA Phase II Supplemental Investigation previously submitted by Vision's consultant to IEPA. Vision objects to some of the IEPA determinations set forth in the December 28, 2004 letter. In order to allow sufficient time for Vision and IEPA to resolve their differences concerning the issues addressed in IEPA's December 28, 2004 letter, Vision requests a 90-day extension of Vision's appeal period with respect to IEPA's determinations in its December 28, 2004 letter.

Please send me confirmation that IEPA will be submitting this letter, along with IEPA's concurrence to the requested extension, to the Pollution Control Board within the 35-day appeal period.

Very truly yours,


Timothy Ramsey

JTR/bfp
Enclosures

cc: Benjamin Kadish (via email, w/enclosures)
Kenneth Liss (via email, w/enclosures)
Mahlon T. Hewitt III (via email, w/enclosures)
Arnold Weinberg, Esq. (via email, w/enclosures)

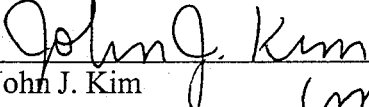
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 31, 2005, 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 FirstClass 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

Timothy Ramsey
Weinberg Richmond LLP
333 West Wacker Drive
#1800
Chicago, IL 60606-1288

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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