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

JUL 19 2005

STATE OF ILLINOIS
Pollution Control Board

KANE ILLINOIS PROPERTIES,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06- 10
(LUST Appeal – Ninety 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

Peter Kane
Kane Illinois Properties
1925 North Clybourn
Suite 201
Chicago, IL 60614-4946

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: July 14, 2005

**BEFORE THE POLLUTION CONTROL BOARD
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KANE ILLINOIS PROPERTIES,)
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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, 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 October 14, 2005, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On June 10, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On July 7, 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 did not indicate when the final decision was received. The earliest date the document could have been received was June 11, 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

A handwritten signature in black ink, appearing to read 'John J. Kim', is written over a horizontal line.

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: July 14, 2005

This filing submitted on recycled paper.

**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

CERTIFIED MAIL7002 3150 0000 1259 3738**JUN 10 2005**

Kane Illinois Properties
Attention: Mr. Peter Kane
1925 N. Clybourn Ave.
Chicago, IL 60614

Re: LPC #0970255081 -- Lake County
Grayslake / Cardinal Aircraft Services, Inc.
Campbell AP / Townline Rd.
LUST Incident No. 990752
LUST Technical File

Dear Mr. Kane:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report (report) for the above-referenced incident. The report was dated February 17, 2004 and was received by the Illinois EPA on February 18, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.409(c) and 732.503(b), the report is rejected for the following reason:

The MSDS for Koch Petroleum's "100 Low Lead Aviation Gasoline" has been reviewed by Illinois EPA's Toxicity Assessment Unit. For both grades avgas still in use for piston engine aircraft, 100/115 and 115/145, the proper indicator contaminants are:

- BETX (note that Toluene will be present at much greater levels in avgas)
- n-Hexane
- Lead
- 1,2-Dibromoethane (Ethylene dibromide)

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 998-1234
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-1234
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Main

EXHIBIT**A**

Harrison St., Des Plaines, IL 60016 - (847) 294-4000
St., Peoria, IL 61614 - (309) 693-5463
South First Street, Champaign, IL 61820 - (217) 278-5800
Mail Street, Collinsville, IL 62234 - (618) 346-5120
(618) 993-7200

Page 2

- n-Butylbenzene
- sec-Butylbenzene
- tert-Butylbenzene
- Cumene (Isopropylbenzene)
- n-Propylbenzene
- 1,2,3-Trimethylbenzene
- 1,2,4-Trimethylbenzene
- 1,3,5-Trimethylbenzene

At this time the four groundwater monitoring wells should be sampled and analyzed for each of the above-referenced indicator contaminants, and five soil borings should be advanced as follows: One soil sample should be collected from the approximate location and depth of the following soil samples:

4007-06A
Floor North
Floor South
West Wall Center; and
South Wall

Each of these five soil samples should be analyzed for the above-referenced indicator contaminants. Regarding lead analysis, both total and either TCLP or SPLP analysis should be conducted. In addition, these soil samples do not need to be reanalyzed for any constituents for which they have already been analyzed (such as BTEX).

If there are no exceedences in the soil and groundwater samples of Tier 1 remediation objectives, then a No Further Remediation Letter can be issued at that time.

Work associated with this resampling effort will be eligible for reimbursement from the UST Fund. If reimbursement from the UST fund will be sought, a budget for this work must be submitted prior to the eventual issuance of a No Further Remediation Letter.

Please note that an Owner Property Summary form will also need to be completed and submitted to Illinois EPA prior to issuance of the No Further Remediation Letter. This form may be found at the following internet address:

<http://www.epa.state.il.us/land/lust/forms/technical-forms/property-owner-summary.doc>

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

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

KANE ILLINOIS PROPERTIES

1925 N. CLYBOURN

SUITE 201

CHICAGO, ILLINOIS 60614-4946

(773) 248-0031

FAX (773) 248-9359

FAX TRANSMITTAL

To:

Company	Illinois Environmental Protection Agency
Name	Mr. John Kim
Fax Number	217-782-9807

From:

Name	Peter J. Kane Kane Illinois Properties, Inc.
Date	7/7/05
Comments	Please see attached letter.

This fax contains 5 page(s) including cover page.

1925 N. CLYBOURN • SUITE 201 • CHICAGO, ILLINOIS • 60614 • 773-248-0031 • FAX: 773-248-9359

KANE ILLINOIS PROPERTIES, INC.

HOME OFFICE:
1925 N. CLYBOURN
SUITE 201
CHICAGO, ILLINOIS 60614-4946
(773) 248-0031
FAX: (773) 248-9359

GRAYSLAKE OFFICE:
CAMPBELL AIRPORT
P.O. BOX 474
GRAYSLAKE, ILLINOIS 60030
(847) 546-5140

Thursday, July 7, 2005

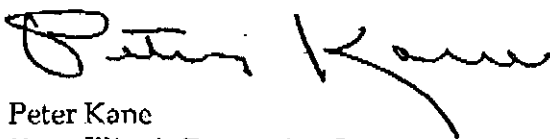
Mr. John Kim
Illinois Environmental Protection Agency
1021 N. Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Lust Incident #990752

Dear Mr. Kim:

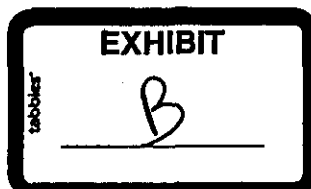
Please accept a request for a 90 day extension for the above referenced underground tank removal/remediation project. A copy of the letter from IEPA, dated June 10, 2005 is enclosed.

Sincerely,



Peter Kane
Kane Illinois Properties, Inc.

enclosure



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 14, 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 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

Peter Kane
Kane Illinois Properties
1925 North Clybourn
Suite 201
Chicago, IL 60614-4946

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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