

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUN 13 2003

STATE OF ILLINOIS  
Pollution Control Board

CATHOLIC BISHOP OF CHICAGO, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB03-230

NOTICE OF FILING

To: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Petition for Hearing and Appearance of the Catholic Bishop of Chicago, a copy of which is herewith served upon you.



Name of Attorney or Other Representative

6269576

Attorney Number

Date: June 13, 2003

Name: Nancy Coyle  
Address: 155 E. Superior St.  
Chicago, IL 60611  
Phone: 312-751-8214  
Fax: 312-751-8392

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*Pollution Control Board*

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PCB03-230

PETITION FOR HEARING

Petitioner, Catholic Bishop of Chicago, hereby appeals to this Board for a hearing to contest a final decision of the Illinois Environmental Protection Agency, and in support thereof states as follows:

1. On November 28, 2001, the Illinois Environmental Protection Agency issued to Petitioner a No Further Remediation (NFR) for LUST Incident #20010932 (Exhibit A), a leaking underground storage tank located at St. Gall School, 5515 S. Sawyer, Chicago Illinois.
2. Petitioner received a notice from the Illinois EPA, dated May 9, 2003 (Exhibit B), stating,
 

“Since the 45-day period for perfection of the NFR Letter and any attachment has lapsed, the 30-day period for submittal of a copy of the recorded NFR Letter and any attachments to the Illinois EPA has lapsed, and, without an accurate and official copy of the recorded NDR Letter and any attachments, its official recording cannot be confirmed, pursuant to 35 Ill. Adm. Code 732.704(a)(5), the Illinois EPA is voiding the NFR Letter for failure to perfect in a timely manner.”
3. Petitioner would like to request another opportunity to properly submit the NFR Letter to the Cook County Recorder of Deeds Office, pursuant to 35 Ill. Adm. Code 732.704(a), and to submit a copy of the recorded NFR Letter to the Illinois EPA, pursuant to 35 Ill. Adm. Code 732.704(b).

WHEREFORE, Petitioner, the Catholic Bishop of Chicago, asks this Board to grant a hearing.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7000-1670-0008-1672-437E

NOV 28 2001

Archdiocese of Chicago  
Attn: Sanford Glazer  
155 East Superior St.  
Chicago, Illinois 60611

Re: LPC # 0316045098 -- Cook County  
Chicago/ St. Gall  
5515 South Sawyer Ave.  
LUST Incident No. 20010932  
LUST Technical File

Dear Mr. Glazer:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated June 19, 2001; was received by the Illinois EPA August 20, 2001; and was prepared by Environmental Group Services. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 IAC Section 732.300(b) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 732.408 have been met.

Based upon the certification by Pete A. Loquercio, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence has been completed; and (3) no further remediation concerning the occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

- 1. Archdiocese of Chicago;

Exhibit  
A

RELEASABLE

DEC 06 2001

REVIEWER MD

in a manner inconsistent with the following land use limitation: There are no land use limitations.

3. The land use limitation specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this letter.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed, or excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attention: Freedom of Information Act Officer  
Bureau of Land - #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

Exhibit  
A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

MAY 09 2003

CERTIFIED MAIL

7002 2030 0001 1522 9466

St. Gall
155 East Superior St.
Chicago, IL 60611

Re: LPC # 0316045098 -- Cook County
Chicago/St. Gall
155 East Superior St.
LUST Incident No. 20010932
LUST Technical File

Dear Sir or Madam:

On 11/28/2001, the Illinois Environmental Protection Agency (Illinois EPA) issued to you, as the owner or operator of record, a No Further Remediation (NFR) Letter for the above-referenced incident pursuant to Section 57.10 of the Environmental Protection Act (Act) (415 ILCS 5/57.10) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 732, Subpart G. Please be advised that 35 Ill. Adm. Code Section 732.703(a) requires that an owner or operator receiving an NFR Letter to submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or Registrar of Titles of the county in which the site is located within 45 days after receipt of the NFR Letter. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title. The Illinois EPA may, pursuant to 35 Ill. Adm. Code 732.704(a)(5), void an NFR Letter for failure to officially record the NFR Letter and any attachments in a timely manner in accordance with 35 Ill. Adm. Code 732.703(a).

Additionally, pursuant to 35 Ill. Adm. Code 732.703(b), within 30 days after the official recording of the NFR Letter by the Office of the Recorder or Registrar of Titles of the applicable county, an accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA.

Our records indicate that, as of this date, the Illinois EPA has not received the copy of the 11/28/2001 NFR letter and any attachment, as recorded. Therefore, the Illinois EPA is voiding the aforementioned NFR Letter for the following reason(s):

Exhibit B

Page 2

Since the 45-day period for perfection of the NFR Letter and any attachment has lapsed, the 30-day period for submittal of a copy of the recorded NFR Letter and any attachments to the Illinois EPA has lapsed, and, without an accurate and official copy of the recorded NFR Letter and any attachments, its official recording cannot be confirmed, pursuant to 35 Ill. Adm. Code 732.704(a)(5), the Illinois EPA is voiding the NFR Letter for failure to perfect in a timely manner.

Submit any correspondence to the following address:

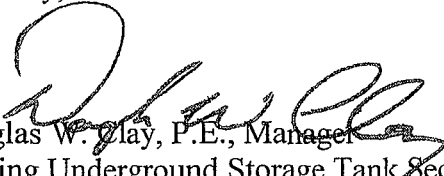
Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

\*

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

If you have any questions or need further assistance, please contact this office.

Sincerely,

  
Douglas W. Zlay, P.E., Manager  
Leaking Underground Storage Tank Section  
Division of Remedial Management  
Bureau of Land

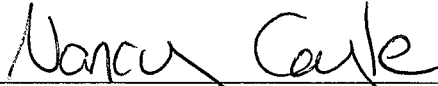
cc: DLC  
Division File

Exhibit  
B

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Appeal and Appearance, by mail, upon the following persons:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

  
\_\_\_\_\_  
Name of Attorney or Other Representative

6269576  
\_\_\_\_\_  
Attorney Number

Date: June 13, 2003  
  
Name: Nancy Coyle  
Address: 155 E. Superior St.  
Chicago, IL 60611  
Phone: 312-751-8214  
Fax: 312-751-8392