

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 03 2010

STATE OF ILLINOIS
Pollution Control Board

DAVE McGHEE,
Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,
Respondent.

PCB 10- 101
(LUST Appeal – Ninety Day
Extension)


NOTICE

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

Kevin Saylor, P.E.
HDC Engineering
P.O. Box 140
Champaign, Illinois 61824-0140

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
Assistant Counsel

Dated: June 1, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

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DAVE MCGHEE,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 10- 101
(LUST Appeal – Ninety 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, James G. Richardson, Assistant 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 September 6, 2010, 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:

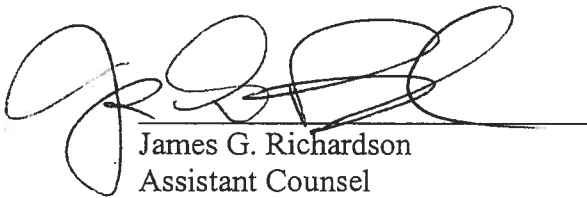
1. On May 3, 2010, the Illinois EPA issued a final decision to the Petitioner.
 2. On May 25, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days.
- Upon information and belief the Petitioner did receive the final decision on May 4, 2010.

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
Assistant Counsel

Dated: June 1, 2010

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) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

MAY 03 2010

7008 1830 0001 4713 8599

Mr. Dave McGhee
903 South Spruce Street
Villa Grove, Illinois 61956

Re: LPC #0410355014 -- Douglas County
Villa Grove/McGhee, Dave
112 North Sycamore Street
LUST Incident No. 20010679
LUST Technical File

Post-It® Fax Note	7671	Date	5-19-10	# of pages	2
To	Kevin Saylor	From	Lizz Schwartzkopf		
Co./Dept.	HDC Eng	Co.	IEPA		
Phone #	217 352 6976	Phone #	217 557 8763		
Fax #	217 356 0570	Fax #	217 524 4193		

Dear Mr. McGhee:

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 «ReportDate» and was received by the Illinois EPA on «ReceivedDate». Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.409(c) and 732.503(b), the report is rejected for the reasons listed below.

1. The Groundwater Ingestion Exposure Route may be excluded using Part 742, Tiered Approach to Corrective Action Objectives (TACO), if the site specific conditions meet the requirements of Section 742.320.

Section 742.320(c) prohibits the use of TACO if the source of the release is within the minimum or designated maximum setback zone or within the regulated recharge area of a potable water supply well. (35 Ill. Adm. Code 732.320(c))

Based on information from the Public Water Supply Section of the Illinois EPA, the site is located within the 200 ft. minimum setback zone of Villa Grove Community Supply Well #2. Therefore, this site must meet the Tier 1 requirements.

A revised Corrective Action Plan is required for this site. Several locations must be further addressed prior to issuance of an NFR letter. This will include 3 wall and 3 floor samples from the UST excavation area (samples 4 through 9) as well as several samples from the corrective action excavation (W6, W9 through W12, W14 and floor samples F7 and F8). Excavation below the groundwater table is not supported for soil removal. TACO may be

used to demonstrate that the adsorbed contaminants will not leach into the groundwater above the groundwater objective.

Please note: This well had been noted in previous reports as a "back-up well" because Villa Grove does not typically pump from this well. However, the well may be used at anytime and therefore is considered active. It also appears that both wells pump from the same aquifer.

Pursuant to 35 Ill. Adm. Code 732.401, a revised Corrective Action Plan must be submitted by August 5, 2010 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

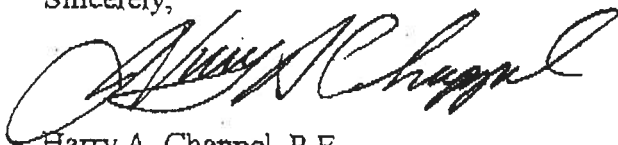
Please submit all correspondence in duplicate and include the Re: block at the beginning of this letter.

The Illinois EPA does not require the submission or approval of a budget if the owner or operator will not seek payment of corrective action costs from the Underground Storage Tank Fund.

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 further assistance, please contact Lizz Schwartzkopf at 217/557-8763.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:LS

c: HDC Engineering
BOL File

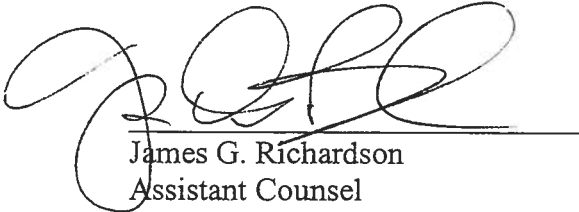
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 1, 2010 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

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

Kevin Saylor, P.E.
HDC Engineering
P.O. Box 140
Champaign, Illinois 61824-0140

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
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Division of Legal Counsel
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