

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2010

DAVE MCGHEE,)
)
Petitioner,)
)
v.) PCB 10-101
) (LUST Appeal – 90 Day Extension)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On June 1, 2010, the parties timely filed a joint notice to extend the 35-day period within which Dave McGhee may appeal a May 3, 2010 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2008); 35 Ill. Adm. Code 101.300(b), 105.206(c), 105.208(a), (c). In the determination, the Agency rejected McGhee's High Priority Corrective Action Completion Report (report) for a release from an underground storage tank (UST) on McGhee's property, located at 112 North Sycamore Street in Villa Grove, Douglas County. The Agency rejected McGhee's report because the Tiered Approach to Corrective Action Objectives (TACO) was used to evaluate site specific conditions, which is prohibited if the source of the release is within the minimum setback zone of a regulated recharge area of a potable water supply well. 35 Ill. Adm. Code 732.320(c), 742.320(c). Here, the site is located within the 200-foot minimum setback zone of Villa Grove Community Supply Well #2, and the site must therefore meet Tier 1 requirements. The report also failed to include a revised Corrective Action Plan.

As the parties request, the Board extends the appeal period until September 6, 2010, the next business day after the 125-day period following the Agency's determination. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 105.208(a). If McGhee fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

