

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AVIS BUDGET CAR RENTAL, LLC,)	
Petitioner,)	
)	
v.)	PCB 16-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

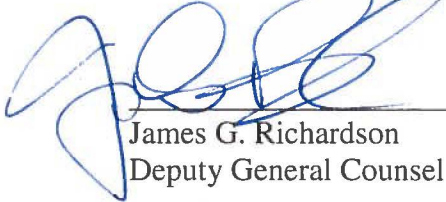
NOTICE

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

Mark J. Steger
Clark Hill PLC
150 North Michigan Avenue, Suite 2700
Chicago, Illinois 60601

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
Deputy General Counsel

Dated: December 24, 2015
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AVIS BUDGET CAR RENTAL, LLC,)	
Petitioner,)	
)	
v.)	PCB No. 16-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL)	Extension)
PROTECTION AGENCY,)	
Respondent.)	

**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, Deputy General 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 April 3, 2016, 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:

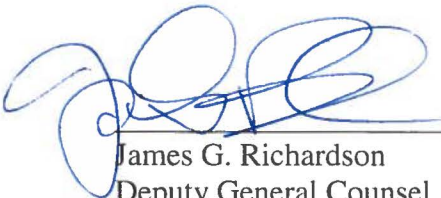
1. On November 24 2015, the Illinois EPA issued a final decision to the Petitioner.
2. On December 16, 2015, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about November 30, 2015.

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
Deputy General Counsel

Dated: December 24, 2015

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

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217-524-3300

CERTIFIED MAIL

7012 0470 0001 2970 5984

NOV 24 2015

Avis Budget Car Rental
Attention: Rose Pelino
6 Sylvan Way
Parsippany, New Jersey 07054-0642

RE: LPC 0316075131 - Cook County
Chicago - Avis Budget Car Rental
1135 West Armitage Avenue
LUST Incident 991296
LUST TECHNICAL FILE

Dear Ms. Pelino:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the July 12, 2013 Corrective Action Completion Report & supplemental information. This information was prepared by Integral Consulting. The report proposes the information which is summarized in Attachment 1 of this letter. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code.

Pursuant to Section 57.7(c) of the Act and 35 Illinois Administrative Code 734.505(b) and 734.510(a), the report is rejected for the reasons which are explained in Attachment 2 of this letter.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are explained in Attachment 3 of this letter.

Any questions with regard to this letter should be directed to Michael Piggush via phone (217-782-3101) or electronic mail (michael.piggush@illinois.gov).

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments (3):

1. Summary of Report Proposal.
2. Corrective Action Completion Report Disapproval Reasons.
3. Appeal Rights.

Electronic Copies:

1. David Averill (daverill@integral-corp.com).

ATTACHMENT I

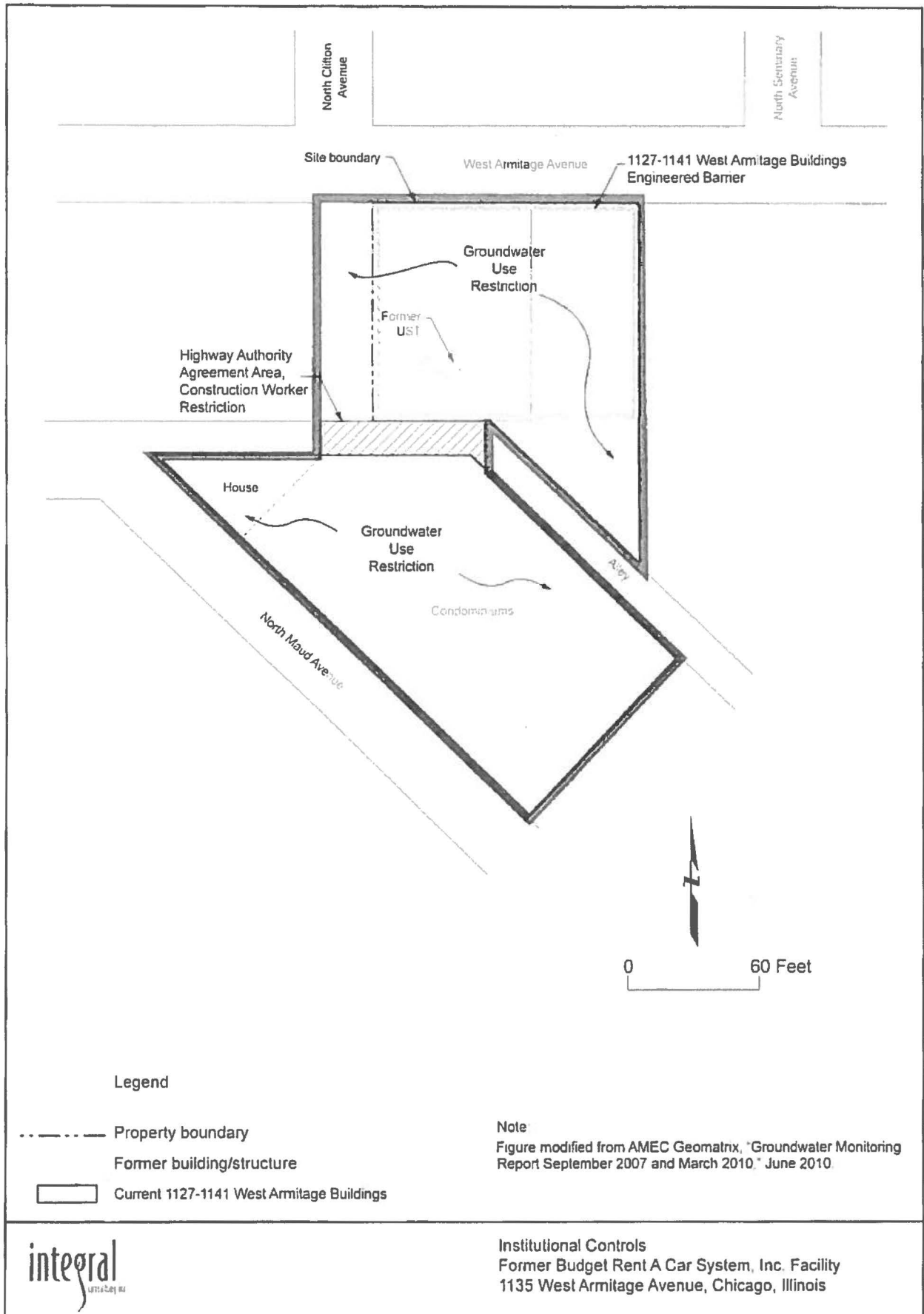
SUMMARY OF REPORT PROPOSAL

RE: LPC 0316075131 - Cook County
 Chicago - Avis Budget Car Rental
 1135 West Armitage Avenue
 LUST Incident 991296
 LUST TECHNICAL FILE

The report proposes the following information:

1. The report proposes that releases have occurred from the following underground storage tank systems:
 - a. 1-5,000 gallon gasoline underground storage tank system.
2. The report proposes that the indicator contaminants would be the following: BETX.
3. The report proposes a Class 2 groundwater designation.
4. The report proposes that the releases from the underground storage tank system were discovered on June 1, 1999, when the underground storage tank system was removed.
5. The report proposes that a total of 660 cubic yards of contaminated soil have been excavated & disposed of & a total of 1,714 gallons of contaminated groundwater have been removed & disposed of.
6. The report proposes that Regen Ox chemical oxidation compound was injected into the subsurface.
7. The report proposes that LUST Incident 20060198 was reported on February 20, 2006, and represents historical petroleum contamination which was discovered on the northern area of the site property due to the presence of a former gas station. The report proposes that remediation of this area of petroleum contamination is being performed under the oversight of the Illinois EPA Site Remediation Program.

8. The report requests approval of a Corrective Action Completion Report, and the issuance of a No Further Remediation Letter.
 - a. The report proposes the use of engineered barriers for a portion of the site property.
 - b. The report proposes the use of a Highway Authority Agreement, dated May 1, 2015, with the City of Chicago, for a portion of the alley to the south of the site property.
 - c. The report proposes that the use of groundwater would be restricted, in accordance with the City of Chicago groundwater ordinance.



ATTACHMENT 2

CORRECTIVE ACTION COMPLETION REPORT DISAPPROVAL REASONS

RE: LPC 0316075131 - Cook County
 Chicago - Avis Budget Car Rental
 1135 West Armitage Avenue
 LUST Incident 991296
 LUST TECHNICAL FILE

The Illinois EPA does not approve of the Corrective Action Completion Report, for the following reasons:

1. The Highway Authority Agreement is confusing. The Agreement consists of what is called a "Supplemental Right of Way Agreement" which, in turn, includes what is called a "Highway Authority Agreement". This is not appropriate. It is not appropriate for there to be 2 separate Agreements, nor is it appropriate for one Agreement to be a subpart of another Agreement, nor is it appropriate for one Agreement to reference attachments which are included in another Agreement. A Highway Authority Agreement needs to consist of a single stand alone document, and it needs to be in the format which is outlined in 35 Illinois Administrative Code Appendix D.
2. Please refer to the diagram which is titled "Institutional Controls". The diagram does not contain sufficient information. The diagram needs to be modified to illustrate the following information:
 - a. The boundaries of the individual properties.
 - b. The addresses of the individual properties.
 - c. The boundaries of the individual parcels of land.
 - d. The parcel numbers of the individual parcels of land.

35 Illinois Administrative Code 734.440.

ATTACHMENT 3

APPEAL RIGHTS

An underground storage tank system owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) 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:

John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, Illinois 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, Illinois 62794-9276
217-782-5544

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on the afternoon of December 24, 2015 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
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Mark J. Steger
Clark Hill PLC
150 North Michigan Avenue, Suite 2700
Chicago, Illinois 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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