

Jeep & Blazer, L.L.C.
environmental law

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Jeffery D. Jeep
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Web Site:
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Via Electronic Mail (Dave.McMillan@illinois.gov)

April 18, 2016

W. David McMillan, P.G.
Manager
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

**Re: Evanston (IL0310810)
IEPA Correspondence Dated March 31, 2016**

Dear Mr. McMillan:

On March 30, 2016, we provided you with a copy of the Notice of Intent to Sue ("NOITS") under the federal Resource Conservation and Recovery Act that was issued by the City of Evanston to Nicor and ComEd on February 22, 2016 (3074 pages), along with a copy of the letter from Mayor Elizabeth Tisdahl addressed to Robert A. Kaplan, Acting Region 5 Administrator. Our March 30, 2016 correspondence is attached (without the NOITS) as **Attachment 1**. The NOITS and the Mayor's letter explained that Manufactured Gas Waste Oils are present in and around James Park, including on and in the Dodge Avenue Water Main. The NOITS (p. 3) states as follows:

MG Waste Oils are present in soil and groundwater in and around James Park, and, specifically appearing as a crustaceous coating ("black crust") on a potable water line running along Dodge Avenue in Evanston (the "Dodge Avenue Water Line") which (1) threatens to penetrate the Dodge Avenue Water Line and contaminate drinking water with constituents of MG Waste Oils and which (2) has in fact penetrated the Dodge Avenue Water Line and released constituents of MG Waste Oils to the drinking water therein, specifically fluoranthene and

phenanthrene, as described in (i) the [January 30, 2015 report from David M. Hendron, PE, Senior Project Manager, SCS Engineers (“Hendron”), entitled “Opinion on the Source of the Occurrence of Petroleum and Gas in Monitor Wells and Borings in the James Park Area” (“2015 Hendron Report”)], (ii) the September 25, 2015 correspondence to Ms. Susan Hedman, then Region 5 Administrator (the “Hedman Letter”)..., (iii) the [February 10, 2016 report prepared by Hendron entitled “Sampling and Analytical Report for Dodge Avenue Water Main Replacement” (the “2016 Hendron Report”)], (iv) the email addressed to Leveret Nelson, Regional Counsel, U.S. EPA Region 5 dated February 12, 2016 (the “Nelson Email”)..., and (v) Table 1, “Drinking Water and Internal Pipe Crust Results - Detected VOCs and SVOCs Water and Internal Crust Samples from Sites Near Dodge Avenue Water Main Replacement Project” and associated Laboratory Reports (the “Drinking Water Data”)....

On March 31, 2016, in a letter addressed to Walter Bobkiewicz, City Manager for the City of Evanston, and pursuant to Section 19 of the Illinois Environmental Protection Act, 415 ILCS §5/19, you requested the following information from the City:

[T]hat the City report within 15 days of receipt of this letter if it, through operation of the water distribution system, has replaced or repaired any water mains discovered within 25 feet of areas contaminated by hydrocarbons since October 1, 2015.

By “hydrocarbons” we assume you mean MG Waste Oils, the subject of the NOITS and Mayor Tisdahl’s letter to Region 5. We enclose as **Attachment 2** a map of the locations where MG Waste Oils have been observed in and around James Park (and as described in more detail in the 2015 and 2016 Hendron Reports). Apart from the Dodge Avenue Water Main Replacement, described in the 2016 Hendron Report and completed in September 2015, since October 1, 2015 water mains have not been replaced or repaired within 25 feet of the locations where MG Waste Oils have been observed, as depicted in **Attachment 2**.

In our correspondence of April 7, 2016 (enclosed as **Attachment 3**), we inquired whether you would like to schedule a conference call or meeting with Mr. Hendron. Our offer still stands. Please let us know if and when you would like to get together.

Very truly yours,



Jeffery D. Jeep

Letter to W. David McMillan, P.G.

Jeep & Blazer, L.L.C.

Page 3 of 3

cc: W. Bobkiewicz, City Manager, City of Evanston
G. Farrar, City Attorney, City of Evanston
M. Masoncup, Deputy City Attorney, City of Evanston
D. Stoneback, Utilities Director, City of Evanston
T. Poy, Branch Chief, USEPA Region 5

JDJ/me

ATTACHMENT 1

Subject: Constituents of Coal Tar in Water Samples from Dodge Avenue Water Line
Date: Wednesday, March 30, 2016 at 10:06:11 AM Central Daylight Time
From: Jeffery D. Jeep <jdjeep@enviroatty.com>
To: Dave McMillan <Dave.McMillan@illinois.gov>
CC: Michelle L. Masoncup <mmasoncup@cityofevanston.org>, David M. Hendron, P.E. <dhendron@scsengineers.com>, Thomas Poy <Poy.thomas@Epa.gov>
BCC: Michael S. Blazer <mblazer@enviroatty.com>

<https://www.dropbox.com/s/6w1lizlr08hv0rj/160222%20James%20Park%20Amended%20NOITS.pdf?dl=0>

Dave,

Our firm has been retained as outside counsel by Grant Farrar, the City Attorney, to address contamination issues associated with the MGP waste in and around James Park in the City of Evanston. Please direct all future communications concerning this matter to my attention.

I understand from your discussion this morning with Michelle Masoncup, Deputy City Attorney, that you have questions concerning the current status of constituents of coal tar within the Dodge Avenue Water Line. As a preliminary matter, I assume that you have reviewed the Amended RCRA Notice of Intent to Sue issued by the City of Evanston on 2/22/16 and Mayor Tisdahl's letter to U.S. EPA, Region 5 dated 3/4/16. I enclose a Dropbox Link (above) to the Amended NOITS. I will also send you the NOITS *via* the IEPA's FTP site at <https://filet.illinois.gov/filet/pimupload.asp>. The Mayor's letter is attached.

Regarding your question to Michelle, whether the Coal Tar has seeped into the Dodge Avenue Water Line at other locations, please refer to the Second Bullet on Page 3 of the Mayor's letter, which criticizes U.S. EPA for failing to investigate this very issue. Please also refer to the Amended NOITS, ¶ 6(c), "Third Endangerment - Contamination of Drinking Water Caused by Disposal of MG Waste Oils" and ¶ 48 of the Amended NOITS (including attachments referenced therein). The City has explained repeatedly to U.S. EPA, Region 5 that MG Waste Oils (Coal Tar) associated with the Skokie MGP Site have penetrated the Dodge Avenue Water Line and released constituents of MG Waste Oils to the drinking water therein, specifically fluoranthene and phenanthrene. Again, if you have not done so, please review the enclosed materials.

I recommend that we schedule a conference call with Dave Hendron, our consulting engineer, to address any additional questions you may have. Please provide me with dates when you are available. I also encourage you to invite USEPA, Region 5 to participate in the call. Perhaps U.S. EPA will respond to your invitation. To date, Region 5 has ignored all of the City's communications concerning this urgent matter.

Regards,

Jeffery D. Jeep

Jeep & Blazer, L.L.C.

Please note new address and direct line as of August 1, 2015

3023 N. Clark Street, #214

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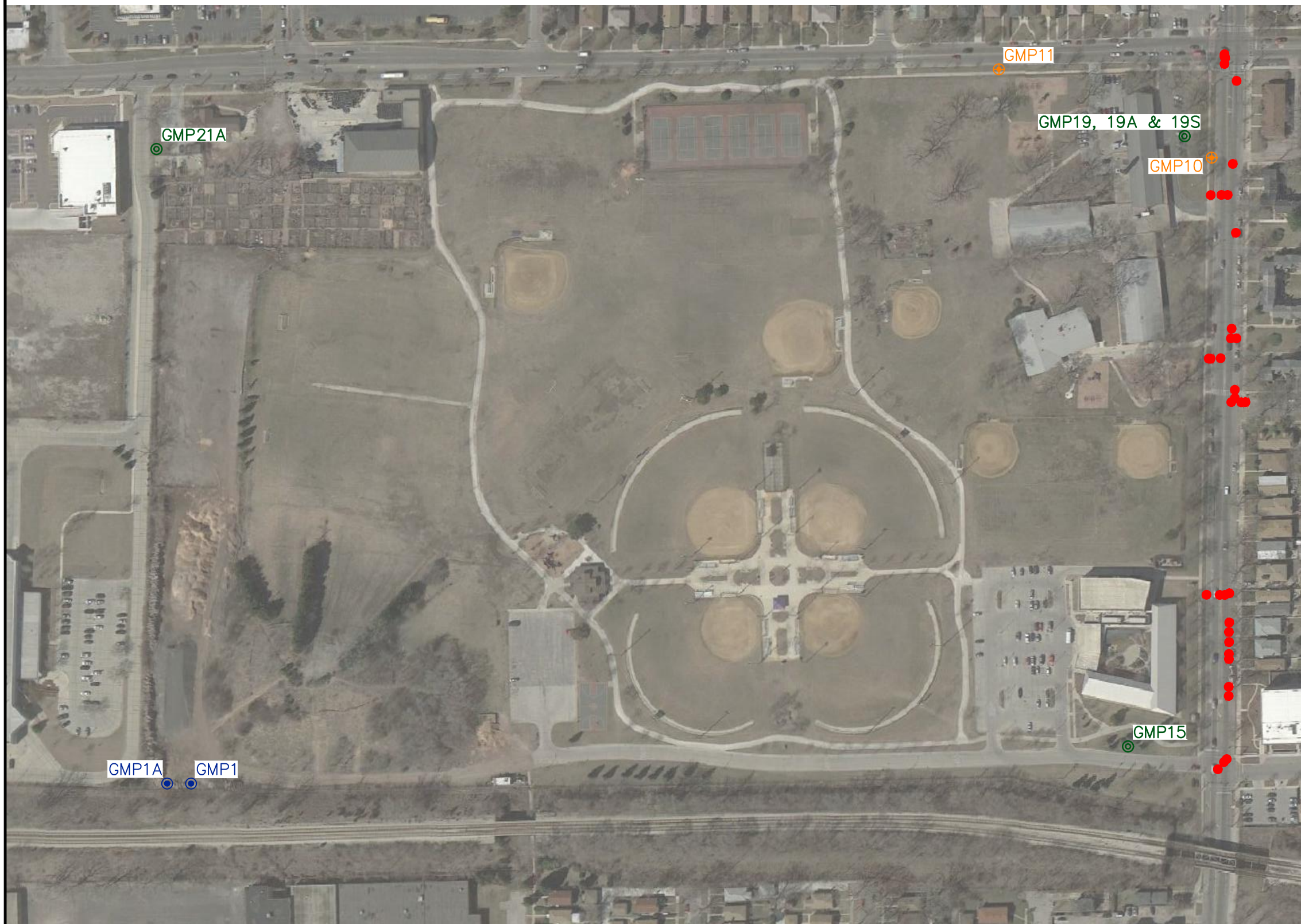
Fax: (708) 236-0828

Email: jdjeep@enviroatty.com

Web Site: www.jeepandblazer.com

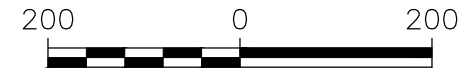
Please consider the environment before printing this e-mail.

ATTACHMENT 2



LEGEND

- ⊙ APPROXIMATE LOCATION OF CRG GAS MONITORING PROBE INSTALLED BY HOLLOW STEM AUGER
- ⊕ APPROXIMATE LOCATION OF CSG GAS MONITORING PROBE INSTALLED BY CONE PENETROMETER
- ⊙ SCS HOLLOW STEM AUGER BORING CORED 10 FT. INTO BEDROCK AND CONTAINING 2 OR 3 GAS MONITORING PROBES
- ▲ SCS GEOPROBE BORING WITH GAS MONITORING PROBE INSTALLED IN NATURAL SOILS AT ROUGHLY 50 FT.
- SOIL AND PIPE-CRUST SAMPLES FROM DODGE AVENUE EXCAVATIONS WITH BENZO-A-PYRENE DETECTIONS



SCALE: 1" = 200'

PROJECT NO. 25214107.00	DRAWN BY: AHB	<p>2830 DAIRY DRIVE MADISON, WI 53718-6751 PHONE: (608) 224-2830</p>	CLIENT	JEEP & BLAZER, LLC. 24 N. HILLSIDE AVE. HILLSIDE, IL 60162	SITE	JAMES PARK OAKTON ST. & DODGE AVE. EVANSTON, ILLINOIS	COAL TAR CONSTITUENTS DETECTED NEAR JAMES PARK	FIGURE 3
DRAWN: 07/22/14	CHECKED BY: TM		ENGINEER					
REVISED: 04/15/16	APPROVED BY:							

I:\25214107\Drawings-General\Summary figures\Site Plan.dwg, 4/18/2016 10:44:33 AM

ATTACHMENT 3

Subject: Re: Constituents of Coal Tar in Water Samples from Dodge Avenue Water Line
Date: Thursday, April 7, 2016 at 1:30:43 PM Central Daylight Time
From: Jeffery D. Jeep <jdjeep@enviroatty.com>
To: Dave McMillan <Dave.McMillan@illinois.gov>
CC: Michelle L. Masoncup <mmasoncup@cityofevanston.org>, David M. Hendron, P.E. <dhendron@scsengineers.com>, Thomas Poy <Poy.thomas@Epa.gov>

Dave,

In follow-up to your 3/31/16 letter (attached) and my email of 3/30/16 (below), please direct all communications concerning this matter to my attention. See **highlighted** language in my email (below). We will respond to your letter as appropriate. In the meantime, I assume that you have now familiarized yourself with the materials I provided (below). Also, please refer to the **highlighted** language in my email below. Do you want to schedule a conference call with Dave Hendron? If so, will Region 5 participate?

Regards,

Jeffery D. Jeep

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Web Site: www.jeepandblazer.com

[Please consider the environment before printing this e-mail.](#)

From: "Jeffery D. Jeep" <jdjeep@enviroatty.com>
Date: Wednesday, March 30, 2016 at 10:06 AM
To: David McMillan <Dave.McMillan@illinois.gov>
Cc: "Michelle L. Masoncup" <mmasoncup@cityofevanston.org>, "David M. Hendron, P.E." <dhendron@scsengineers.com>, Thomas Poy <Poy.thomas@Epa.gov>
Subject: Constituents of Coal Tar in Water Samples from Dodge Avenue Water Line

<https://www.dropbox.com/s/6w1lizlr08hv0rj/160222%20James%20Park%20Amended%20NOITS.pdf?dl=0>

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