

October 5, 2021

Mr. Kevin J. Carrier
Director of Planning and Programming
Lake County Division of Transportation
600 W Winchester Road
Libertyville, Illinois 60048

via email: KCarrier@lakecountyil.gov

**Subject: Request for Signature on Section IV of the DRM-1 Form
AB Specialty Silicones, LLC
Sunset Ditch Site**

Dear Mr. Carrier:

Per our telephone conversation on October 4, 2021, I am writing to request Lake County's signature on the Site Remediation Program (SRP) Application and Services Agreement (DRM-1) Form (Section IV) for the AB Specialty Silicones, LLC ("ABSS") remediation site ("Site"). The Site includes the property located at 3970 Sunset Avenue in Waukegan, Lake County, Illinois (the "Facility") as well as the "Sunset Ditch Site" and the "Delany Outfall Area Site" (**Figure 1**). The Sunset Ditch Site is owned by Lake County and is the subject of this letter.

Background

On May 3, 2019, at approximately 9:30 pm, an explosion (the "Incident") occurred at the Facility while silicone manufacturing operations were underway. Multiple regulatory agencies responded to the Incident, including the Illinois Environmental Protection Agency ("Illinois EPA"). ABSS fully cooperated with all the responding agencies and their investigations.

As part of their response to the Incident, ABSS conducted an investigation of the Facility, the Sunset Ditch Site, and the Delany Outfall Area site. The results of that investigation were documented in the Combined Focused Site Investigation Report, Remedial Objectives Report, Remedial Action Plan and Completion Report ("FSIR/ROR/RAP/RACR" or "Report"), which was submitted to Illinois EPA on May 11, 2020. The Report concluded that potable groundwater use restriction was to be placed on the Sunset Ditch Site area via a Highway Authority Agreement to eliminate the groundwater ingestion pathway. This restriction was required because methanol concentrations in three soil sample locations exceeded the Tier 2 soil remediation objectives ("SROs") for the soil component of groundwater ingestion ("SCGI") exposure route.

On October 28, 2020, AECOM collected three soil samples from locations directly adjacent to and at the same depth as the samples previously collected where methanol concentrations exceeded the SCGI SRO. Concentrations of methanol detected in the most recent samples are below the Tier 1 SRO for the SCGI exposure route. Analytical results indicate that methanol concentrations in shallow soil have attenuated since the original (February 21, 2020) sampling event. These sample results indicate that the Sunset Ditch Site area is sufficiently protective of human health and the environment with unrestricted use, therefore a potable groundwater use restriction, in the form of an HAA, is no longer necessary.

On November 23, 2020, AECOM submitted to Illinois EPA the Addendum to the Combined Focused Site Investigation Report, Remedial Objectives Report, Remedial Action Plan and Completion Report ("Addendum to the Combined Report"), which included the most recent soil sampling results from the Sunset Ditch Site. By letter dated March 17, 2021, the Addendum to the Combined Report was conditionally approved by Illinois EPA.

In their approval letter, Illinois EPA issued the following comment that relates to the Sunset Ditch Site:

Due to the detection of Volatile Organic Compounds (VOCs), the condition that any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps has been added to the draft NFR.

To avoid the need for this institutional control, AECOM prepared a Technical Memorandum ("Memo") to provide Illinois EPA the calculated remediation objective ("RO") for methanol using the modified Johnson and Ettinger (J&E) model for the Facility and related Site areas (including the Sunset Ditch Area). The memo concluded that Site data shows that the highest concentration of methanol detected in groundwater or surface water was 0.86 mg/L, substantially below the modified J&E RO of 56,000 mg/L. Therefore, institutional controls in the form of a full concrete slab-on-grade or a full concrete basement floor and walls with no sumps are not needed to protect public health, safety or the environment. By letter dated August 23, 2021, Illinois EPA approved of the Memo.

In conclusion, no institutional controls are required at the Sunset Ditch Site. Illinois EPA will issue a draft no further remediation ("NFR") letter for the Site upon receipt of a DRM-1 form with signatures of all of the property owners.

Therefore, we are requesting that Lake County sign Section IV of the attached DRM-1 form (attached) and return it to me.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Timothy Dull, P.E.
Senior Project Manager
AECOM
M: 312.952.0571
E: timothy.dull@aecom.com

Attachments:

DRM-1 Form
Figure 1 – Site Location Map

Copies:

Nancy Burke, Saul Ewing Arnstein & Lehr LLP (electronic copy)



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Instructions for the Site Remediation Program (SRP) Application and Services Agreement (Form DRM-1)

General Information

Completion of this Application and services Agreement is required of a person requesting enrollment in the Site Remediation Program (SRP). Please read these directions carefully. All information should be typed or legibly printed in ink. The letters "NA" may be used, but only if the requested information is not applicable. Justification must be stated for any failure to provide requested information.

Submit the original and one copy of all information requested in this application to:

Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
Site Remediation Program
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Hand carried documents may be delivered during normal business hours, 8:30 a.m. - 5 p.m., weekdays, to the above address.

We recommend you keep a copy of every submittal and any relevant correspondence sent to the Illinois EPA.

Please fill out sections in this section that apply to the services requested. The information required is described in the directions on the following pages.

If a request is being made for the Illinois EPA to determine the advance partial payment for anticipated services (see Section V of this application), then Form DRM-3 must be included.

If the application contains plans and reports for review and evaluation by the Illinois EPA, Form DRM-2 must also accompany the submittal.

I. Remediation Site Identification:

The remediation site is the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report is requested by the Remediation Applicant ("RA") in this application. A remediation site also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

Include the remediation site name, street address, city, ZIP code, county, approximate size of remediation site (acres), Illinois Inventory ID (if assigned), USEPA ID number (if assigned), remediation site base map (attached), and any Illinois Environmental Protection Agency permit(s) or LUST/IEMA Incident Number(s) for the remediation site. An Illinois Inventory ID Number (if one does not exist) will be assigned by the Illinois EPA.

A remediation site base map must accompany the Application. Failure to include a remediation site base map will result in denial of the Application. The remediation site base map must be of sufficient detail and accuracy to show all of the following:

- A. A distance of at least 1,000 feet around the remediation site at a scale no smaller than one inch equal to 200 feet;
- B. Map scale, north arrow orientation, date, and location of the remediation site with respect to township, range and section;
- C. Approximate boundary lines of the remediation site, with the owners of adjacent properties clearly indicated, if reasonably identifiable;
- D. Surrounding land uses (e.g., residential property, industrial/commercial property, agricultural property, and conservation property).

II. Remediation Applicant ("RA") Identification:

An RA is any person seeking to perform or performing investigative or remedial activities under the SRP. The RA may be the owner or operator of the site or any other person authorized by law or consent to act on behalf of the owner or operator of the remediation site.

Include the full legal name, title, company, street address, city, state, ZIP code, telephone number, and Federal Employee Identification Number ("FEIN") or Social Security Number ("SSN") of the RA. The RA or the authorized agent of the RA must certify, by original signature, the statement appearing in Section II of this application form.

III. Project Objectives:

- A. Three (3) types of release letters are available under the SRP: A comprehensive No Further Remediation ("NFR") Letter, a focused NFR Letter, and a 4(y) Letter.

An NFR Letter signifies a release from further responsibilities for the conduct of approved remedial actions and provides *prima facie* evidence that environmental conditions at the remediation site do not constitute a significant threat to human health and the environment. An NFR Letter applies in favor of the RA and to other persons with ownership interest in the property. There are two types of NFR Letters issued by the Illinois EPA under the SRP:

- 1. A comprehensive NFR Letter signifies a release for all recognized environmental conditions and all contaminants of concern. An RA must investigate and remediate all media (i.e., soil and groundwater) for **all** contaminants of concern at the remediation site.
- 2. A focused NFR Letter signifies a release for only those limited recognized environmental conditions or contaminants of concern specified by the RA. An RA must investigate and remediate all media (i.e., soil and groundwater) at the remediation site, but **only** for those contaminants of concern specified by the RA.

A 4(y) Letter provides a limited release under Section 4(y) of the Illinois Environmental Protection Act to a person who successfully completes preventive or corrective action at the remediation site. The 4(y) Letter only applies to the RA and not to other persons. Preventive and corrective actions may be limited to activities (e.g., drum removals, spill response, etc.), specific media (e.g., soil), or specific contaminants of concern.

Identify in Section III of his application whether a comprehensive NFR Letter, a focused NFR Letter or a 4(y) Letter is requested. If a focused NFR Letter is requested, identify contaminants of concern in the space provided. If a 4(y) Letter is requested, identify the situation (i.e., the media and remedial actions to be taken) and identify contaminants of concern and/or media to be investigated and remediated in the space provided.

- B. Identify any support services requested from the Illinois EPA in addition to the review and evaluation services (e.g., sample collection and analyses, assistance with community relations, coordination and communication between the RA and other governmental entities, etc.).
- C. Indicate the approximate dates that the Illinois EPA should expect receipt of each of the following documents: Site Investigation Report; Remediation Objectives Report; Remedial Action Plan; and Remedial Action Completion Report. Attach a detail anticipated project schedule (e.g., Gantt charts), if available.
- D. Identify the current and post-remediation uses of the remediation site

IV. Written Permission from the Property Owner:

Indicate whether or not the RA is the owner of the remediation site. If the RA is not the property owner of the remediation site, include the full legal name, title, the company, the street address, the city, state, ZIP code, and telephone number of the property owner in Section IV of this application form. For multiple property owners, attach additional sheets containing all the information required under this section along with a signed, dated certification for each. The property owner or the authorized agent of the property owner must certify, by original signature, the statement appearing in Section IV of this application form.

V. Advance Partial Payment:

Please select an advance partial payment plan and mark the appropriate box in Section V. An RA may:

- 1. Submit a \$500 advance partial payment with the application. Please make the check payable (in the amount of \$500) to "Illinois Environmental Protection Agency" with "For Deposit in the Hazardous Waste Fund" and include the RA's FEIN or SSN on the check; or
- 2. Request that the Illinois EPA assess an advance partial payment specific to the project and include a completed Form DRM-3 ("Request for Assessment of Advance Partial Payment for Anticipated Services"). The information reported on Form DRM-3 will be used by the Illinois EPA to determine the appropriate advance partial payment (i.e., approximately one-half (1/2) of the total anticipated costs of the Illinois EPA, not to exceed \$5,000). The amount of the advance partial payment will be requested in writing by the Illinois EPA from the RA listed on the application. The application will not be considered complete and the site will not be enrolled in the SRP until the advance partial payment has been received by the Illinois EPA.

VI. Billing

Once the project costs incurred by the Illinois EPA have exceeded the advance partial payment amount, quarterly invoices will be sent to the RA. Payment to the Illinois EPA is due within 45 days of receipt of the invoice.

In addition to the fees applicable under this Services Agreement, the recipient of an NFR Letter must pay to the Illinois EPA an NFR Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred by the Illinois EPA under this Agreement (35 IAC 740.615).

What Happens Next for the New Remediation Sites?

The Illinois EPA will initially review the application and accompanying documents to make certain the application is complete. Should the application be deficient or if the Illinois EPA is unable to provide the services requested, the RA will be promptly notified of the application denial and the reasons.

Upon receipt of the proper application, a project manager will be assigned. Confirmation concerning receipt of money, the name of the project manager and an Illinois Inventory ID number will be sent to the RA and the RA's consultant, if identified.

All information submitted is available to the public except where specifically designated by the RA to be treated confidentially in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Site Remediation Program (SRP) Application and Services Agreement (DRM-1) Form

For Illinois EPA Use:
Log No. _____

____ \$500 Advance Partial Payment Included

____ DRM-2 SRP Form Included

____ DR-3 Request for Assessment Included

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Remedial Project Management Section at the above address.

I. Site Identification:

Site Name: AB Specialty Silicones, LLC County: Lake
Street Address: 3790 Sunset Avenue P.O. Box: _____
City: Waukegan State: IL Zip Code: 60087 Approx. site size (acres) _____
Illinois Inventory ID Number: _____ USEPA ID Number _____
Site Base Map Attached: ☒ Yes ☐ No Illinois EPA Permit(s): _____
LUST/IEMA Incident Number(s), if applicable: H-2019-0448

II. Remediation Applicant ("RA"):

RA's Name: Mr./Ms. Mr. Mac Penman Title: General Manager
Company: AB Specialty Silicones, LLC
Street Address: 3725 Hawthorn Court P.O. Box: _____
City: Waukegan State: IL Zip Code: 60087 Phone: 201-286-3843
FEIN or SSN: 45-404-8038

I hereby certify that I am authorized to sign this application and services agreement. I certify that the proposed project meets the eligibility criteria set forth in Section 58.1(a)(2) of the Environmental Protection Act (415 ILCS 5/58.1(1)(2)) and regulations promulgated thereunder and that this submittal and all attachments were prepared at my direction. In consideration for the Illinois EPA's agreement to provide (subject to applicable law, available resources, and receipt of the advance partial payment) review and evaluation services for activities carried out pursuant to Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58-58.12), I agree to:

- (1) Conform with the procedures of Title 17 of the Illinois Environmental Protection Act (415 ILCS 5/58 - 58.12) and implementing regulations;
- (2) Allow for or otherwise arrange site visits or other site evaluations by the Illinois EPA when requested;
- (3) Pay any reasonable costs incurred and documented by the Illinois EPA in providing such services; and
- (4) Make an advance partial payment to the Illinois EPA for such anticipated services provided in Section V of this application.

As the RA, I understand that I may terminate this services agreement at any time, by notifying the Illinois EPA in writing that services previously requested under the services agreement are no longer wanted. Within 180 days of receipt of the notice, the Illinois EPA shall provide me with a final invoice for services provided until the date of receipt of such notification.

To the best of my knowledge and belief, this request and all attachments are true, accurate and complete. I hereby certify that I have the authority to enter into this agreement.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent conviction is a Class 3 felony. (415 ILCS 5/44(h)).

RA's Signature:

Date:

***In addition to the fees applicable under this Services Agreement, the recipient of a No Further Remediation (NFR) Letter must pay to the Illinois EPA an NFR Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred by the Illinois EPA under this Agreement (35 IAC 740.615)**

III. Project Objectives:

A.	Release Letter Requested. Please complete one of the subsections by checking applicable boxes and including other information (if necessary, additional information may be attached to this application form):	
<input type="checkbox"/>	Comprehensive No Further Remediation ("NFR") Letter	
<input checked="" type="checkbox"/>	Focused NFR Letter Identify the focused contaminants of concern by checking the applicable box(es): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Volatiles <input type="checkbox"/> BTEX <input type="checkbox"/> PCBs <input type="checkbox"/> Metals <input type="checkbox"/> Semivolatiles <input type="checkbox"/> PNAs </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pesticides <input checked="" type="checkbox"/> Other (identify) <u>Constituents related to silicone release</u> </div>	
<input type="checkbox"/>	4(y) Letter Identify the focused contaminants of concern by checking the applicable box(es): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Volatiles <input type="checkbox"/> BTEX <input type="checkbox"/> PCBs <input type="checkbox"/> Metals <input type="checkbox"/> Semivolatiles <input type="checkbox"/> PNAs </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pesticides <input type="checkbox"/> Other (identify) _____ </div> Identify the media of concern by checking the applicable box(es): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Soil <input type="checkbox"/> Sediments <input type="checkbox"/> Other: _____ </div> Identify the actions (e.g. drum removal, spill response, etc.): <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>	
B.	Identify any support services being sought from the Illinois EPA in addition to the review and evaluation services. If necessary, additional information may be attached to this application form. <div style="display: flex; justify-content: space-between;"> <input checked="" type="checkbox"/> No additional support services are being sought </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Assistance with community relations </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Sample collection and analyses </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Other (identify): _____ </div>	
C.	Anticipated Schedule	
	SRP Document	Projected Date of Receipt by Illinois EPA
	Site Investigation Report	Nov 15, 2019
	Remediation Objectives Report	Mar 6, 2020
	Remedial Action Plan	Jul 31, 2020
	Remedial Action Completion Report	Feb 26, 2021
D.	Identify the current and post-remediation uses of the remediation site. If necessary, additional information may be attached to this application form. Current Use: <u>Silicone plant</u> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> Post-Remediation Use: <u>Unknown</u> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>	

IV. Written Permission from the Property Owner (check one of the applicable boxes and provide additional information):

☐ RA is the property owner of the remediation site identified in Section 1 of this application

☒ RA is **not** the property owner of the remediation site identified in Section 1 of this application

Property Owner's

Name: Mr./Ms. _____ Title: _____

Company: _____

Street Address: _____ P.O. Box: _____

City: _____ State: _____ Zip Code: _____ Phone: _____

I hereby certify that the RA has my permission to enroll the site identified in Section 1 of this application into the Illinois EPA Site Remediation Program. I certify that the RA and designated representatives have permission to enter the indicated premises for the purpose of conducting remedial investigations or activities.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent conviction is a Class 3 felony. (415 ILCS 5/44(h)).

Owner's Signature:

Date:

For multiple property owners, attach additional sheets containing all the information above along with a signed, dated certification for each.

V. Advance Partial Payment:

The RA shall select one of the following advance partial payment plans:

☒ Plan 1: A \$500 advance partial payment is included with this application. Please make the check payable to: Illinois Environmental Protection Agency". Please include "For Deposit in the Hazardous Waste Fund" and the Remediation Applicant's FEIN or SSN on the check; or

☐ Plan 2: Request that the Illinois EPA determine the appropriate partial payment (i.e., approximately one-half of the total anticipated costs of the Illinois EPA, not to exceed \$5,000). A completed DRM-3 form ("Request for Assessment of Advance Partial Payment for Anticipated Services") must accompany this application so that the Illinois EPA may determine the appropriate advance partial payment specific to the services requested.

If this application contains plans and reports for review and evaluation by the Illinois EPA, a completed DRM-2 Form must also accompany this submittal.

The Illinois EPA is authorized to require this information under Section 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. Disclosure of this information is required as a condition of participation in the Site Remediation Program. Failure to do so may prevent this form from being processed and could result in your application being rejected. This form has been approved by the Forms Management Center. All information submitted as part of this application is available to the public except when specifically designated by the RA to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER
UNDER THE SITE REMEDIATION PROGRAM**

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency; the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information
Owner's Name: _____
Title: _____
Company: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____ Phone: _____
Site Information
Site Name: _____
Site Address: _____
City: _____ State: _____ Zip Code: _____ County: _____
Illinois inventory identification number: _____
Real Estate Tax Index/Parcel Index No. _____
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.
Owner's Signature: _____ Date: _____
SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__
_____ Notary Public

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.