

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

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MAR 23 2011

STATE OF ILLINOIS
Pollution Control Board

ROBBIE'S 66,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 11-61
(UST Appeal – Petition for Review and
Hearing/Appeal)

PETITION FOR REVIEW AND HEARING/APPEAL

NOW COMES Petitioner, Robbie's 66, by its attorneys, Elias, Meginness, Riffle & Seghetti, P.C., and as and for its Petition for Review and Hearing/Appeal of the Illinois Environmental Protection Agency's final decision with respect to the modification of the budget for a High Priority Corrective Action Plan for a certain leaking underground storage tank (LUST) site, (which denied, in part, requested budget increases) states as follows:

BACKGROUND

1. Robbie's 66 retained Midwest Environmental Consulting & Remediation Services, Inc. (Midwest) to remediate the property located at 1302 West Bradley, Peoria Illinois, LPC #1430655722-Peoria County, LUST Incident No. 20061260 (the Property).

2. The Property was the site of remediation and investigation activities to include UST removal, soil borings/wells, and corrective action planning and reports. No work was performed outside the required guidelines and was within acceptable LUST Fund reimbursement requirements.

3. By letter dated November 1, 2010, Midwest submitted a reimbursement request, seeking payment of the additional amount of \$22,603.06, which was the amount reasonably and necessarily expended to complete the work on the project. A true and correct copy of that submittal is attached hereto as Exhibit A.

4. By letter dated February 18, 2011 (and delivered on February 19, 2011 by certified mail), the IEPA denied the corrective Action Plan Budget. A true and accurate copy of the February 18, 2011 letter and attachments is attached hereto as Exhibit B. That letter was designated as a final and appealable order.

ARGUMENT

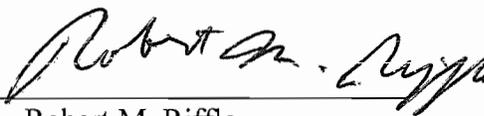
The IEPA rejected the Budget based upon their findings that the costs for site investigation or corrective action costs for Consulting Fees are not reasonable as submitted pursuant Section 57.5(c)(3) of the Act and 35 Ill. Admin. Code 734.630(dd). Robbie's 66 (and Midwest) disagree with this determination, and affirmatively states that the reimbursement amounts expended were reasonably, customary, and necessary for the proper completion of the project and site closure. Specifically, all of the costs listed on Exhibit B were actually and legitimately expended and performed. Additionally, the scope of the additional work performed was within the guidelines pre-approved by the IEPA.

CONCLUSION

For all of the foregoing reasons, Robbie's 66 respectfully requests a hearing in this matter, which will provide it the opportunity to establish the propriety of the costs, and that the Final Decision be reversed or modified by increasing and accepting the budget as proposed in Exhibit B, thereby allowing additional reimbursement in the amount of \$22,603.06.

Respectfully submitted,

Robbie's 66, Petitioner

By: 
Robert M. Riffle
Its Attorney

ROBERT M. RIFFLE
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000/611-233

CERTIFICATE OF SERVICE

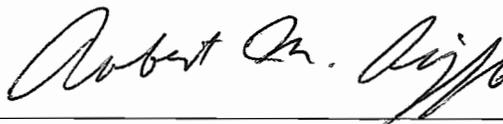
The undersigned certifies that on March 21, 2011, a copy of the foregoing document was served upon each party to this case by



Enclosing a true copy of same in an envelope addressed to each party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
Post Office Box 19276
Springfield, IL 62794-9276



Robert M. Riffle
Elias, Meghinnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
611-233

LEAKING UNDERGROUND STORAGE TANK PROGRAM

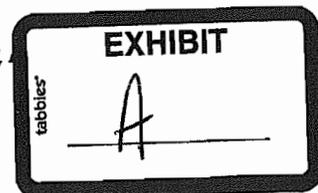
Site Investigation Completion Report

Site Location: Robbie's 66
1302 West Bradley Avenue
Peoria, Illinois 61606
IEMA Incident No. 20061260
LPC #1430655722 -- Peoria County

Prepared for: Robbie's 66
1302 West Bradley Avenue
Peoria, Illinois 61606
(309) 676-5611
Contact: Mr. Robert Robins

Prepared by: Midwest Environmental Consulting
& Remediation Services, Inc.
22200 Illinois Route 9
Post Office Box 614
Tremont, Illinois 61568-0614
Contact: Allan Green; President

For Review by: Illinois Environmental Protection Agency
Bureau of Land -- #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276



Site Investigation Completion Report

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EPA Site Investigation Completion Report Form

The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4, 5/57 - 5/7.17). Failure to disclose this information may result in a civil penalty of not to exceed \$60,000.00 for the violation and an additional civil penalty of not to exceed \$10,000.00 for each day during which the violation continues (415 ILCS 5/42). Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Farms Management Center.

Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Site Investigation Completion Report

A. Site Identification

IEMA Incident # (6- or 8-digit): 20081280 IEPA LPC# (10-digit): 1430655722

Site Name: Robbie's 66

Site Address (Not a P.O. Box): 1302 West Bradley Avenue

City: Peoria County: Peoria ZIP Code: 61606

Leaking UST Technical File

B. Site Information

1. Will the owner or operator seek reimbursement from the Underground Storage Tank Fund? Yes No

2. Has a Site Investigation Plan been approved? Yes No
Date(s) of approval letter(s): 03/08/07

C. Site Investigation Results

Provide the following:

1. Site history with respect to the release;
2. Site description:
 - a. Area surrounding the site;
 - b. Local geology, hydrogeology, and hydrology;
 - c. Local geography and topography;
 - d. Existing and potential migration pathways and exposure routes; and
 - e. Current and projected post-remediation land use;
3. Site investigation results:
 - a. Map(s) showing locations of all borings and groundwater monitoring wells completed as part of site investigation and the groundwater flow direction;
 - b. Map(s) showing the horizontal extent of soil and groundwater contamination exceeding the most stringent Tier 1 remediation objectives (ROs);
 - c. Map cross-section(s) showing the horizontal and vertical extents of soil and groundwater contamination exceeding the most stringent Tier 1 ROs;
 - d. Soil boring logs and monitoring well construction diagrams for all borings drilled and groundwater monitoring wells installed as part of site investigation;
 - e. Analytical results, chain of custody forms, and laboratory certifications;
 - f. Table comparing analytical results to the most stringent Tier 1 ROs (include sample depth, date collected, and detection limits); and
 - g. Potable water supply well survey;
4. Conclusion that includes an assessment of the sufficiency of the data;

- 5. Site map(s) meeting the requirements of 35 Ill. Adm. Code 734.440; and
- 6. Site Investigation Summary Form.

D. Signatures

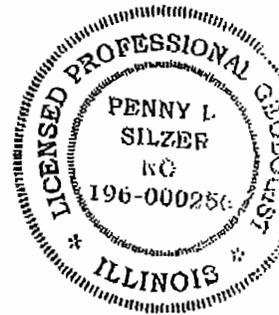
All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

UST Owner or Operator	Consultant
Name: <u>Robbie's 68</u>	Company: <u>M.E.C.R.S.</u>
Contact: <u>Mr. Robert Robbins</u>	Contact: <u>Mr. Allan Green</u>
Address: <u>1302 West Bradley Avenue</u>	Address: <u>22200 IL Route 9, P.O. Box 614</u>
City: <u>Peoria</u>	City: <u>Tremont</u>
State: <u>Illinois</u>	State: <u>Illinois</u>
ZIP Code: <u>61606</u>	ZIP Code: <u>61568</u>
Phone: <u>(309) 676-5811</u>	Phone: <u>(309) 925-5551</u>
Signature: <u><i>Robert P. Robbins</i></u>	Signature: <u><i>Allan M. Green</i></u>
Date: <u>10-20-2010</u>	Date: <u>10/20/10</u>

I certify under penalty of law that all activities that are the subject of this report were conducted under my supervision or were conducted under the supervision of another Licensed Professional Engineer or Licensed Professional Geologist and reviewed by me; that this report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in this report has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 734, and generally accepted standards and practices of my profession; and that the information presented is accurate and complete. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA, including but not limited to fines, imprisonment, or both as provided in Sections 44 and 57.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

Licensed Professional Engineer or Geologist L.P.E. or L.P.G. Seal

Name: Penny Silzer
 Company: M.E.C.R.S., Inc.
 Address: 22200 IL Rte. 9, PO Box 614
 City: Tremont
 State: Illinois
 ZIP Code: 61568
 Phone: (309) 925-5551
 Ill. Registration No.: 196-000256
 License Expiration Date: 03/31/11
 Signature: *Penny Silzer*
 Date: 10/20/10



Site Investigation Summary Form

(Attach more pages as necessary.)

Soil Boring Investigation Summary							
Do not include soil borings that were converted to groundwater monitoring wells in this section.							
Boring ID #	Type HSA / PUSH	Total Depth of Boring	Number of Soil Samples	Depth of Soil Samples (top of sampled interval)	Type(s) of Soil Analysis	Depth to Groundwater	Stage (1,2,3)
B-1	HSA	20.0	3		BTEX & MTBE		1
B-2	HSA	16.0	3		BTEX & MTBE		1
B-3	HSA	16.0	3		BTEX & MTBE		1
B-4	HSA	16.0	3		BTEX & MTBE		1
B-5	HSA	16.0	3		BTEX & MTBE		1
B-6	HSA	16.0	3		BTEX & MTBE		1
GP-1	PUSH	27.6	1		BTEX & MTBE		1
GP-2	PUSH	10.0	1		BTEX & MTBE		1
GP-3	PUSH	10.0	1		BTEX & MTBE		1
GP-4	PUSH	10.0	1		BTEX & MTBE		1
GP-5	PUSH	10.0	1		BTEX & MTBE		1
GP-6	PUSH	10.0	1		BTEX & MTBE		1
GP-7	PUSH	10.0	1		BTEX & MTBE		1
GP-8	PUSH	10.0	1		BTEX & MTBE		1

Soil Borings Converted to Groundwater Monitoring Wells Summary								
Monitoring Well ID #	Type HSA / PUSH	Total Depth of Well	Number of Soil Samples	Depth of Soil Samples (top of sampled interval)	Type(s) of Soil Analysis	Type(s) of Groundwater Analysis	Depth to Groundwater	Stage (1,2,3)

Disposal of solid waste: At the completion of Stage ____ (1, 2, or 3), _____ 55-gallon drum(s) of solid waste was disposed of by _____ at _____ facility.

Disposal of liquid waste: At the completion of Stage ____ (1, 2, or 3), _____ 0 gallons of liquid waste were disposed of off-site via _____ (vac truck or 55-gallon drum) by _____ at _____ facility.

Site Investigation Completion Report

Section 1. Background

The site is currently an operational gas station, service station, and convenience store located on West Bradley Avenue in Peoria, Illinois. A release of petroleum from the underground storage tank system was discovered during subsurface investigations. The apparent release was reported to the IEMA on October 10, 2006 and assigned incident number 20061260.

A Stage I Site Investigation Plan (SIP) and budget was approved in a letter from the IEPA dated March 8, 2007. The Stage I Site Investigation has been completed and the costs submitted in this report do not exceed the amounts set forth in 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E.

Initial Site Investigation activities were conducted on April 16, 2008. The degree and extent of soil contamination was defined. Additional site investigation, consisting of soil sampling around the UST systems was performed on April 28, 2010. Details and results of the Site Investigation follow.

Section 2. Site Investigation Field Activities

On April 16 2008, six migratory pathway borings (B-1 through B-6) were completed by Heartland Drilling and Remediation, Inc. of Springfield, Illinois under the supervision of MBCRS. The borings were completed to a depth of approximately 20 feet. Soil samples were collected continuously from all borings at 4-foot intervals using a direct push method with disposable liners. A total of eighteen soil samples were submitted to TMI Analytical Services of Springfield, Illinois for benzene, toluene, ethylbenzene, and xylenes (BTEX) and MTBE using EPA Method 5035.

On April 28, 2010, eight soil borings were advanced on the site near the location of the underground storage tank systems. The borings were placed on the site to identify worst case contamination levels remaining in native soils from early action activities. The borings were advanced to the approximate depths associated with the lower one third of the UST excavation sidewalls and one to two feet below the line trench depths. One boring was pushed below 20 feet but encountered dry rock and large coarse gravels that prohibited sufficient sample collection. The strata, including the coarse gravel (stone) is representative of the immediate geology at the site and was also encountered during early action and the initial site investigation. Drilling refusal was encountered at approximately 27.5 feet.

The submitted samples were retrieved from the depths representing the lower one third of the UST excavation (borings GP-1 through GP-5 and GP-8) and one to two feet below the line trench depth (GP-6, GP-7).

All sampling equipment was decontaminated between use with a hot detergent wash, clean water rinse and distilled water rinse. All auger flights were steam cleaned at the shop prior to field use, and were decontaminated with a pressure wash sprayer between each use in the field. A pair of clean latex gloves was used to handle each soil sample collected. Soil samples collected for chemical analyses were collected in laboratory provided and certified glass jars. All samples were labeled, entered on the chain of custody and placed in a cooler on blue ice for transport.

Laboratory data sheets are enclosed in Appendix B. Soil analytical data is presented in Table 2. Boring logs are included in Appendix A.

Section 3. Remediation Objectives

Remediation objectives for the Site Investigation Phase were determined by comparing results to the IEPA Tier 1 TACO Tables. Site specific, risk based remediation objectives for final cleanup activities will be determined through a Tier 2 TACO evaluation of the subject site which will be proposed in the Corrective Action Plan.

Section 4. Analytical Results

On April 16 2008, six migratory pathway borings were completed at the site to determine the full extent of possible contamination migration as a result of the release at the subject site. The borings were located to identify potential natural and man-made migratory pathways and any areas at the site that may be adversely affected by the petroleum release. The boring locations were selected to intercept and identify potential contamination that could enter and migrate along utility conduits at the subject site.

All the soil samples were collected using a direct push method with disposable liners and screened in the field using a photoionization detector (PID). Soil samples were collected at depths representative of those strata where contamination would be expected to exist around utility conduits. Selected samples were submitted to TMI Analytical Services of Springfield, Illinois for analysis of BTEX and MTBE.

Laboratory analysis of soil samples collected from all of the borings that were part of this investigation (B-1 through B-6) showed no BTEX or MTBE concentrations above IEPA Tier 1 Cleanup Objectives (CLOs). Therefore, the extent of BTEX contamination has been defined in the soil.

On April 28, 2010, eight soil borings were completed on the site to determine worst case contamination levels that were not fully defined in early action.

The samples were collected using direct push methods with disposable liners and were screened in the field using a PID calibrated for benzene. Selected samples were submitted to Prairie Analytical of Springfield for analysis of BTEX and MTBE.

Analytical results show contamination above the most stringent IEPA guidelines exists in soils around the UST systems on site. Soil contamination above standards was identified in six of the eight samples.

Previous early action sample results (north, south, center) from the UST floor did not indicate vertical migration below the UST floor native soils

Results of the laboratory analysis of the soil samples collected are presented in Tables 1. Laboratory data sheets are included in Appendix B.

Section 5. Conclusions

Based on the data collected to date, the following conclusions can be made:

- 1) Subsurface materials at the site consist predominantly of silty clay and clay till to depths exceeding 20 feet. Below 20 feet bgs, the geology changes to dry coarse rock and gravel to at least depths of 27 feet.
- 2) No surface body of water has been affected by the release.
- 3) No obvious threat of contamination and migration into utility conduits was identified in the investigation.
- 4) Soil contamination exceeding Tier 1 CUOs exists near the UST systems
- 5) Concentrations of BTEX constituents above IEPA Generic Cleanup levels were not detected in soils at the property boundary.
- 6) The extent of contamination appears to be limited to soils in the vicinity of the UST systems and possibly beneath the existing station building.
- 7) No groundwater supplies are threatened by the release of petroleum hydrocarbons at the subject site.

Section 6. Site Maps

See Figures 1, 2, and 3

Section 7. Soil Boring Logs

See Appendix A

Site Investigation Completion Report
Robble's 66
IBMA No. 20061260
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Section 8. Well Completion Reports

N.A.

Section 9. Laboratory Reports

See Appendix B

Section 10. Laboratory Certification

See Appendix B

General Information for the Budget and Billing Forms

LPC#: 1430855722 County: Peoria
 City: Peoria Site Name: Robble's 68
 Site Address: 1302 West Bradley Avenue
 IEMA Incident No: 20061260
 IEMA Notification Date: 10/10/2006
 Date this form was prepared: September 21, 2010

This form is being submitted as a (check one if applicable):

- Budget Proposal
- Budget Amendment (Budget Amendments must include only the costs over the previous budget.)
- Billing Package

Please provide the name(s) and date(s) of report(s) documenting the costs as requested:

Name(s): _____
 Date (s): _____

This package is being submitted for the site activities indicated below:

35 Ill. Adm. Code 734:

- Early Action
- Free Produce Removal After Early Action
- Site Investigation.....Stage 1: Stage 2: Stage 3:
Actual Costs
- Corrective Action

35 Ill. Adm. Code 732:

- Early Action
- Free Produce Removal After Early Action
- Site Classification
- Low Priority Corrective Action
- High Priority Corrective Action

35 Ill. Adm. Code 731

- Site Investigation
- Corrective Action

Budget Summary

Chose the applicable regulation: 734 732

734	Free Product	Stage 1 Site Investigation	Stage 2 Site Investigation	Stage 3 Site Investigation	Corrective Action
		actual			
Drilling and Monitoring Well Costs Form		\$4,421.80			
Analytical Costs Form		\$2,932.60			
Remediation and Disposal Costs Form		\$0.00			
UST Removal and Abandonment Costs Form		\$0.00			
Paving, Demolition, and Well Abandonment Costs Form		\$0.00			
Consulting Personnel Costs Form		\$15,202.01			
Consultant's Materials Costs Form		\$46.65			
Handling Charges Form	Handling charges will be determined at the time a billing package is submitted to the Illinois EPA. The amount of allowable charges will be determined in accordance with the Handling Charges Form.				
Total		\$22,603.06			

Drilling and Monitoring Well Costs Form

1. Drilling

Number of Borings to Be Drilled	Type HSA / PUSH / Injection	Depth (feet) of Each Boring	Total Feet Drilled	Reason for Drilling
5	PUSH	16.00	80.00	2008 stage 1 soil extent and plume definition
1	PUSH	20.00	20.00	2008 stage 1 soil extent and plume definition
1	PUSH	27.00	27.00	2010 tank and line investigation
7	PUSH	14.00	98.00	2010 tank and line investigation
			0.00	
			0.00	

Subpart H minimum payment amounts applies.

	Total Feet	Rate per Foot (\$)	Total Cost (\$)
Total Feet via PUSH:	100.00	\$19.06 ('07-'08)	\$1,906.00
Total Feet via PUSH:	125.00	20.13 ('09-'10)	\$2,515.80
Total Feet for Injection via PUSH:			\$0.00
Total Drilling Costs:			\$4,421.80

2. Monitoring / Recovery Wells

Number of Wells	Type of Well HSA / PUSH / 4" - 6" Recovery / 8" Recovery	Diameter of Well (Inches)	Depth of Well (feet)	Total Feet of Wells to Be Installed (\$)
				0.00
				0.00
				0.00
				0.00
				0.00

Well Installation	Total Feet	Rate per Foot (\$)	Total Cost (\$)
Total Feet via HSA:			\$0.00
Total Feet via PUSH:			\$0.00
Total Feet of 4" or 6" Recovery:			\$0.00
Total Feet of 8" or Greater Recovery:			\$0.00
Total Well Costs:			\$0.00

Total Drilling and Monitoring Well Costs:	\$4,421.80
--	-------------------

Analytical Costs Form

Laboratory Analysis	Number of Samples		Cost (\$) per Analysis		Total per Parameter
Chemical Analysis					
BTEX Soil with MTBE EPA 8260 ('07-'08)	18	x	\$90.90	=	\$1,636.20
BTEX Soil with MTBE EPA 8260 ('09-'10)	8	x	\$94.55	=	\$756.40
COD (Chemical Oxygen Demand)		x	\$32.71	=	\$0.00
Corrosivity		x	\$16.36	=	\$0.00
Flash Point or Ignitability Analysis EPA 1010		x	\$35.99	=	\$0.00
Fraction Organic Carbon Content (f _{oc}) ASTM-D 2974-00		x	\$41.44	=	\$0.00
Fat, Oil, & Grease (FOG)		x	\$65.43	=	\$0.00
LUST Pollutants Soil - analysis must include volatile, base/neutral, polynuclear aromatics and metals list in Section 732, Appendix B and 734, Appendix B.		x	\$755.72	=	\$0.00
Dissolved Oxygen (DO)		x	\$26.17	=	\$0.00
Paint Filter (Free Liquids)		x	\$15.27	=	\$0.00
PCB / Pesticides (combination)		x	\$37.08	=	\$0.00
PCBs		x	\$165.76	=	\$0.00
Pesticides		x	\$165.76	=	\$0.00
pH		x	\$15.27	=	\$0.00
Phenol		x	\$37.08	=	\$0.00
Polynuclear Aromatics PNAs or PAH SOIL EPA 8270		x	\$176.80	=	\$0.00
Polynuclear Aromatics PNA, PAH WATER EPA 8270		x	\$176.80	=	\$0.00
Reactivity		x	\$74.15	=	\$0.00
SVOC - Soil (Semi-Volatile Organic Compounds)		x	\$341.33	=	\$0.00
SVOC - Water (Semi-Volatile Organic Compounds)		x	\$341.33	=	\$0.00
TKN (Total Kjeldahl) "nitrogen"		x	\$47.98	=	\$0.00
TPH (Total Petroleum Hydrocarbons)		x	\$133.04	=	\$0.00
VOC (Volatile Organic Compound) - Soil (Non-Aqueous)		x	\$190.84	=	\$0.00
VOC (Volatile Organic Compound) - Water		x	\$184.29	=	\$0.00
		x		=	\$0.00
		x		=	\$0.00
		x		=	\$0.00
		x		=	\$0.00
		x		=	\$0.00
Geo-Technical					
Bulk Density (p _b) ASTM D4292 / D2937		x	\$23.99	=	\$0.00
Ex-Situ Hydraulic Conductivity / Permeability		x	\$278.08	=	\$0.00
Moisture Content (w) ASTM D2216-90 / D4643-87		x	\$13.09	=	\$0.00
Porosity		x	\$32.71	=	\$0.00
Rock Hydraulic Conductivity Ex-Situ		x	\$381.67	=	\$0.00
Sieve / Particle Size Analysis ASTM D422-63 / D1140-54		x	\$158.12	=	\$0.00
Soil Classification ASTM D2486-90 / D2487-90		x	\$74.15	=	\$0.00
Soil Particle Density (p _s) ASTM D854-92		x		=	\$0.00
		x		=	\$0.00
		x		=	\$0.00
		x		=	\$0.00

Analytical Costs Form

Metals Analysis				
Soil preparation fee for Metals Soil TCLP (one fee per soil sample)		x	\$86.15	= \$0.00
Soil preparation fee for Metals Total Soil (one fee per soil sample)		x	\$17.45	= \$0.00
Water Preparation fee for Metals In Water (one fee per water sample)		x	\$12.00	= \$0.00
Arsenic TCLP Soil		x	\$17.45	= \$0.00
Arsenic Total Soil		x	\$17.45	= \$0.00
Arsenic Water		x	\$19.63	= \$0.00
Barium TCLP Soil		x	\$10.90	= \$0.00
Barium Total Soil		x	\$10.90	= \$0.00
Barium Water		x	\$13.09	= \$0.00
Cadmium TCLP Soil		x	\$17.45	= \$0.00
Cadmium Total Soil		x	\$17.45	= \$0.00
Cadmium Water		x	\$19.63	= \$0.00
Chromium TCLP Soil		x	\$10.90	= \$0.00
Chromium Total Soil		x	\$10.90	= \$0.00
Chromium Water		x	\$13.09	= \$0.00
Cyanide TCLP Soil		x	\$30.53	= \$0.00
Cyanide Total Soil		x	\$37.08	= \$0.00
Cyanide Water		x	\$37.08	= \$0.00
Iron TCLP Soil		x	\$10.90	= \$0.00
Iron Total Soil		x	\$10.90	= \$0.00
Iron Water		x	\$13.09	= \$0.00
Lead TCLP Soil		x	\$17.45	= \$0.00
Lead Total Soil		x	\$17.45	= \$0.00
Lead Water		x	\$19.63	= \$0.00
Mercury TCLP Soil		x	\$20.72	= \$0.00
Mercury Total Soil		x	\$10.90	= \$0.00
Mercury Water		x	\$28.35	= \$0.00
Selenium TCLP Soil		x	\$17.45	= \$0.00
Selenium Total Soil		x	\$17.45	= \$0.00
Selenium Water		x	\$16.36	= \$0.00
Silver TCLP Soil		x	\$10.90	= \$0.00
Silver Total Soil		x	\$10.90	= \$0.00
Silver Water		x	\$13.09	= \$0.00
Metals TCLP Soil (a combination of all RCRA metals)		x	\$112.32	= \$0.00
Metals Total Soil (a combination of all RCRA metals)		x	\$102.51	= \$0.00
Metals Water (a combination of all RCRA metals)		x	\$129.77	= \$0.00
Other				
EnCore Sampler, purge-and-trap sampler or equivalent sampling device	54	x	\$10.00	= \$540.00
Sample Shipping per sampling event ¹		x	\$54.52	= \$0.00

¹A sampling event, at a minimum, is all samples (soil and groundwater) collected in a calendar day.

Total Analytical Costs: \$2,932.60

Consulting Personnel Costs Form

Employee Name	Personnel Title*	Hours	Rate *	Total \$
Remediation Category	Task			
Allan Green	Senior Project Manager	40.75	\$98.00	\$3,993.50
Stage 1 plan/results	planning, project organization and oversight, site inspections, client meetings			
Todd Birky	Geologist III	50.00	\$98.00	\$4,900.00
Stage 1 field	oversight of field activities, sample collection and preparation/boring logs			
Andrew Fellerolf	Project Manager	55.92	\$96.00	\$5,480.16
Stage 1 results	project tracking, correspondence, subcontractors, report preparation			
Penny Silzer	Senior Prof. Geologist	1.5	\$100.00	\$150.00
Stage 1 plan	report review and certification			
Gaye Lynn Green	Senior Acct. Technician	2.75	\$55.00	\$151.25
Stage 1 reimb	SI reimbursements, billing, invoices			
Gaye Lynn Green	Senior Admin. Assistant	12.55	\$42.00	\$527.10
Stage 1 plan/budget	SI report copies/binding/mailings			
				\$0.00

*Refer to the applicable Maximum Payment Amounts document.

Total of Consulting Personnel Costs	\$15,202.01
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Office of the Illinois
State Fire Marshal

"Partnering With the Fire Service to Protect Illinois"

CERTIFIED MAIL - RECEIPT REQUESTED #7006 2150 0004 2745 4715

March 19, 2007

Robert P. Robbins, Sr. Corporation
1302 W. Bradley Ave.
Peoria, IL 61606

In Re: Facility No. 3-023276
IEMA Incident No. 06-1260
Robbie's 66
1302 W. Bradley Ave.
Peoria, Peoria Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on March 12, 2007 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 3 6,000 gallon Gasoline
Tank 4 6,000 gallon Gasoline
Tank 5 6,000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:

"Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law

Aviation fuel

Heating oil

Kerosene

Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.

4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.102(a) (2)).

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620

The following tanks are also listed for this site:

Tank 6 560 gallon Heating Oil
Tank 7 560 gallon Used Oil
Tank 8 4,000 gallon Gasoline
Tank 9 4,000 gallon Gasoline

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deanne Lock".

Deanne Lock
Administrative Assistant
Division of Petroleum and Chemical Safety

cc: IEPA
Facility File



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

FEB 18 2011

7009 2820 0001 7494 2236

Robbie's 66
Attention: Robert Robins
1302 West Bradley Avenue
Peoria, IL 61606

Re: LPC #1430655722 - Peoria County
Peoria / Robbie's 66
1302 West Bradley
Leaking UST Incident No. 20061260
Leaking UST Technical File

Dear Mr Robins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Site Investigation Completion Report (report) submitted for the above-referenced incident. This report, dated November 1, 2010, was received by the Illinois EPA on November 3, 2010. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The report is rejected for the reason(s) listed below (Sections 57.7(a)(5) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)):

1. Pursuant to 35 Ill. Adm. Code 734.210(h), the owner or operator must determine whether the areas or locations of soil contamination exposed as a result of early action excavation (e.g., excavation boundaries, piping runs) or surrounding USTs that remain in place meet the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants.

Section 734.210(h)(2) states, at a minimum, for each UST that remains in place, the owner or operator must collect and analyze soil samples as follows. The Agency must allow an alternate location for, or excuse the drilling of, one or more borings if drilling in the following locations is made impracticable by site-specific circumstances.

- A) One boring must be drilled at the center point along each side of each UST, or along each side of each cluster of multiple USTs, remaining in place. If a side exceeds 20 feet in length, one boring must be drilled for each 20 feet of side length, or fraction thereof, and the borings must be evenly spaced along the side. The borings must be drilled in the native soil surrounding the UST(s) and as close practicable to, but not more than five feet from, the backfill material surrounding the UST(s). Each boring must be drilled to a depth of 30 feet below grade, or until groundwater or bedrock is encountered, whichever is less. Borings may be drilled below the groundwater table if site specific conditions warrant, but no more than 30

EXHIBIT

B

*** RX REPORT ***

INCOMPLETE RECEPTION

TX/RX NO	5775
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	02/21 11:23
TIME USE	00'55
PGS.	3
RESULT	NG

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feet below grade.

- B) Two borings, one on each side of the piping, must be drilled for every 20 feet of UST piping, or fraction thereof, that remains in place. The borings must be drilled as close practicable to, but not more than five feet from, the locations of suspected piping releases. If no release is suspected within a length of UST piping being sampled, the borings must be drilled in the center of the length being sampled. Each boring must be drilled to a depth of 15 feet below grade, or until groundwater or bedrock is encountered, whichever is less. Borings may be drilled below the groundwater table if site specific conditions warrant, but no more than 15 feet below grade. For UST piping that is removed, samples must be collected from the floor of the piping run in accordance with subsection (h)(1)(C) of this Section.
- C) If auger refusal occurs during the drilling of a boring required under subsection (h)(2)(A) or (B) of this Section, the boring must be drilled in an alternate location that will allow the boring to be drilled to the required depth. The alternate location must not be more than five feet from the boring's original location. If auger refusal occurs during drilling of the boring in the alternate location, drilling of the boring must cease and the soil samples collected from the location in which the boring was drilled to the greatest depth must be analyzed for the applicable indicator contaminants.
- D) One soil sample must be collected from each five-foot interval of each boring required under subsections (h)(2)(A) through (C) of this Section. Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval, provided, however, that soil samples must not be collected from soil below the groundwater table. All samples must be analyzed for the applicable indicator contaminants.

- i. Of the borings advanced to satisfy the UST early action requirements (734.210(h)(2)(A)), 1 boring was advanced to 27.5 feet bgs when auger refusal occurred and the remaining 5 borings were advanced to 12 feet bgs. The owner did not comply with Section 734.210(h)(2)(C) when auger refusal occurred, and did not comply with Section 734.210(h)(2)(A) by halting drilling at 12 feet bgs in the remaining UST borings.

The Illinois EPA requires the early action requirements described in Section 734.210(h)(2)(A) be completed by advancing the borings to 30 feet bgs or until groundwater or bedrock is encountered. If auger refusal occurs during drilling, the requirements of Section 734.210(h)(2)(C) must be met.

- ii. Of the borings advanced to satisfy the piping early action requirements (734.210(h)(2)(B)), all borings were advanced to 8 feet bgs. The owner did not comply with Section 734.210(h)(2)(B) by halting drilling at 8 feet bgs in the piping borings.

The Illinois EPA requires the early action requirements described in Section 734.210(h)(2)(B) be completed by advancing the borings to 15 feet bgs or until groundwater or bedrock is encountered. If auger refusal occurs during drilling, the requirements of Section 734.210(h)(2)(C) must be met.

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- iii. The requirements of Section 734.210(h)(2)(D) are not satisfied. The owner did not collect soil samples at each five-foot interval of each boring required under subsections (h)(2)(A) through (C) of 734.210(h)(2).

The Illinois EPA requires soil samples be collected at each five-foot interval to satisfy the requirements of Section 734.210(h)(2)(D).

Pursuant to 35 Ill. Adm. Code 734.315, the Stage 1 Site Investigation must proceed as follows:

- a. Up to four borings must be drilled around each independent UST field where one or more UST excavation samples collected pursuant to 35 Ill. Adm. Code 734.210(h), excluding backfill samples, exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. One additional boring must be drilled as close as practicable to each UST field if a groundwater investigation is not required. The borings must be advanced through the entire vertical extent of contamination, based upon field observations and field screening for organic vapors, provided that borings must be drilled below the groundwater table only if site-specific conditions warrant.
- b. Up to two borings must be drilled around each UST piping run where one or more piping run samples collected pursuant to 35 Ill. Adm. Code 734.210(h) exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. One additional boring must be drilled as close as practicable to each UST piping run if a groundwater investigation is not required. The borings must be advanced through the entire vertical extent of contamination, based upon field observations and field screening for organic vapors, provided that borings must be drilled below the groundwater table only if site-specific conditions warrant.
- c. One soil sample must be collected from each five-foot interval of each boring drilled pursuant to 35 Ill. Adm. Code 734.315(a)(1)(A) and (B). Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval. All samples must be analyzed for the applicable indicator contaminants.

Stage 1 Site Investigation activities must be based on the results of the activities conducted under Section 734.210(h). The requirements of Section 734.210(h) are not satisfied, therefore, the Illinois EPA cannot make a determination if the Stage 1 activities undertaken are appropriate to satisfy Section 734.315.

In addition, the budget for Stage 1 is rejected for the reason(s) listed in Attachment A (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, a revised report must be submitted within 90 days of the date of this letter to:

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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 shown at the beginning of this letter.

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 Carol Hawbaker at 217/782-5713.

Sincerely,



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

HAC: CLH

Attachment: A

c: Midwest Environmental Consulting & Remediation Services, Inc.
BOL File

Attachment A

Re: LPC # 1430655722 -- Peoria County
Peoria / Robbie's 66
1302 West Bradley Avenue
Leaking UST Incident No. 20061260
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. Pursuant to Sections 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b), the associated budget is rejected for the following reason:

The Illinois EPA has not approved the plan with which the budget is associated. Until such time as the plan is approved, a determination regarding the associated budget— i.e., a determination as to whether costs associated with materials, activities, and services are reasonable; whether costs are consistent with the associated technical plan; whether costs will be incurred in the performance of corrective action activities; whether costs will not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and whether costs exceed the maximum payment amounts set forth in Subpart H of 35 Ill. Adm. Code 734—cannot be made (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)).

The Illinois EPA cannot determine whether the Stage 1 activities are consistent with the minimum requirements for Stage 1 site investigation. Early action requirements (Section 734.210(h) requirements) are not satisfied, therefore the costs associated with Stage 1 cannot be evaluated pursuant to Section 734.505(b).