

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

JEET SINGH d/b/a	)	
AMAN FOOD & GAS,	)	
Petitioner,	)	
v.	)	PCB _____
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**NOTICE OF FILING AND PROOF OF SERVICE**

To:	John T. Therriault, Acting Clerk	Division of Legal Counsel
	Illinois Pollution Control Board	Illinois Environmental Protection Agency
	100 West Randolph Street	1021 North Grand Avenue East
	State of Illinois Building, Suite 11-500	P.O. Box 19276
	Chicago, IL 60601	Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a PETITION FOR REVIEW OF THE AGENCY LUST DECISION, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 1<sup>st</sup> day of March, 2017.

Respectfully submitted,  
JEET SINGH d/b/a AMAN FOOD & GAS,  
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
pdshaw1law@gmail.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JEET SINGH d/b/a AMAN FOOD & GAS,	)	
Petitioner,	)	
	)	
v.	)	PCB _____
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**PETITION FOR REVIEW OF AGENCY LUST DECISION**

NOW COMES Petitioner, JEET SINGH d/b/a AMAN FOOD & GAS, pursuant to Section 57.7(c)(4) of the Illinois Environmental Protection Act, 415 ILCS 5/57.7(c)(4), and hereby appeals the Agency’s final decision, modifying budgets for site investigation activities, stating as follows:

1. Petitioner owns a service station in Moline, County of Rock Island, Illinois, which has been assigned LPC #1610455194.
2. On March 3, 2014, Petitioner reported releases from three underground storage tanks at the site, which were subsequently removed. Incident Number 2014-0247 was assigned to the releases.
3. After performing early action, and stage one site investigation, Petitioner submitted a Stage 2 Site Investigation Plan and Proposed Budget on July 23, 2015, which in all relevant respects was approved by the Agency on November 5, 2015.
4. This proposed budget set forth cost estimates for performing the associated plan, and the total amount of the proposed budget was \$31,197.84, including \$26,588.02 in consulting personnel costs and \$1,042.50 for consultant material costs.
5. In reliance upon this approval, the work was substantially completed and

performed significantly under the amount approved in the budget.

6. Pursuant to Illinois EPA instructions for its forms, Stage Two and Stage Three site investigation work must be approved through two rounds of budgets:

**The actual costs for conducting the Stage 1 site investigation must be submitted on budget forms concurrently with the results of the Stage 1 site investigation and the next Site Investigation Plan and budget (submitted on its own budget forms) or with the Site Investigation Completion Report if the site investigation is complete. Likewise, the actual costs for conducting the Stages 2 and/or 3 site investigation must be submitted on budget forms concurrently with the results of the previous site investigation and the next Site Investigation Plan and budget (submitted on its own budget forms) or with the Site Investigation Completion Report if the site investigation is complete.**

(Instructions for the Budget and Billing Forms, at p. 2)

7. Therefore, on July 28, 2016, Petitioner submitted a Stage 3 Site Investigation Plan and Budget, with the Stage 2 Actual Cost Budget.

8. The total amount of the Stage 2 Actual Cost Budget was \$23,013.13, which is over twenty-six percent below the previous budget. Total consulting personnel costs were \$18,330.40.

9. On September 30, 2016, the Illinois EPA project manager sent an electronic-mail to the Petitioner's consultant under a claim of confidentiality, and while the claim is without merit, undersigned counsel believes it appropriate to make no comment as to its content until such time as Illinois EPA may be represented by counsel in this matter.

10. Thereafter, further correspondence btw/ the parties ensued.

11. On January, 26, 2017, the Agency issued its final decision in this matter, cutting \$1,235.15 from the actual cost budget for Stage 2 Site Investigation activities, and \$888.78 from the proposed budget for Stage 3 Site Investigation activities. A true and correct copy of this

decision is attached hereto as Exhibit A.

12. All of the cuts identified from the Actual Costs Budget were costs for personnel time (\$945.55) and consultant's materials (\$289.60). Although actual costs of both of these items was lower than in the initial budget, some of the work was ultimately done by different individuals and the Agency cut their time for the reason that it believes 35 Ill. Adm. Code 734.870(d)(1) does not permit specific items to be increased in a subsequent budget, only decreased.

13. Section 734.870(d)(1) of the Board's regulations state:

**Section 734.870 Increase in Maximum Payment Amounts**

**The maximum payment amounts set forth in this Subpart H must be adjusted annually by an inflation factor determined by the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business.**

...

**d) Adjusted maximum payment amounts must be applied as follows:**

**1) For costs approved by the Agency in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Agency received the budget in which the costs were proposed. Once the Agency approves a cost, the applicable maximum payment amount for the cost must not be increased (e.g, by proposing the cost in a subsequent budget).**

(35 Ill. Adm. Code § 734.870(d)(1))

14. The plain words of Section 734.870 of the Board's regulations clearly indicate that it is the rates set forth in Subpart H (that are revised through an annual cost-of-living adjustment), which may not be increased through means of a subsequent budget. The interpretation offered by the Agency would violate the plain language of the Illinois

Environmental Protection Act:

**In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.**

(415 ILCS 5/57.8(a)(5))

15. It is the Agency's "rules" which require subsequent budgets, and to the extent there it has authority to do so, it must be found in the Act or Board's regulations, and Section 57.8(a)(5) of the Act expressly contemplates that subsequent budgets may be used when additional costs are incurred than those previously approved.

16. Overall the purpose of a financial review is to make sure that the costs are "reasonable" (35 Ill. Adm. Code § 734.510(b)), and where the actual costs budget is far below the approved proposed budget, the appropriate purpose of a financial review is not to eliminate a few items that were slightly higher than estimated when dozens of other items were significantly lower.

17. Furthermore, consulting material costs were cut for want of invoices or other documentation that is supposed to take place at the reimbursement stage.

18. In the alternative, the Agency's practice of requiring an actual cost budget in addition to an ordinary budget is an invalid Agency rulemaking as it is not authorized by statute or properly promulgated rule. Accordingly, the Board should direct the Agency to begin processing reimbursements for Stage 2 and Stage 3 Site Investigation activities without requiring approval of a second budget.

19. With respect to the Stage 3 Budget, the items proposed are reasonable and based upon previous submittals approved by the Agency and those costs should be reinstated.

Specifically,

- a. The costs budgeted for a PID, disposable gloves, mileage, survey equipment, bailers, bailing twine and water level indicators are substantially the same as approved in the Stage 2 budget;
- b. The cost of the measuring wheel were approved in Abel Investments v. IEPA, PCB 16-108 (Dec. 15, 2016).
- c. The Agency erroneously limits the budget for photocopying based upon the assumption that the only pages that ever need to be printed are the two copies required by the Agency; consultants also copy documents, both drafts and final copies, for internal use, as well as provide documents to the owner/operator.

20. In all cases, the application was complete, containing all of the information required pursuant to Section 57.7(a)(2) of the Illinois Environmental Protection Act (415 ILCS 5/57.7(a)(2)), pursuant to Section 734.135 of the Board's regulations (35 Ill. Adm. Code § 734.135), and in accordance with Illinois EPA forms.

21. The subject Illinois EPA letter was received by certified mail on January 30, 2017, which is less than 35 days from the date this appeal is being filed, and therefore timely.

WHEREFORE, Petitioner, JEET SINGH d/b/a AMAN FOOD & GAS, prays that: (a) the Agency produce the Record; (b) a hearing be held; (c) the Board find the Agency erred in its decision, (d) the Board direct the Agency to approve the budget as submitted, (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioner such other and further relief as it deems meet and just.

JEET SINGH d/b/a AMAN FOOD & GAS,  
Petitioner

By its attorneys,  
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
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pdshaw1law@gmail.com



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

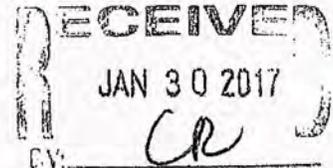
217/524-3300

**CERTIFIED MAIL**

7014 2120 0002 3290 8074

JAN 26 2017

Aman Food & Gas  
Attention: Balbir Kaur  
5048 Country Court  
Davenport, Iowa 52807



Re: LPC #1610455194 – Rock Island County  
Moline / Aman Food & Gas  
1830 5<sup>th</sup> Avenue  
Leaking UST Incident No. #20140247  
Leaking UST Technical File

Dear Mr. Kaur:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Stage 3 Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated July 28, 2016, was received by the Illinois EPA on July 29, 2016. Additional information was received by the Illinois EPA on December 9, 2016 via email that included costs which superseded the line items and total costs originally submitted in the associated budget. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The Illinois EPA has determined that the modifications listed in Attachment A are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

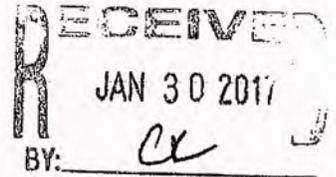
The actual costs for Stage 2 are modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment B, the amounts listed in Section 1 of Attachment B are approved. Be aware that the amount of payment from the Fund may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

In addition, the proposed budget for Stage(s) 3 is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). The modifications are listed in Section 2 of Attachment B. Costs must be incurred in accordance with the approved plan. The maximum amounts that can be paid from the Fund must be determined in accordance with Subpart H, Appendix D, and Appendix E of 35 Ill. Adm. Code 734 (35 Ill. Adm. Code 734.310(b)). Please be advised that costs associated with materials, activities, and services must

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
595 S. State, Elgin, IL 60123 (847) 608-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800  
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 693-2309  
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-1000  
100 W. Randolph, Suite 10-300, Chicago, IL 60601





be reasonable, must be consistent with the associated technical plan, must be incurred in the performance of corrective action activities, must not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and must not exceed the maximum payment amounts set forth in Subpart H, Appendix D, and Appendix E of Part 734 (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.510(b)).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, if payment from the Fund will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted. Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

**Further, pursuant to 35 Ill. Adm. Code 734.145, it is required that the Illinois EPA be notified of field activities prior to the date the field activities take place. This notice must include a description of the field activities to be conducted; the name of the person conducting the activities; and the date, time, and place the activities will be conducted. This notification of field activities may be done by telephone, facsimile, or electronic mail—and must be provided at least two weeks prior to the scheduled field activities.**

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, the Illinois EPA requires submittal of a Stage 3 Site Investigation Plan, and budget if applicable, or Site Investigation Completion Report within 30 days after completing the site investigation to:

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 the Illinois EPA project manager, Eric Kuhlman, at 217-785-5715.

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Sincerely,

*SA Colantino*

Stephen A. Colantino  
Acting Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

SAC:EK:PA

Attachment: A, B, Appeal Rights

c: Matt Rives, CWM Company (electronic copy), [matt@cwmcompany.com](mailto:matt@cwmcompany.com)  
BOL File

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### Appeal Rights

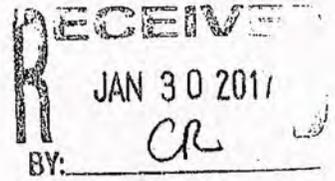
An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be 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 Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 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, IL 62794-9276  
217/782-5544



Attachment A

Re: LPC #1610455194 -- Rock Island County  
Moline / Aman Food & Gas  
1830 5<sup>th</sup> Avenue  
Leaking UST Incident No. #20140247  
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. The Stage 3 site investigation must be designed to identify the extent of off-site soil and groundwater contamination that, as a result of the release, exceeds the most stringent Tier I remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. The Stage 3 site investigation must consist of the following:
  - a. The drilling of soil borings and collection of soil samples necessary to identify the extent of soil contamination beyond the site's property boundaries that exceeds the most stringent Tier I remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. Soil samples must be collected in appropriate locations and at appropriate depths, based upon the results of the soil sampling and other investigation activities conducted to date, provided, however, that soil samples must not be collected below the groundwater table. All samples must be analyzed for the applicable indicator contaminants; and
  - b. The installation of groundwater monitoring wells and collection of groundwater samples necessary to identify the extent of groundwater contamination beyond the site's property boundaries that exceeds the most stringent Tier I remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. If soil samples are collected from a monitoring well boring, the samples must be collected in appropriate locations and at appropriate depths, based upon the results of the soil sampling and other investigation activities conducted to date, provided, however, that soil samples must not be collected below the groundwater table. All samples must be analyzed for the applicable indicator contaminants.

(Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.325)

*The installation of one (1) additional groundwater monitoring well and collection of groundwater samples is necessary to identify the extent of groundwater contamination beyond the site's property boundaries. The location of this additional well should be across 5<sup>th</sup> Avenue and north of monitoring well MW-3.*

*Please note that the groundwater flow direction, determined by the Illinois EPA, is to the southwest (SW) for the October 2014 and April 2016 Groundwater Flow Direction Maps.*

*If the Illinois EPA is correct, then any groundwater in contact with contaminated soil near the former UST system would potentially migrate to the previously uninvestigated location southwest of the UST excavation and west of monitoring well MW-4. However, no additional groundwater investigation will be required at this time, unless there is evidence of groundwater contamination within MW-4.*

EK:PA

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Attachment B

Re: LPC #1610455194 -- Rock Island County  
Moline / Aman Food & Gas  
1830 5<sup>th</sup> Avenue  
Leaking UST Incident No. #20140247  
Leaking UST Technical File

**SECTION 1**

**STAGE 2 Actual Costs**

As a result of the Illinois EPA's modifications in Section 2 of this Attachment B, the following amounts are approved:

\$2,423.77	Drilling and Monitoring Well Costs
\$1,258.96	Analytical Costs
\$0.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$17,384.85	Consulting Personnel Costs
\$710.40	Consultant's Materials Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

**STAGE 3 Proposed Budget**

Costs must be incurred in accordance with the approved plan and must be determined in accordance with 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E.

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

**SECTION 2**

**STAGE 2 Modifications**

1. \$388.77 for costs for field preparation, scheduling, arrangements, and coordination by the Senior Project Manager that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials,

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activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Therefore, the Senior Project Manager rate was reduced to the Senior Administrative Assistant rate of \$54.67 which was the approved personnel title and rate for this task in the Stage 2 Site Investigation Plan Budget dated July 22, 2015. In addition, one hour was deducted since only 4 hours were approved for this task, not the 5 hours listed in the Stage 2 Actual Costs Budget.

Furthermore, in accordance with Section 734.870(d)(1), for costs approved by the Agency in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Agency received the budget in which the costs were proposed. Once the Agency approved a cost, the applicable maximum payment amount for the cost must not be increased.

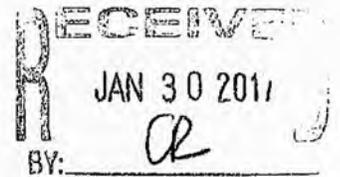
2. \$155.68 for costs for drilling, soil sampling, performing slug test, and field prep by the Engineer III that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Therefore, the Engineer III rate was reduced to the Professional Geologist of \$111.76 which was the approved personnel title and rate for this task in the Stage 2 Site Investigation Plan Budget dated July 22, 2015.

Furthermore, in accordance with Section 734.870(d)(1), for costs approved by the Agency in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Agency received the budget in which the costs were proposed. Once the Agency approved a cost, the applicable maximum payment amount for the cost must not be increased.

3. \$303.80 for costs for groundwater sampling, surveying by Engineer III that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are



consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Therefore, the Engineer III rate was reduced to the Engineer I rate of \$91.11 which was the approved personnel title and rate for this task in the Stage 2 Site Investigation Plan Budget dated July 22, 2015.

Furthermore, in accordance with Section 734.870(d)(1), for costs approved by the Agency in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Agency received the budget in which the costs were proposed. Once the Agency approved a cost, the applicable maximum payment amount for the cost must not be increased.

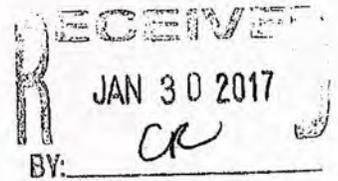
4. \$97.30 for costs for groundwater sampling and surveying by Senior Project Manager that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Therefore, the Senior Project Manager rate was reduced to the Professional Geologist rate of \$111.76 which was the approved personnel title and rate for this task in the Stage 2 Site Investigation Plan Budget dated July 22, 2015.

Furthermore, in accordance with Section 734.870(d)(1), for costs approved by the Agency in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Agency received the budget in which the costs were proposed. Once the Agency approved a cost, the applicable maximum payment amount for the cost must not be increased.

5. \$6.60 for costs for mileage, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).



*According to Google Maps, there is between 161-171 miles from the field office to the site depending on which route you take. The fastest route is approximately 167 miles which is about 334 miles roundtrip. Therefore, the Illinois EPA deducted the additional mileage that exceeded the minimum requirements necessary to comply with the Act since they are not eligible for payment from the Fund.*

6. \$75.00 for site investigation or corrective action costs for 500 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

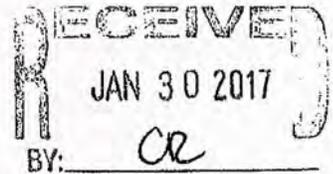
*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 500 copies for the Stage 2 Plan. Please note the Illinois EPA only needs two copies of any plan, budget, or report submitted to the Illinois EPA for review.*

7. \$7.50 for costs for 50 copies, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

*Costs associated with making 50 copies exceed the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund because only 150 copies were approved in the Stage 2 Site investigation Budget dated July 22, 2015, instead of the 200 copies submitted in the Stage 2 Actual Costs.*

8. \$22.50 for site investigation or corrective action costs for 150 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).



*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 150 copies for the Stage 2 Budget. Please note the Illinois EPA only needs two copies of any plan, budget, or report submitted to the Illinois EPA for review.*

9. \$120.00 for site investigation or corrective action costs for 800 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 800 copies for the Stage 2 Reimbursement Request. Please note the Illinois EPA only needs two copies of any claim submitted to the Illinois EPA for review.*

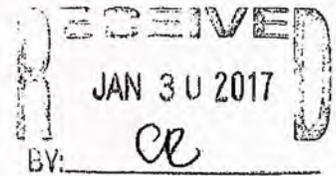
10. \$22.50 for costs for 150 copies, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

*Costs associated with making 150 copies exceeded the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund since only 100 copies were approved in the Stage 2 Site investigation Budget dated July 22, 2015, instead of the 250 copies submitted in the Stage 2 Actual Costs.*

11. \$15.00 for site investigation or corrective action costs for 100 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 100 copies for the field preparation, maps, boring logs, analytical reports, and field reports. In fact, any costs associated with making copies for field preparation,*



*maps, boring logs, analytical reports, and field reports should already be included within the Stage 2 Plan. Therefore, these costs are not eligible for payment from the Fund since they are duplicate costs.*

12. \$6.00 for costs for disposable bailers, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

*Costs associated with disposable bailers exceeded the minimum requirements necessary to comply with the Act. Therefore, the Illinois EPA reduced the disposable bailer rate to \$13.00 per bailer, which was the rate approved by the Illinois EPA in the Stage 2 Site Investigation Budget dated July 22, 2015.*

13. \$1.00 for costs for bailing twine, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

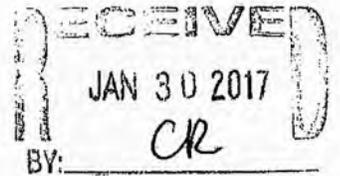
*Costs associated with disposable bailers exceeded the minimum requirements necessary to comply with the Act. Therefore, the Illinois EPA reduced the bailing twine rate to \$5.00 per roll, which was the rate approved by the Illinois EPA in the Stage 2 Site Investigation Budget dated July 22, 2015.*

14. \$36.00 for site investigation or corrective action costs for materials used to perform slug test that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

*To date, the consultant has not yet provided a list of the materials used to perform slug testing. Since there is no supporting documentation of these costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of the Act. Therefore, such costs are not approved.*

### STAGE 3 Modifications



1. \$148.00 for costs for PID, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for a PID pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

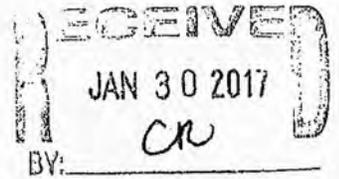
In addition, without supporting documentation for the rate requested the PID costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

2. \$21.00 for costs for measuring wheel, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for measuring wheel pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

In addition, without supporting documentation the rate requested the measuring wheel is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

3. \$7.80 for costs for mileage, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action



activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

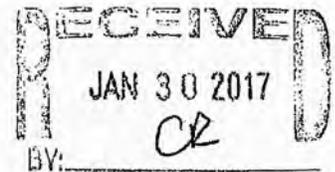
*According to Google Maps, there is between 161-171 miles from the field office to the site depending on which route you take. The fastest route is approximately 167 miles which is about 334 miles roundtrip. Therefore, the Illinois EPA deducted the additional mileage that exceeded the minimum requirements necessary to comply with the Act since they are not eligible for payment from the Fund.*

4. \$73.48 for costs for mileage, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Illinois EPA will reimburse for mileage at a rate of \$0.54 per mile when sufficient documentation was not submitted for a higher daily amount. Based on a roundtrip from CWM Company to the site being 334 miles per day for a total of 2 days proposed the allowable reimbursement is \$360.72. Based on this calculation, \$73.48 is being deducted from the consultant's material costs of the budget. A vehicle rental invoice showing the daily cost to rent the vehicle would be considered supporting documentation.

5. \$16.00 for costs for disposable gloves, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for disposable gloves pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.



In addition, without supporting documentation the rate requested the disposable gloves is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

6. \$56.00 for costs for water level indicator, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for water level indicator pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

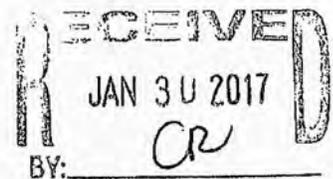
In addition, without supporting documentation the rate requested the water level indicator is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

7. \$90.00 for site investigation or corrective action costs for 600 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 600 copies for the Stage 3 Plan. Please note the Illinois EPA only needs two copies of any plan, budget, or report submitted to the Illinois EPA for review.*

8. \$60.00 for site investigation or corrective action costs for 400 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).



Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 400 copies for the Stage 3 Budget. Please note the Illinois EPA only needs two copies of any plan, budget, or report submitted to the Illinois EPA for review.*

9. \$90.00 for site investigation or corrective action costs for 600 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

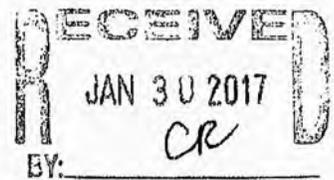
Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 600 copies for the Stage 3 Reimbursement Request. Please note the Illinois EPA only needs two copies of any claim submitted to the Illinois EPA for review.*

10. \$22.50 for site investigation or corrective action costs for 150 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 150 copies for the field preparation, maps, boring logs, analytical reports, and field reports. In fact, any costs associated with making copies for field preparation, maps, boring logs, analytical reports, and field reports should already be included within the Stage 3 Plan. Therefore, these costs are not eligible for payment from the Fund since they are duplicate costs.*



11. \$86.00 for costs for survey equipment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

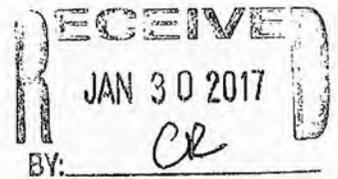
Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for survey equipment pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

In addition, without supporting documentation the rate requested the survey equipment is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

12. \$32.00 for costs for disposable bailers, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for disposable bailers pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

In addition, without supporting documentation the rate requested the disposable bailers is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).



13. \$6.00 for costs for bailing twine, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for bailing twine pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

In addition, without supporting documentation the rate requested the bailing twine is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

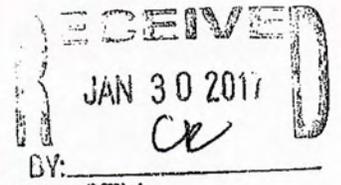
14. \$90.00 for site investigation or corrective action costs for 600 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 600 copies for the SICR. Please note the Illinois EPA only needs two copies of any plan, budget, or report submitted to the Illinois EPA for review.*

15. \$90.00 for site investigation or corrective action costs for 250 copies that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective



action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

*To date, the consultant has not yet provided any receipt or invoice for costs associated with making 600 copies for the SICR. Please note the Illinois EPA only needs two copies of any correspondence submitted to the Illinois EPA for review. In fact, the consultant has not provided any explanation why 250 copies are needed to notify only two offsite property owners.*

EK:PA