

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

CADY OIL COMPANY	,)	
	Petitioner,)	
)	
	v.)	PCB 2020-036
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
	Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
carol.webb@illinois.gov

Robert M. Riffle, Esq.
Riffle & Associates, LLC
133 S. Main Street
Morton, IL 61550
rriffle@rmreenterprises.net

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an **APPEARANCE**, the **ADMINISTRATIVE RECORD** and a **CERTIFICATE OF RECORD ON APPEAL**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
Dated: December 8, 2020

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

CADY OIL COMPANY	,)	
	Petitioner,)	
)	
	v.)	PCB 2020-036
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
	Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters her Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: December 8, 2020

CADY OIL COMPANY

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

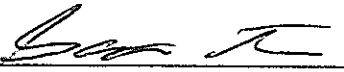
PCB 2020-036
(LUST Appeal)

CERTIFICATE OF RECORD ON APPEAL

Pursuant to 35 Ill. Adm. Code 105.116(b) and 105.410, the following constitutes an index of documents comprising the record:

PAGES	DOCUMENT(S)	DATE
R0001-R0009	NFR letter	September 26, 2018
R0010-R0024	Emailed Budget Amendment	July 16, 2019
R0025-R0038	Logged in Budget Amendment	July 19, 2019
R0039	Technical Review Notes	October 29, 2019
R0040-R0043	IEPA Determination Letter	November 8, 2019

I, Scott Rothering, certify on information and belief that the entire record of the Respondent's decision, as defined in 35 Ill. Adm. Code 105.410(b), is hereby enclosed.

By: 
Scott Rothering, Project Manager
Leaking Underground Storage Tank Section
Illinois Environmental Protection

Agency

Date: 12/8/20

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on **December 8, 2020**, I served true and correct copies of an **APPEARANCE**, the **ADMINISTRATIVE RECORD** and a **CERTIFICATE OF RECORD ON APPEAL**, via the Board's COOL system and email, upon the following named persons:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
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Robert M. Riffle, Esq.
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133 S. Main Street
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
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P.O. Box 19276
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217/782-5544
866/273-5488 (TDD)
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3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

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2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: The land use shall be industrial/commercial. It has been demonstrated that the groundwater under the site meets Class II (General Resource) groundwater criteria rather than Class I (Potable Resource) groundwater. Groundwater classifications are defined at 35 Ill. Adm. Code 620.Subpart B.
3. The land use limitation specified in this Letter may be revised if:
 - a. Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. **Preventive:** The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain, or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Highway Authority Agreement

The Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 201 West Jackson Street. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Jackson Street as indicated in the Highway Authority Agreement # 901. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and

(b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

Illinois Department of Transportation
Region Three Engineer
Attn: District Four Environmental Studies Unit
401 Main Street
Peoria, IL 61602-1111

Highway Authority Agreement

The Village of Morton agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 201 West Jackson Street. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Bauman Avenue as indicated in the Highway Authority Agreement 12-05. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

The Village of Morton
Office of Mayor
120 North Main Street
Morton, IL 61550

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attention: Freedom of Information Act Officer
Division of Records Management - #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

8. Pursuant to 35 Ill. Adm. Code 734.720, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
 - a. Any violation of institutional controls or industrial/commercial land use restrictions;
 - b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or
 - f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

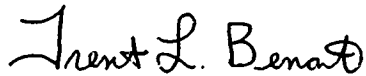
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Submit an accurate and official copy of this Letter, as recorded, to:

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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Scott Rothering, at 217-785-1858.

Sincerely,



Trent L. Benanti, P.E.
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map

c: Penny Silzer, Midwest Environmental Consulting & Remediation (electronic copy)
BOL File

PREPARED BY:

Name: Cady Oil Company
Steve Cady

Address: 201 West Jackson Street
Morton, IL 61550

RETURN TO:

Name: Cady Oil Company
Steve Cady

Address: 5023 North Galena Road
Peoria Heights, IL 61616

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

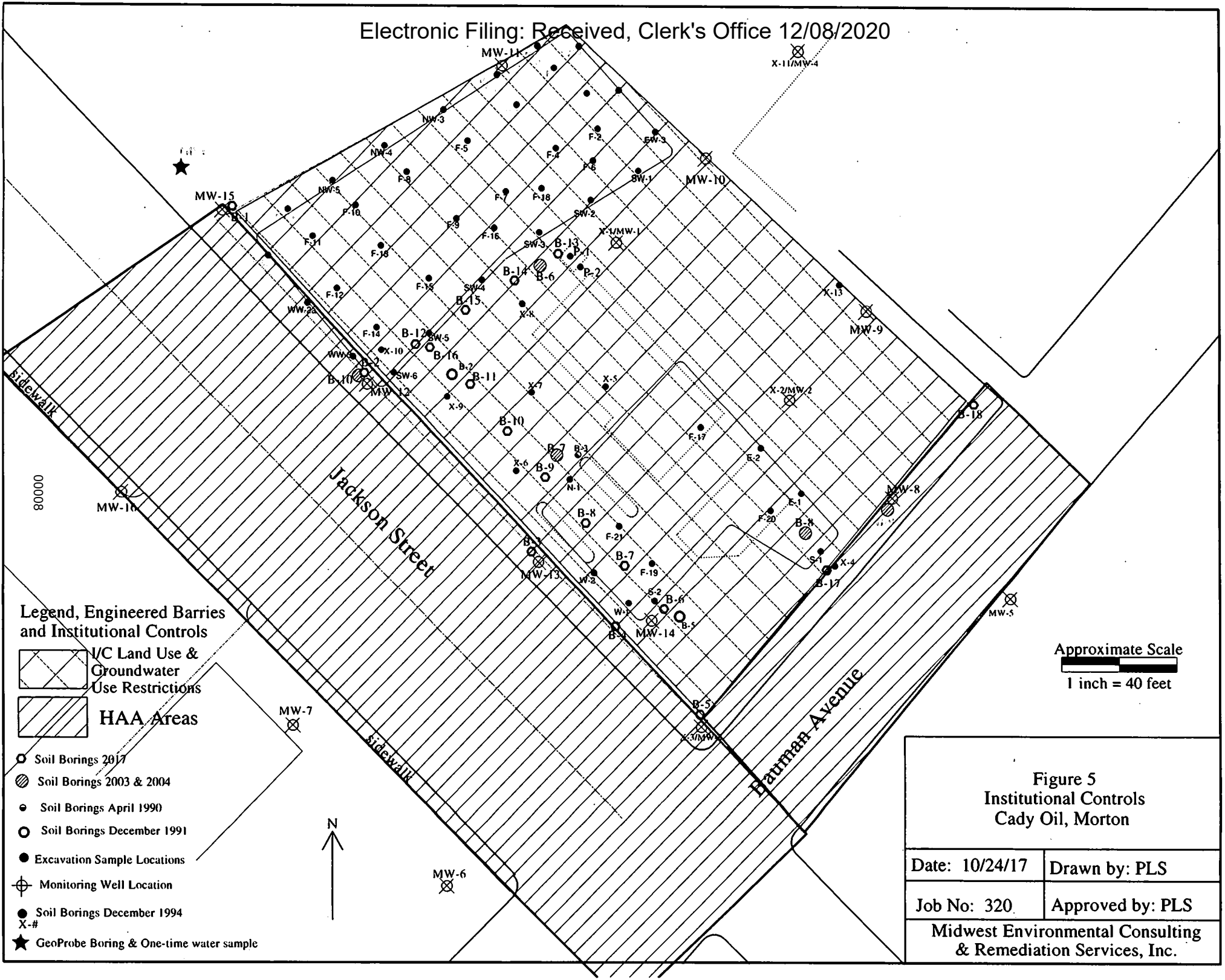
THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF TAZEWELL COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA No.: 1790505042

Leaking UST Incident No.: 900733










Cady Oil Company, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 5023 North Galena Road, Peoria, Illinois 61616, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: SEC 17 T25N R3W SUB OF LOT F OF WEBBS SUB; LOTS 1 THRU 4; & LOT 1 OF MAGNUSON, MATHIS & HAUTER SUB SE 1/4
2. Common Address: 201 West Jackson Street, Morton, Illinois
3. Real Estate Tax Index/Parcel Index Number: 06-06-17-418-009
4. Site Owner: Lighthouse Properties of Illinois, LLC
5. Land Use Limitation: The land use shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.



Legend, Engineered Barriers and Institutional Controls

-  I/C Land Use & Groundwater Use Restrictions
-  HAA Areas

-  Soil Borings 2017
-  Soil Borings 2003 & 2004
-  Soil Borings April 1990
-  Soil Borings December 1991
-  Excavation Sample Locations
-  Monitoring Well Location
-  Soil Borings December 1994
-  X-#
-  GeoProbe Boring & One-time water sample

Approximate Scale
1 inch = 40 feet

Figure 5
Institutional Controls
Cady Oil, Morton

Date: 10/24/17	Drawn by: PLS
Job No: 320	Approved by: PLS
Midwest Environmental Consulting & Remediation Services, Inc.	



RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to the Tiered Approach to Corrective Action Objectives (TACO) fact sheet entitled *No Further Remediation Letters*, which is available from the Illinois EPA by calling (217) 524-3300 or by accessing it on the Illinois EPA Web site at <http://www.epa.illinois.gov/topics/cleanup-programs/taco/fact-sheets/no-further-remediation-letters/index>.

Jarvis, Melanie

From: mecrcs <mdwstenv@frontier.com>
Sent: Tuesday, July 16, 2019 1:54 PM
To: Rothering, Scott
Subject: [External] Budget Amendment for 900733
Attachments: Untitled_07162019_135646.pdf

Hi Scott,
Thank you for looking in to this for me.
Penny Silzer
Midwest Environmental
309-925-5551

MIDWEST ENVIRONMENTAL CONSULTING & REMEDIATION SERVICES, INC.
22200 ILLINOIS ROUTE 9 POST OFFICE BOX 614
TREMONT, ILLINOIS 61568
PHONE NO. (309) 925-5551 FAX (309) 925-5606

LETTER OF TRANSMITTAL

TO:
Illinois Environmental Protection Agency
1021 North Grand Ave East
PO Box 19276
Springfield, Illinois 62794-9276

DATE: June 19, 2018
JOB No.: 320
RE: Cady Oil Company
201 W Jackson Street
Morton, IL

WE ARE SENDING YOU:

- REPORT LETTER CONTRACT & RATE SHEET
 MAP/DRAWINGS DOCUMENTS REQUIRING SIGNATURES
 REIMBURSEMENT DOCUMENTATION OTHER

COPIES	DESCRIPTION
1	Corrective Action Plan & Budget

THESE ARE TRANSMITTED AS CHECKED BELOW:

- REIMBURSEMENT APPLICATION FOR APPROVAL AS NEEDED FOR REPORT
 COPY FOR YOUR RECORDS SIGNATURE REQUIRED AS REQUESTED

REMARKS:

Attached please find two reimbursement applications for the subject site.

FROM: Penny Silzer, PG, Project Manager

Midwest Environmental Consulting & Remediation Services, Inc.

Midwest Environmental Consulting & Remediation Services, Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone : (309) 925-5551 • Fax : (309) 925-5606

E-mail : mdwstenv@frontier.com

June 14, 2018

Scott Rothering and Melissa Owens
Illinois Environmental Protection Agency
Bureau of Land -- #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Re: LPC #1790505042 – Tazewell County
Morton/Cady Oil Company
201W-400 Jackson Street
LUST Incident No. 900733
LUST Technical File

Dear Mr. Rothering and Ms. Owens:

This letter has been prepared as both a budget amendment and a request for re-review of claim number 900733-68990. Attached please find a budget amendment for the subject site that has been prepared to address the cuts from the most recent reimbursement application dated November 28, 2017, as defined by Melissa Owens in her letter dated April 23, 2018. The following provides the list of itemized costs identified in Ms. Owen's letter and provides justification where appropriate for approval of the costs in this budget amendment.

Item 3. Deduction for Shipping of Samples

The \$15 dollars paid to Prairie Analytical for sample pick up is included as sample shipping costs on the analytical costs page of the attached budget amendment.

Item 4. Deduction for Drilling Costs

Total linear footage for the depth of the borings was greater than originally proposed. The additional costs incurred for drilling was included in the budget dated November 9, 2017 and approved by the IEPA in a letter dated May 10, 2018. The additional costs approved of \$321.60 will be requested in the next reimbursement application.

Items 5. Cut in Personnel Time for Andrew Fetterolf as a Senior Project Manager

A total of 19.75 hours of personnel time were cut from the reimbursement application under this item. The personnel hours cut were used between April 2013 and January 2015.

During this time, Midwest was attempting to close the incident by implementing a groundwater use restriction as an institutional control. Midwest personnel requested a groundwater use restriction ordinance from the Village of Morton. The ordinance as written was not acceptable to the IEPA for use as an institutional control unless the Village of Morton included a Memorandum of Understanding (MOU). Obtaining the institutional controls appropriate to close the site is often more difficult than anticipated. Once a governing entity constructs and adopts the ordinance under the guidance of their legal council, it can be quite difficult to get that ordinance altered or amended, as in this case. Midwest personnel worked over the span of about a year, from April 2013 to April 2014 to resolve this issue with the Village. It became evident that the Village was not interested in working with our client on this matter. Around the beginning of April 2014, Midwest personnel began reviewing and considering alternative remedial strategies to close the incident at this site. A reimbursement application was submitted in September 2013. A Corrective Action Plan (CAP) and budget amendment were prepared and submitted in May 2014. Approval of the CAP was received in September 2014. Plans for implementing the CAP began up on receipt of the IEPA letter.

Personnel time for preparing the corrective action plan (CAP) and budget submitted in May 2014 was not included in the budget amendment submitted in September 2013 or in the budget amendment submitted in May 2014. It is important to consider that in addition to physically writing the CAP, Midwest personnel spent time reviewing and considering alternatives for remedial strategies to close the site that did not rely on use of a groundwater use restriction ordinance from the Village of Morton. A total of 19.75 hours of personnel time under Andrew Fetterolf, at a rate of \$98/hour has been justified above and is included in the attached budget amendment.

Item 6. Cut in Personnel Time for Penny Silzer as a Geologist III.

A total of 24 hours of personnel time were cut from the reimbursement application under this item. The personnel hours cut were used between April 2013 and April 2014.

During this time, Midwest was attempting to close the incident by implementing a groundwater use restriction as an institutional control. Midwest personnel requested a groundwater use restriction ordinance from the Village of Morton. The ordinance as written was not acceptable to the IEPA for use as an institutional control unless the Village of Morton included a Memorandum of Understanding (MOU).

Midwest requested 15 hours of personnel time in the budget amendment dated March 3, 2013 for working with the Village of Morton to prepare an MOU. This budget was approved by the IEPA in a letter dated November 27, 2013. The personnel time was approved as Penny Silzer, Project Manager, 15 hours at a rate of \$105.30. This time was submitted in the reimbursement application dated November 28, 2017 as Penny Silzer, Geologist III, 14 hours at \$98 per hour.

This time was approved. Only the title and hourly rate are different than in the approved budget. Midwest requests that this time be reimbursed in claim #90073—68990 because the time was approved; or, approve this time in the attached budget amendment.

Obtaining the institutional controls appropriate to close the site is often more difficult than expected. Especially if the governing entity constructed the ordinance under the guidance of their legal council and then another party wants the adopted ordinance altered or amended, as in this case. Midwest personnel worked over the span of about a year, from April 2013 to April 2014 to resolve this issue with the Village. It became evident that the Village was not interested in working with our client on this matter. Around the beginning of April 2014, Midwest personnel began reviewing and considering alternative remedial strategies to close the incident at this site. A reimbursement application was submitted in September 2013. A Corrective Action Plan (CAP) and budget amendment were prepared and submitted in May 2014. Approval of the CAP was received in September 2014.

Personnel time for preparing the corrective action plan (CAP) and budget submitted in May 2014 was not included in the budget amendment submitted in September 2013 or in the budget amendment submitted in May 2014. It is important to consider that in addition to physically writing the CAP, Midwest personnel spent time reviewing and considering alternatives for remedial strategies to close the site that did not rely on use of a groundwater use restriction ordinance from the Village of Morton. A total of 14 hours of personnel time under Penny Silzer, Geologist III, at a rate of \$98/hour has been justified above and is included in the attached budget amendment.

Item #7. Cut in Personnel Time for Andrew Fetterolf as a Senior Project Manager

The personnel time cut was used between February 2015 and June 2016 to move the project forward. During this time, Midwest personnel time was used to review the scope of work, work with the driller and lab contractors, and budget tracking over a period of 17 months. The goal of the time used was to keep the project moving toward closure at a time when the State of Illinois was not issuing reimbursement checks and projects were on hold pending the receipt of reimbursement checks. Approximately 1.5 hours per month over a period of 17 months were used to maintain the forward movement on this project.

Midwest requests that the IEPA approved 27 hours of Personnel Time for Andrew Fetterolf as a Senior Project Manager for the time period between and including February 2015 through June 2016.

Item #9. Cut in Personnel Time for Penny Silzer as a Geologist

In the April 7, 2014 budget, 50 hours of personnel time as Penny Silzer Project Manager at \$107.20 per hour were approved for "Oversight of Field Activities, sample collection and report prep" in budget amendment dated April 7, 2014. An additional 15 hours of personnel time as Penny Silzer Project Manager at \$107.20 per hour for "project oversight, report and

reimbursement preparation” were approved in budget amendment dated April 7, 2014. The total hours approved was 65 hours.

In the reimbursement request dated November 28, 2017, this time was requested as follows:

Penny Silzer Geologist III – 2.5 hours corrective action
Penny Silzer Geologist III – 10 hours investigation planning, site access, drilling prep, maps
Penny Silzer Geologist III – 8 hours field work, sample handling, logs, maps
Penny Silzer Geologist III – 39.15 hours prepare report, TACO study,

The total of the hours requested is approximately 60 hours. The rates per hour and the personnel titles vary, but the total time has been approved. The personnel time cut from the reimbursement application was approved in a budget and should be reimbursed. We request that either the IEPA reimburse the personnel time of eight hours for Penny Silzer as a Geologist III upon re-review of claim 900733-68990; or, the IEPA approve the eight hours of time for Penny Silzer as a Geologist III for “field work, sample handling, logs, maps” in the attached budget amendment.

Item #14. Copies

Midwest charges \$0.08 per copy. The total number of copies made for the reimbursement and the report dated November 2017 is included in the attached budget amendment.

Item #16. Postage

Midwest passes the exact postage costs onto the client. An additional \$6.55 for postage that was cut from the reimbursement request is included in the attached budget amendment.

Summary:

From the IEPA letter dated April 23, 2018:

Items 2, 13, and 15 were addressed by the IEPA in a letter dated May 3, 2018 and again in an email dated June 8, 2018.

Items 1, 8, 10, 11, and 12 concern changes in unit rates and will not be addressed at this time.

The remaining items are addressed as follows:

- **Item 3.** \$15 for sampling shipping is included in the attached budget.
- **Item 4.** Additional costs for borings were approved in the IEPA letter dated May 10, 2018.
- **Item 5.** 19.75 hours of for Andrew Fetterolf as Senior Project Manager included in the attached budget.
- **Item 6.** Of the 24 hours cut, 14 were previously approved in the budget dated March 11, 2013. We request that the cost for 14 hours of Geologist III time at \$98/hour be reimbursement rather than the 15 hours of Geologist III time at \$105.30 as approved in the budget. In the event the 14 hours are not reimbursable upon re-review of claim 900733-

68990, please approve those hours in the attached budget. The remaining 10 hours are included in the attached budget amendment.

- **Item 7.** 27 hours of for Andrew Fetterolf as Senior Project Manager included in the attached budget.
- **Item 9.** We request that either the IEPA reimburse the personnel time of eight hours for Penny Silzer as a Geologist III upon re-review of claim 900733-68990; or, the IEPA approve the eight hours of time for Penny Silzer as a Geologist III for “field work, sample handling, logs, maps” in the attached budget amendment.
- **Item 14.** Costs for copies completed and anticipated future copies are presented in the attached budget amendment.
- **Item 16.** Additional costs for postage cut from the reimbursement request are included in the attached budget amendment.

As always, do not hesitate to contact my office with any questions or comments.

Sincerely,

Midwest Environmental Consulting & Remediation Services, Inc.



Allan M. Green
President

PLS
Job No. 320

General Information for the Budget and Billing Forms

LPC#: 1790505042 County: Tazewell
City: Morton Site Name: Cady Oil Company
Site Address: 400 West Jackson Street
IEMA Incident No: 900733
IEMA Notification Date: March 20, 1990
Date this form was prepared: June 14, 2018

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 III. Adm. Code 734:

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

35 III. Adm. Code 732:

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

35 III. Adm. Code 731

- Site Investigation
- Corrective Action

General Information for the Budget and Billing Forms

The following address will be used as the mailing address for checks and any final determination letters regarding payment from the Fund.


Pay to the order of: Cady Oil Company

Send in care of: Midwest Environmental

Address: PO Box 614

City: Tremont State: IL Zip: 61568

The payee is the: Owner: Operator: (Check one or both)


 Signature of the owner or operator of the UST(s) (required) W-9 must be submitted.
 Click [here](#) to print off a W-9 Form.

Number of petroleum USTs in Illinois presently owned or operated by the owner or operator; any subsidiary, parent or joint stock company of the owner or operator; and any company owned by any parent, subsidiary or joint stock company of the owner or operator:

Fewer than 101 101 or more:

Number of USTs at the site: 3 (Number of USTs includes USTs presently at the site and USTs that have been removed).

Number of incidents reported to the IEMA for this site: 1

Incidents Numbers assigned to the site due to releases from USTs: 900733

Please list all tanks that have ever been located at the site and tanks that are presently located at the site.

Product Stored in UST	Size (gallons)	Did UST have a release?	Incident No.	Type of Release Tank Leak / Overfill / Piping Leak
used oil	500	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
gasoline	4,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
gasoline	6,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		

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
Drilling and Monitoring Well Costs Form					\$0.00
Analytical Costs Form					\$15.00
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					\$8,304.10
Consultant's Materials Costs Form					\$165.59
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					\$8,484.69

Analytical Costs Form

Laboratory Analysis	Number of Samples	Cost (\$) per Analysis	Total per Parameter
Chemical Analysis			
BTEX Soil with MTBE EPA 8260	x	\$101.24	= \$0.00
BTEX Water with MTBE EPA 8260	x	\$96.48	= \$0.00
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 (ρ_b) ASTM D4292 / D2937	x	\$26.20	= \$0.00
Ex-Situ Hydraulic Conductivity / Permeability	x	\$278.08	= \$0.00
Moisture Content (w) ASTM D2216-90 / D4643-87	x	\$14.29	= \$0.00
Porosity	x	\$35.73	= \$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 D2488-90 / D2487-90	x	\$80.99	= \$0.00
Soil Particle Density (ρ_s) ASTM D854-92	x	\$120.00	= \$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		x	\$11.91	=	\$0.00
Sample Shipping per sampling event ¹	1	x	\$15.00	=	\$15.00

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

Total Analytical Costs: \$15.00

Consulting Personnel Costs Form

Employee Name	Personnel Title*	Hours	Rate *	Total \$
Remediation Category	Task			
Andrew Fetterolf	Senior Project Manager	19.75	\$98.00	\$1,935.50
corrective action	Consider remedial alternatives to close incident, evaluate data, prepare the CAP and Budget			
Penny Silzer	Geologist III	10	\$98.00	\$980.00
corrective action	Consider remedial alternatives to close incident, evaluate data, prepare the CAP and Budget			
Penny Silzer	Geologist III	14	\$98.00	\$1,372.00
corrective action	negotiate with the Village of Morton for preparation of MOU for groundwater ordinance			
Andrew Fetterolf	Senior Project Manager	27.00	\$117.00	\$3,159.00
corrective action	The personnel time cut from claim 900733-68990 was used between February 2015 and June 2016 to move the project forward. During this time, Midwest personnel time was used to review the scope of work, work with the driller and lab contractors, and budget tracking over a period of 17 months. The goal of the time used was to keep the project moving toward closure at a time when the State of Illinois was not issuing reimbursement checks and projects were on hold pending the receipt of reimbursement checks. Approximately 1.5 hours per month over a period of 17 months were used to maintain the forward movement on this project.			
Penny Silzer	Geologist III	8	\$107.20	\$857.60
corrective action	Oversight of Field Activities, sample collection and report prep			
				\$0.00
				\$0.00
				\$0.00

*Refer to the applicable Maximum Payment Amounts document.

Total of Consulting Personnel Costs	\$8,304.10
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Consultant's Materials Costs Form

Consulting Materials Costs:

Materials, Equipment, or Field Purchases	Time or Amount Use	Rate (\$)	Units	Total Cost
Remediation Category	Description/Justification			
Future copies	994	\$0.08	"/page	\$79.52
corrective action	copies of CACR and Budget and Reimbursement Applications			
Copies to date	994	\$0.08	"/page	\$79.52
corrective action	copies of CACR and Budget and Reimbursement Applications			
Postage	6.55			\$6.55
corrective action	postage for delivery of reports to client for signature and IEPA for review			
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Total Consultant's Material's Costs: \$165.59

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 900733. I further certify that the costs set forth in this budget are necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57 and no costs are included in this budget which are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code Section 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

- Costs associated with ineligible tanks.
- Costs associated with site restoration (e.g., pump islands, canopies).
- Costs associated with utility replacement (e.g., sewers, electrical, telephone, etc).
- Costs incurred prior to IEMA notification.
- Costs associated with planned tank pulls.
- Legal fees or costs.
- Costs incurred prior to July 28, 1989.
- Costs associated with installation of new USTs or the repair of existing USTs.

Owner/Operato Cady Oil Company

Authorized Representative: Steve Cady Title: President

Signature: [Signature] Date: 6/19/18

Subscribed and sworn to before me the 19th day of June, 2018.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Signature]
(Notary Public)

Seal:

In addition, I certify under penalty of law that all activities that are the subject of this plan, budget or 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 plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in the plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS5], 35 Ill. Adm. Code 732-734, 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 4 and 57.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

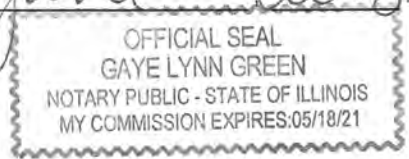
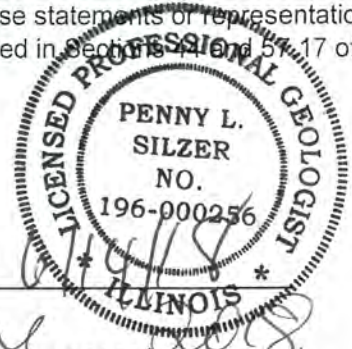
L.P.E./L.P.G.: Penny Silzer L.P.E./L.P.G. Seal:

L.P.E./L.P.G. Signature: [Signature] Date: 6/19/18

Subscribed and sworn to before me the 14th day of June, 2018.

[Signature]
(Notary Public)

Seal:



The Illinois EPA is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder.

1790505042 - Tazewell County
Cady Oil Company
Incident # 900733
Leaking UST Technical File

MIDWEST ENVIRONMENTAL CONSULTING & REMEDIATION SERVICES, INC.
22200 ILLINOIS ROUTE 9 POST OFFICE BOX 614
TREMONT, ILLINOIS 61568
PHONE NO. (309) 925-5551 FAX (309) 925-5606

LETTER OF TRANSMITTAL

TO:
Illinois Environmental Protection Agency
1021 North Grand Ave East
PO Box 19276
Springfield, Illinois 62794-9276

DATE: June 19, 2018
JOB No.: 320
RE: Cady Oil Company
201 W Jackson Street
Morton, IL

WE ARE SENDING YOU:

- REPORT LETTER CONTRACT & RATE SHEET
- MAP/DRAWINGS DOCUMENTS REQUIRING SIGNATURES
- REIMBURSEMENT DOCUMENTATION OTHER

RECEIVED

JUL 19 2019

IEPA/BOL

COPIES	DESCRIPTION
1	Corrective Action Plan & Budget

THESE ARE TRANSMITTED AS CHECKED BELOW:

- REIMBURSEMENT APPLICATION FOR APPROVAL AS NEEDED FOR REPORT
- COPY FOR YOUR RECORDS SIGNATURE REQUIRED AS REQUESTED

REMARKS:

Attached please find two reimbursement applications for the subject site.

FROM: Penny Silzer, PG, Project Manager

Midwest Environmental Consulting & Remediation Services, Inc.

IEPA-DIVISION OF RECORDS MANAGEMENT
REFASABLE

NOV 27 2019

REVIEWER: EMI

Midwest Environmental Consulting & Remediation Services, Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone : (309) 925-5551 • Fax : (309) 925-5606

E-mail : mdwstenv@frontier.com

June 14, 2018

Scott Rothering and Melissa Owens
Illinois Environmental Protection Agency
Bureau of Land -- #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Re: LPC #1790505042 – Tazewell County
Morton/Cady Oil Company
201W-400 Jackson Street
LUST Incident No. 900733
LUST Technical File

RECEIVED

JUL 19 2019

IEPA/BOL

Dear Mr. Rothering and Ms. Owens:

This letter has been prepared as both a budget amendment and a request for re-review of claim number 900733-68990. Attached please find a budget amendment for the subject site that has been prepared to address the cuts from the most recent reimbursement application dated November 28, 2017, as defined by Melissa Owens in her letter dated April 23, 2018. The following provides the list of itemized costs identified in Ms. Owen's letter and provides justification where appropriate for approval of the costs in this budget amendment.

Item 3. Deduction for Shipping of Samples

The \$15 dollars paid to Prairie Analytical for sample pick up is included as sample shipping costs on the analytical costs page of the attached budget amendment.

Item 4. Deduction for Drilling Costs

Total linear footage for the depth of the borings was greater than originally proposed. The additional costs incurred for drilling was included in the budget dated November 9, 2017 and approved by the IEPA in a letter dated May 10, 2018. The additional costs approved of \$321.60 will be requested in the next reimbursement application.

Items 5. Cut in Personnel Time for Andrew Fetterolf as a Senior Project Manager

A total of 19.75 hours of personnel time were cut from the reimbursement application under this item. The personnel hours cut were used between April 2013 and January 2015.

During this time, Midwest was attempting to close the incident by implementing a groundwater use restriction as an institutional control. Midwest personnel requested a groundwater use restriction ordinance from the Village of Morton. The ordinance as written was not acceptable to the IEPA for use as an institutional control unless the Village of Morton included a Memorandum of Understanding (MOU). Obtaining the institutional controls appropriate to close the site is often more difficult than anticipated. Once a governing entity constructs and adopts the ordinance under the guidance of their legal council, it can be quite difficult to get that ordinance altered or amended, as in this case. Midwest personnel worked over the span of about a year, from April 2013 to April 2014 to resolve this issue with the Village. It became evident that the Village was not interested in working with our client on this matter. Around the beginning of April 2014, Midwest personnel began reviewing and considering alternative remedial strategies to close the incident at this site. A reimbursement application was submitted in September 2013. A Corrective Action Plan (CAP) and budget amendment were prepared and submitted in May 2014. Approval of the CAP was received in September 2014. Plans for implementing the CAP began up on receipt of the IEPA letter.

Personnel time for preparing the corrective action plan (CAP) and budget submitted in May 2014 was not included in the budget amendment submitted in September 2013 or in the budget amendment submitted in May 2014. It is important to consider that in addition to physically writing the CAP, Midwest personnel spent time reviewing and considering alternatives for remedial strategies to close the site that did not rely on use of a groundwater use restriction ordinance from the Village of Morton. A total of 19.75 hours of personnel time under Andrew Fetterolf, at a rate of \$98/hour has been justified above and is included in the attached budget amendment.

Item 6. Cut in Personnel Time for Penny Silzer as a Geologist III.

A total of 24 hours of personnel time were cut from the reimbursement application under this item. The personnel hours cut were used between April 2013 and April 2014.

During this time, Midwest was attempting to close the incident by implementing a groundwater use restriction as an institutional control. Midwest personnel requested a groundwater use restriction ordinance from the Village of Morton. The ordinance as written was not acceptable to the IEPA for use as an institutional control unless the Village of Morton included a Memorandum of Understanding (MOU).

Midwest requested 15 hours of personnel time in the budget amendment dated March 3, 2013 for working with the Village of Morton to prepare an MOU. This budget was approved by the IEPA in a letter dated November 27, 2013. The personnel time was approved as Penny Silzer, Project Manager, 15 hours at a rate of \$105.30. This time was submitted in the reimbursement application dated November 28, 2017 as Penny Silzer, Geologist III, 14 hours at \$98 per hour.

This time was approved. Only the title and hourly rate are different than in the approved budget. Midwest requests that this time be reimbursed in claim #90073—68990 because the time was approved; or, approve this time in the attached budget amendment.

Obtaining the institutional controls appropriate to close the site is often more difficult than expected. Especially if the governing entity constructed the ordinance under the guidance of their legal council and then another party wants the adopted ordinance altered or amended, as in this case. Midwest personnel worked over the span of about a year, from April 2013 to April 2014 to resolve this issue with the Village. It became evident that the Village was not interested in working with our client on this matter. Around the beginning of April 2014, Midwest personnel began reviewing and considering alternative remedial strategies to close the incident at this site. A reimbursement application was submitted in September 2013. A Corrective Action Plan (CAP) and budget amendment were prepared and submitted in May 2014. Approval of the CAP was received in September 2014.

Personnel time for preparing the corrective action plan (CAP) and budget submitted in May 2014 was not included in the budget amendment submitted in September 2013 or in the budget amendment submitted in May 2014. It is important to consider that in addition to physically writing the CAP, Midwest personnel spent time reviewing and considering alternatives for remedial strategies to close the site that did not rely on use of a groundwater use restriction ordinance from the Village of Morton. A total of 14 hours of personnel time under Penny Silzer, Geologist III, at a rate of \$98/hour has been justified above and is included in the attached budget amendment.

Item #7. Cut in Personnel Time for Andrew Fetterolf as a Senior Project Manager

The personnel time cut was used between February 2015 and June 2016 to move the project forward. During this time, Midwest personnel time was used to review the scope of work, work with the driller and lab contractors, and budget tracking over a period of 17 months. The goal of the time used was to keep the project moving toward closure at a time when the State of Illinois was not issuing reimbursement checks and projects were on hold pending the receipt of reimbursement checks. Approximately 1.5 hours per month over a period of 17 months were used to maintain the forward movement on this project.

Midwest requests that the IEPA approved 27 hours of Personnel Time for Andrew Fetterolf as a Senior Project Manager for the time period between and including February 2015 through June 2016.

Item #9. Cut in Personnel Time for Penny Silzer as a Geologist

In the April 7, 2014 budget, 50 hours of personnel time as Penny Silzer Project Manager at \$107.20 per hour were approved for "Oversight of Field Activities, sample collection and report prep" in budget amendment dated April 7, 2014. An additional 15 hours of personnel time as Penny Silzer Project Manager at \$107.20 per hour for "project oversight, report and

reimbursement preparation” were approved in budget amendment dated April 7, 2014. The total hours approved was 65 hours.

In the reimbursement request dated November 28, 2017, this time was requested as follows:

Penny Silzer Geologist III – 2.5 hours corrective action
Penny Silzer Geologist III – 10 hours investigation planning, site access, drilling prep, maps
Penny Silzer Geologist III – 8 hours field work, sample handling, logs, maps
Penny Silzer Geologist III – 39.15 hours prepare report, TACO study,

The total of the hours requested is approximately 60 hours. The rates per hour and the personnel titles vary, but the total time has been approved. The personnel time cut from the reimbursement application was approved in a budget and should be reimbursed. We request that either the IEPA reimburse the personnel time of eight hours for Penny Silzer as a Geologist III upon re-review of claim 900733-68990; or, the IEPA approve the eight hours of time for Penny Silzer as a Geologist III for “field work, sample handling, logs, maps” in the attached budget amendment.

Item #14. Copies

Midwest charges \$0.08 per copy. The total number of copies made for the reimbursement and the report dated November 2017 is included in the attached budget amendment.

Item #16. Postage

Midwest passes the exact postage costs onto the client. An additional \$6.55 for postage that was cut from the reimbursement request is included in the attached budget amendment.

Summary:

From the IEPA letter dated April 23, 2018:

Items 2, 13, and 15 were addressed by the IEPA in a letter dated May 3, 2018 and again in an email dated June 8, 2018.

Items 1, 8, 10, 11, and 12 concern changes in unit rates and will not be addressed at this time.

The remaining items are addressed as follows:

- **Item 3.** \$15 for sampling shipping is included in the attached budget.
- **Item 4.** Additional costs for borings were approved in the IEPA letter dated May 10, 2018.
- **Item 5.** 19.75 hours of for Andrew Fetterolf as Senior Project Manager included in the attached budget.
- **Item 6.** Of the 24 hours cut, 14 were previously approved in the budget dated March 11, 2013. We request that the cost for 14 hours of Geologist III time at \$98/hour be reimbursement rather than the 15 hours of Geologist III time at \$105.30 as approved in the budget. In the event the 14 hours are not reimbursable upon re-review of claim 900733-

68990, please approve those hours in the attached budget. The remaining 10 hours are included in the attached budget amendment.

- **Item 7.** 27 hours of for Andrew Fetterolf as Senior Project Manager included in the attached budget.
- **Item 9.** We request that either the IEPA reimburse the personnel time of eight hours for Penny Silzer as a Geologist III upon re-review of claim 900733-68990; or, the IEPA approve the eight hours of time for Penny Silzer as a Geologist III for “field work, sample handling, logs, maps” in the attached budget amendment.
- **Item 14.** Costs for copies completed and anticipated future copies are presented in the attached budget amendment.
- **Item 16.** Additional costs for postage cut from the reimbursement request are included in the attached budget amendment.

As always, do not hesitate to contact my office with any questions or comments.

Sincerely,

Midwest Environmental Consulting & Remediation Services, Inc.



Allan M. Green
President

PLS
Job No. 320

General Information for the Budget and Billing Forms

LPC#: 1790505042 County: Tazewell
City: Morton Site Name: Cady Oil Company
Site Address: 400 West Jackson Street
IEMA Incident No: 900733
IEMA Notification Date: March 20, 1990
Date this form was prepared: June 14, 2018

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

- [X] 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:

RECEIVED

JUL 19 2019

IEPA/BOL

35 III. Adm. Code 734:

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

35 III. Adm. Code 732:

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

35 III. Adm. Code 731

- [] Site Investigation
[] Corrective Action

General Information for the Budget and Billing Forms

The following address will be used as the mailing address for checks and any final determination letters regarding payment from the Fund.


Pay to the order of: Cady Oil Company

Send in care of: Midwest Environmental

Address: PO Box 614

City: Tremont State: IL Zip: 61568

The payee is the: Owner: Operator: (Check one or both)


 Signature of the owner or operator of the UST(s) (required) W-9 must be submitted.
 Click [here](#) to print off a W-9 Form.

Number of petroleum USTs in Illinois presently owned or operated by the owner or operator; any subsidiary, parent or joint stock company of the owner or operator; and any company owned by any parent, subsidiary or joint stock company of the owner or operator:

Fewer than 101 101 or more:

Number of USTs at the site: 3 (Number of USTs includes USTs presently at the site and USTs that have been removed).

Number of incidents reported to the IEMA for this site: 1

Incidents Numbers assigned to the site due to releases from USTs: 900733

Please list all tanks that have ever been located at the site and tanks that are presently located at the site.

Product Stored in UST	Size (gallons)	Did UST have a release?	Incident No.	Type of Release Tank Leak / Overfill / Piping Leak
used oil	500	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
gasoline	4,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
gasoline	6,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	900733	overfill/leak
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		

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
Drilling and Monitoring Well Costs Form					\$0.00
Analytical Costs Form					\$15.00
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					\$8,304.10
Consultant's Materials Costs Form					\$165.59
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					\$8,484.69

Analytical Costs Form

Laboratory Analysis	Number of Samples	Cost (\$) per Analysis	Total per Parameter
Chemical Analysis			
BTEX Soil with MTBE EPA 8260	x	\$101.24	= \$0.00
BTEX Water with MTBE EPA 8260	x	\$96.48	= \$0.00
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	\$26.20	= \$0.00
Ex-Situ Hydraulic Conductivity / Permeability	x	\$278.08	= \$0.00
Moisture Content (w) ASTM D2216-90 / D4643-87	x	\$14.29	= \$0.00
Porosity	x	\$35.73	= \$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 D2488-90 / D2487-90	x	\$80.99	= \$0.00
Soil Particle Density (p _s) ASTM D854-92	x	\$120.00	= \$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		x	\$11.91	=	\$0.00
Sample Shipping per sampling event ¹	1	x	\$15.00	=	\$15.00

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

Total Analytical Costs: \$15.00

Consulting Personnel Costs Form

Employee Name	Personnel Title*	Hours	Rate *	Total \$
Remediation Category	Task			
Andrew Fetterolf	Senior Project Manager	19.75	\$98.00	\$1,935.50
corrective action	Consider remedial alternatives to close incident, evaluate data, prepare the CAP and Budget			
Penny Silzer	Geologist III	10	\$98.00	\$980.00
corrective action	Consider remedial alternatives to close incident, evaluate data, prepare the CAP and Budget			
Penny Silzer	Geologist III	14	\$98.00	\$1,372.00
corrective action	negotiate with the Village of Morton for preparation of MOU for groundwater ordinance			
Andrew Fetterolf	Senior Project Manager	27.00	\$117.00	\$3,159.00
corrective action	The personnel time cut from claim 900733-68990 was used between February 2015 and June 2016 to move the project forward. During this time, Midwest personnel time was used to review the scope of work, work with the driller and lab contractors, and budget tracking over a period of 17 months. The goal of the time used was to keep the project moving toward closure at a time when the State of Illinois was not issuing reimbursement checks and projects were on hold pending the receipt of reimbursement checks. Approximately 1.5 hours per month over a period of 17 months were used to maintain the forward movement on this project.			
Penny Silzer	Geologist III	8	\$107.20	\$857.60
corrective action	Oversight of Field Activities, sample collection and report prep			
				\$0.00
				\$0.00
				\$0.00

*Refer to the applicable Maximum Payment Amounts document.

Total of Consulting Personnel Costs	\$8,304.10
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Consultant's Materials Costs Form

Consulting Materials Costs:

Materials, Equipment, or Field Purchases	Time or Amount Use	Rate (\$)	Units	Total Cost
Remediation Category	Description/Justification			
Future copies	994	\$0.08	"/page	\$79.52
corrective action	copies of CACR and Budget and Reimbursement Applications			
Copies to date	994	\$0.08	"/page	\$79.52
corrective action	copies of CACR and Budget and Reimbursement Applications			
Postage	6.55			\$6.55
corrective action	postage for delivery of reports to client for signature and IEPA for review			
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Total Consultant's Material's Costs: \$165.59

Electronic Filing: Received, Clerk's Office 12/08/2020
Owner/Operator and Licensed Professional Engineer/Geologist Budget
Certification Form

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 900733. I further certify that the costs set forth in this budget are necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57 and no costs are included in this budget which are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code Section 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

- Costs associated with ineligible tanks.
- Costs associated with site restoration (e.g., pump islands, canopies).
- Costs associated with utility replacement (e.g., sewers, electrical, telephone, etc.).
- Costs incurred prior to IEMA notification.
- Costs associated with planned tank pulls.
- Legal fees or costs.
- Costs incurred prior to July 28, 1989.
- Costs associated with installation of new USTs or the repair of existing USTs.

RECEIVED
JUL 19 2019
IEPA/BOL

Owner/Operator Cady Oil Company

Authorized Representative: Steve Cady Title: President

Signature: [Signature] Date: 6/19/18

Subscribed and sworn to before me the 19th day of June, 2018.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Signature]
(Notary Public)

Seal:

In addition, I certify under penalty of law that all activities that are the subject of this plan, budget or 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 plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in the plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS5], 35 Ill. Adm. Code 732-734, 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 4 and 5.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

L.P.E./L.P.G.: Penny Silzer

L.P.E./L.P.G. Seal:

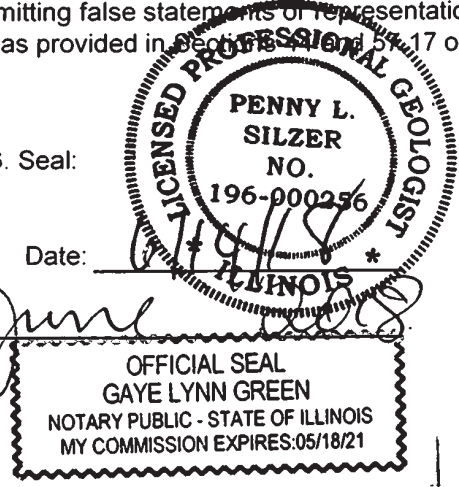
L.P.E./L.P.G. Signature: [Signature]

Date: 6/14/18

Subscribed and sworn to before me the 14th day of June

[Signature]
(Notary Public)

Seal:



The Illinois EPA is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder.

LEAKING UST TECHNICAL REVIEW NOTES

Reviewed by: Scott Rothering
Date Reviewed: 10/29/19

Re: LPC #1790505042 -- Tazewell County
Morton / Cady Oil Company
400 Jackson Street
Leaking UST Incident No. 900733
Leaking UST Technical File

Document(s) Reviewed:

Corrective Action Plan Budget – dated June 14, ²⁰¹⁸2019 and received by the Agency on July 19, 2019.

General Site Information:

Site subject to: 734

IEMA date(s): 3/20/90	Payment from the Fund? (Y/N/unknown): yes
UST system removed? (Y/N): yes	OSFM Fac. ID #: 3010477
Encountered groundwater? (Y/N/unknown): yes	SWAP mapping and evaluation completion date: 4/11/18
Free product? (Y/N/unknown): no	Site placement correct in SWAP? (Y/N): yes
Current/past land use: ind/comm	Inspection Required? (Date/Plan): no
Size & product of USTs: 2 6000 gallon gasoline and 1 used oil tanks	
Is site located in EJ area? No	Is investigation of indoor inhalation exposure route required? No
Has enough sampling been completed to perform a Right-to-Know Evaluation? yes	PLA Checklist Complete? no

BOL File Information:(optional) (Arranged chronologically):

The site moved through investigation and then was closed. The final claim for the site was cut by the reviewer for various personnel which exceeded costs which were approved in budget. They then sent this letter which is justifying the costs which were cut. However, the NFR letter has been issued and these costs are not able to be approved. Therefore, the budget is denied.

Illinois EPA Decision:

Denial of amended CAP budget.

Response Due:

None

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

NOV 27 2019

REVIEWER: EMI



Electronic Filing: Received, Clerk's Office 12/08/2020
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL

7018 1830 0000 5289 2309

NOV 08 2019

Steve Cady
Cady Oil Company
5023 North Galena Road
Peoria Heights, IL 61616

Re: 1790505042 – Tazewell County
Morton / Cady Oil Company
206 West Jackson Street
Leaking UST Incident 900733
Leaking UST Technical File

Dear Mr. Cady:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated June 14, 2018, was received by the Illinois EPA on July 19, 2019. 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 budget is rejected for the reason listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Program
1021 North Grand Avenue East
PO 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.

Page 2

If you have any questions or need further assistance, please contact Scott Rothering at (217) 785-1858.

Sincerely,



Trent L. Benanti, P.E.
Unit Manager
Leaking Underground Storage Tank Program
Remedial Project Management Section
Bureau of Land

Attachments: Attachment A
Appeal Rights

c: Allan Green, Midwest Environmental Consulting & Remediation Services, Inc.
(electronic copy)
BOL File

Attachment A

Re: 1790505042 – Tazewell County
Morton / Cady Oil Company
206 West Jackson Street
Leaking UST Incident 900733
Leaking UST Technical File

Citations in this attachment are from Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget was submitted after the issuance of a No Further Remediation Letter. Pursuant to 35 Ill. Adm. Code 734.335(d), any corrective action plan or budget must be submitted to the Illinois EPA for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of 35 Ill. Adm. Code 734 prior to the issuance of a No Further Remediation Letter.

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 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:

Clerk of the Board
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
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544