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JUL 30 2003

BEFORE THE POLLUTION CONTROL BOARD STATE OF ILLINOIS
OF THE STATE OF ILLINOIS Pollution Control Board

WINSLOW BOCO,)
(STRATA GEOLOGIC SERVICES, INC.))
True Party in Interest,)
Petitioner,)
v.) **PCB No. 03-213**
) **(LUST Appeal)**
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

**APPEAL OF AGENCY LEAKING UNDERGROUND
STORAGE TANK (LUST) DECISION**

Now comes, Petitioner, Strata Geologic Services, Inc. an Illinois corporation by and through its attorney, Michael A. Toepfer, Vincent, Roth & Toepfer, P.C. and for its petition for review and appeal states as follows:

1. On March 28, 2003, the Respondent, Illinois Environmental Protection Agency completed its review of Petitioner's March 7, 2003 application for payment from the Underground Storage Tank Fund for LUST Incident No. 20000766. The application for payment covered the period from April 25, 2000 to December 18, 2002. The amount requested was \$35,982.85. The amount paid was \$16,261.00. A copy of the Agency decision is attached hereto as Exhibit "A" and by reference made a part hereof.

2. The Agency decision was served on Petitioner and the parties filed a joint notice to extend the period to appeal the March 28, 2003 decision until August 1, 2003. A copy of the correspondence and Order of the Board extending the appeal period is attached hereto as Exhibit "B" and by reference made a part hereof.

3. Statement of Grounds for Appeal. Deductible: Application of the \$10,000.00 deductible to the payment request dated March 7, 2003. There are two incident numbers for the Winslow BOCO site. There has been a double assessment of the deductible for this site.
- a. The \$10,000.00 deductible has been applied twice to this site. The problem stems from the fact that the original owner of the property and tanks, Bowen Oil Company initially obtained IEMA #980649 for LPC# 1770555001 on March 25, 1998. Initial action was taken from the notice of release on March 30, 1998 to the Agency receipt of the 45-day report addendum on October 16, 1998. No further activity occurred from October 1998 until Petitioner, Strata Geologic Services, Inc. acquired the property and tanks in 2000.
 - b. The 2000 number was obtained during the underground storage tank removal when Petitioner, Strata Geologic Services, Inc. owned the property and tanks. Petitioner undertook remediation activities under IEMA number 20000766 assigned on April 26, 2000 to LPC# 1770555001.
 - c. Petitioner, Strata Geologic Services completed site classification activities under IEMA #20000766.
 - d. On October 1, 2001, Petitioner, Strata Geologic Services submitted a bill for site classification under IEMA #20000766. The amount requested was \$22,449.00. A deductible of \$10,000.00 was applied and a voucher for \$10,189.00 sent to Petitioner.
 - e. The deductible and payment was inadvertently listed under Bowen Oil Company's IEMA #980649. The voucher and deductible should have been applied to Strata Geologic Services Incorporated's IEMA #20000766.

- c. The tanks were removed April 25, 2000 under the second incident number obtained by the Petitioner, Strata Geologic Services, Inc. (IEMA #20000766).
- d. Since the tanks were permitted and removed after the issuance of IEMA notification, this constituted an unplanned UST removal. Unplanned UST removals are eligible for reimbursement and furthermore, the costs for the removal and personnel costs associated with the UST removal were approved in Petitioner's corrective action work plan and budget.

WHEREFORE, Petitioner respectfully requests that the request for \$2,875.00 for the removal and disposal of the underground storage tanks and the \$730.00 for personnel costs involved in this corrective action be approved and the amount of payment to Petitioner adjusted and increased accordingly.

5. Statement of Grounds for Appeal. Objection is made concerning the following remaining deductions from the subject application for payment or indemnification.

- a. Regarding the deduction of \$4,290.00 for costs for an activity in excess of that necessary to meet the minimum requirements of the Act, Petitioner respectfully requests additional information as to why activities approved in Petitioner's budget plan should not be approved.
- b. The tasks for which reimbursement is requested were approved in the High Priority Corrective Action Plan and consistent with the activities carried out under that Plan and Budget. A copy of the High Priority Corrective Action Plan and modified budget dated December 23, 2002 for this site is attached hereto as Exhibit "C" and by reference made a part hereof.

WHEREFORE Petitioner respectfully requests additional information concerning deficiencies in its budget and billing information and the opportunity to provide additional information, either informally or by hearing.

Vincent, Roth & Toepfer, P.C.

By:



Michael A Toepfer
One of the attorneys for Petitioner
Strata Geologic Services, Inc.

Prepared by:
Michael A. Toepfer
Vincent, Roth & Toepfer, P.C.
Attorneys for Petitioner
125 East Main Street
P.O. Box 685
Warren, Illinois 61087
ARDC #6220902

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601
ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL #

70022030000115207853

MAR 28 2003

Strata Geologic Services, Inc.
Attn: Charles Miller
8281 North Unity Road
Lena, Illinois 61048

Re: LFC #1770555001 -- Stephenson County
Winslow/Winslow Boco (Strata Geologic Services)
204 Carver Street
LUST Incident No. 20000766
LUST FISCAL FILE

Dear Mr. Miller:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated February 28, 2003 and was received by the Agency on March 7, 2003. The application for payment covers the period from April 25, 2000 to December 18, 2002. The amount requested is \$35,982.85.

The deductible amount to be assessed on this claim is \$10,000.00, which is being deducted from this payment. In addition to the deductible, there are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On March 7, 2003, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$16,261.00 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 of the Act by filing a

ROCKFORD - 4902 North Main Street, Rockford, IL 61103 - (815) 987-7760 Des PLAINES - 9511 W. Hamilton St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 895 South State, Elgin, IL 60123 - (847) 898-3131 PEORIA - 541 S N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 276-2900
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 785-6892 COLLINGSVILLE - 2009 Main Street, Collinsville, IL 62234 - (618) 346-5120
MAHON - 2309 W. Main St., Suite 116, Mahon, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER

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EXHIBIT
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Page 2

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 applicant 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:

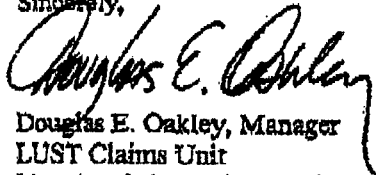
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions or require further assistance, please contact Catherine S. Elston of my staff, or Brian Bauer of Harry Chappel's staff, at 217/782-6762.

Sincerely,


Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:CSE:cf032807.doc

Attachment

Attachment A
Accounting Deductions

Re: LPC #1770555001 -- Stephenson County
Winslow/Winslow Boco (Strata Geologic Services)
204 Carver Street
LUST Incident No. 20000766
LUST Fiscal File

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

Item # Description of Deductions

1. \$606.85, deduction for handling charges for subcontractor costs that have been billed directly to the owner or operator (35 Ill. Adm. Code 732.606(1)).

CSE:ca032808.doc

Attachment A
Technical Deductions

Re: LPC #1770555001 – Stephenson County
Winslow / Winslow Boco Strata Geologic
204 Carver Street
LUST Incident No. 20000766
LUST Fiscal File

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

Item # Description of Deductions

1. \$2,875.00, deduction for costs for the removal, disposal, or abandonment of an underground storage tank that was removed or abandoned, or permitted for removal or abandonment, by the Office of the State Fire Marshal before the owner or operator provided notice to the Illinois Emergency Management Agency of a release of petroleum (Section 57.8(j) of the Act and 35 Ill. Adm. Code 732.606(k)).
2. \$730.00, deduction for costs for corrective action or indemnification that were incurred prior to the owner or operator providing notification of the release to the Illinois Emergency Management Agency (IEMA, formerly IESDA) (Section 57.8(k) of the Act and 35 Ill. Adm. Code 732.606(n)).
3. \$4,290.00, deduction for costs for an activity in excess of that necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act; 35 Ill. Adm. Code 732.503(e) and 732.606(o)). Costs for 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 (35 Ill. Adm. Code 732.606(o)). In addition, these costs are not corrective action costs. "Corrective action" means an activity associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act).

Pursuant to 35 Ill. Adm. Code 732.602(c), the Illinois EPA requires that the owner or operator submit a full accounting supporting all claims as provided in 35 Ill. Adm. Code 732.602(d). Any information collected pursuant to 35 Ill. Adm. Code 732.202(b) and (d) must be submitted as required in 35 Ill. Adm. Code 732.202(c) and (e). Pursuant to 35 Ill. Adm. Code 732.602(d), the Illinois EPA has reviewed all the information previously submitted for the site to ensure that the application for payment is consistent with early action work actually performed in conjunction with the site. The \$4,290.00 in costs is being denied because this information provides no

Page 2

supporting documentation, which demonstrates that these costs are consistent with work actually performed in conjunction with the site.

4. \$1,220.00, deduction for costs associated with duplicate billings. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o))

Pursuant to 35 Ill. Adm. Code 732.602(c), the Illinois EPA requires that the owner or operator submit a full accounting supporting all claims as provided in 35 Ill. Adm. Code 732.602(d). Any information collected pursuant to 35 Ill. Adm. Code 732.202(b) and (d) must be submitted as required in 35 Ill. Adm. Code 732.202(c) and (e). Pursuant to 35 Ill. Adm. Code 732.602(d), the Illinois EPA has reviewed all the information previously submitted for the site to ensure that the application for payment is consistent with early action work actually performed in conjunction with the site. The \$1,220.00 in costs is being denied because this information provides no supporting documentation, which demonstrates that these costs are consistent with work actually performed in conjunction with the site.

In addition, these costs are for an activity in excess of that necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act; 35 Ill. Adm. Code 732.505(e) and 732.606(o)). Costs for 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 (35 Ill. Adm. Code 732.606(o)). In addition, these costs are not corrective action costs. "Corrective action" means an activity associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act).

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ILLINOIS POLLUTION CONTROL BOARD

May 15, 2003

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Division of Legal Counsel

MAY 21 2003

Environmental Protection Agency

WINSLOW BOCO,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 03-213
(UST Appeal)
(90-Day Extension)

ORDER OF THE BOARD (by T.E. Johnson):

On May 7, 2003, the parties timely filed a joint notice to extend the 35-day period within which Winslow Boco may appeal a March 28, 2003 determination of the Illinois Environmental Protection Agency (Agency). See 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402, 105.406. Because the postmark date of the joint request is within the time for filing, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. At issue is the Agency's approval of the reimbursement of requested corrective action costs, with modifications, for Winslow Boco's leaking underground petroleum storage tank facility located at 204 Carver Street, Winslow, Stephenson County. The Board extends the appeal period until August 1, 2003, as the parties request. See 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If Winslow Boco fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2003, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
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
217/782-9143 (TDD)
Dated: May 5, 2003

This filing submitted on recycled paper.

STRATA GEOLOGIC SERVICES, INC.

DATE: MAY 3, 2003

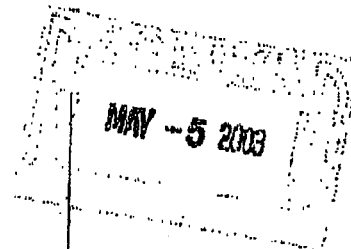
8281 N. Unity Road
Lena, Illinois 61048-9645
Phone/fax: 815.369.2197
E-mail: strata@sgsinc.net

TO: IEPA DIVISION OF LEGAL COUNSEL

RE: WINSLOW BOCO #000766

STRATA GEOLOGIC SERVICES INC. IS SUBMITTING THIS WRITTEN REQUEST FOR A 90 DAY EXTENTION FOR AN APPEAL TO THE FINAL DECISION OF THE POLLUTION CONTROL BOARD WHICH WAS ISSUED ON MARCH 29, 2003 FOR THE ABOVE INCIDENT #. PLEASE FIND ATTACHED THE FINAL DECISION LETTER.

THANK YOU,
CHARLES MILLER




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 5, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

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

Charles Miller
Strata Geologic Services, Inc.
8281 North Unity Road
Lena, IL 61048-9645

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
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
217/782-9143 (TDD)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

DEC 23 2002

7002 2030 0001 1875 1179

Strata Geologic Services
Charles Miller
8281 North Unity Road
Lena, Illinois 60148

Re: LPC #1770555001 -- Stephenson County
Winslow/Strata Geologic Services
204 Carver St.
LUST Incident No. 20000766 & 980649
LUST Technical File

Dear Mr. Miller:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated August 26, 2002, was received by the Illinois EPA on September 16, 2002. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the Illinois EPA is modifying the plan. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

The proposed plan contains four parts: Vapor abatement, free product investigation, plume delineation of soil and groundwater contamination and bioremediation. Due to the presence of free product and the lack of a fully defined contaminant plume, bioremediation cannot be implemented at this time. Therefore, the plan is modified to remove all activities and costs associated with bioremediation

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the Illinois EPA is modifying the proposed budget for the High Priority Corrective Action Plan pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073
ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5414 N. University St., Peoria, IL 61614 - (309) 693-5462
CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907 • SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 • MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 998-7800



Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if reimbursement 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.

NOTE: 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 reimbursable.

All future correspondence must be submitted 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 owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4)(D) 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:

Page 3

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois 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

If you have any questions or need further assistance, please contact Jay F. Gaydosh at 217-785-0231.

Sincerely,



Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:JFG\20000766 CAP Review Letter

Attachment: Attachment A

cc: Division File

Attachment A

Re: LPC # 1770555001 -- Stephenson County
Winslow/Strata Geologic Services
204 Carver St.
LUST Incident No. 20000766
LUST Technical File

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

SECTION 1

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts have been approved:

\$ 7,240.00	Investigation Costs
\$ 450.00	Analysis Costs
\$ 48,752.00	Personnel Costs
\$ 3,550.00	Equipment Costs
\$ 16,990.00	Field Purchases and Other Costs
\$ 1,450.00	Handling Charges

SECTION 2

1. \$5,650.00 for Equipment Costs. Indirect corrective action costs for personnel, materials, service or equipment charged as direct costs are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(v)).

Costs listed for drilling support trailer, Geoprobe plastic sample tubes are considered part of the per-foot costs for drilling. Computer/CADD activities are included in the costs hourly rates for the CADD Operator.

2. \$1,754.00 for an adjustment in handling charges. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act and 35 Ill. Adm. Code 732.607):

Subcontract or Field Purchase Cost:	Eligible Handling Charges as a Percentage of Cost:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 Plus 10% of amount over \$5,000
\$15,001 - \$50,000	\$1,600 Plus 8% of amount over \$15,000
\$50,001 - \$100,000	\$4,400 Plus 5% of amount over \$50,000
\$100,001 - \$1,000,000	\$6,900 Plus 2% of amount over \$100,000

Reductions in activities and costs related to Great Lakes Remediation and Test America resulted in a reduced base used to calculate handling charges.

3. \$3,410.00 for an adjustment in Investigation Costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code

732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

Costs associated with five borings related to bioremediation activities were deducted from the budget because the use of bioremediation was not approved. In addition, the per-foot rate for advancing borings was determined to be excessive.

4. \$200.00 for an adjustment in Analysis Costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

Four oxygen/pH analyses were deducted as they were related to bioremediation activities.

5. \$10,438.00 for an adjustment in Personnel Costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

177 hours were deducted from the plan budget as directly related to bioremediation activities.

6. \$7,900 for an adjustment in Equipment Costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

Costs associated with vehicle use, disposable bailers, and sampling gloves were determined to be excessive.

7. \$6,760.00 for an adjustment in Field Purchases & Other Costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

Costs associated with the bio-feasibility study were deducted, including 20 hours of engineer time.

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED

CLERK'S OFFICE

JUL 30 2003

WINSLOW BOCO,
(STRATA GEOLOGIC SERVICES, INC.)
True Party in Interest,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

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)
) PCB No. 03-213 Pollution Control Board
) (LUST Appeal)
)
)
)

NOTICE OF FILING

To: Mr. John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703

Division Chief of Environmental
Enforcement
Office of the Attorney General
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

Office of Legal Services
Illinois Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

Office of Chief Counsel
DOT Administration Building
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764

USEPA, Region V
77 West Jackson
Chicago, Illinois 60604

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board my Appearance and the Underground Storage Tank Appeal of Petitioner, Strata Geologic Services, Incorporated, an Illinois corporation, the true party in interest, copies of which are herewith served upon you.

Date: July 29, 2003



Michael A. Toepfer, one of the attorneys for
Petitioner, Strata Geologic Services, Inc.

Michael A. Toepfer, Vincent, Roth & Toepfer, P.C.
125 E. Main Street, P.O. Box 685
Warren, Illinois 61087 Tel: (815) 745-2624

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

WINSLOW BOCO,)	
(STRATA GEOLOGIC SERVICES, INC.))	
True Party in Interest,)	
)	
Petitioner,)	
v.)	PCB No. 03-213
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PROOF OF SERVICE

I the undersigned, hereby certify that I have served a true copy of the attached Appearance and Underground Storage Tank Appeal was served upon:

Mr. John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703

Division Chief of Environmental
Enforcement
Office of the Attorney General
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601


Office of Legal Services
Illinois Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

Office of Chief Counsel
DOT Administration Building
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764

USEPA, Region V
77 West Jackson
Chicago, Illinois 60604

by placing a true and correct copy of the same in the U.S. Postal Service at Warren, Illinois, this 29th day of July, 2003, on or about 4:00 P.M. plainly addressed to the persons and agencies at the addresses given above with the proper postage fully prepaid .

Date: July 29, 2003


Michael A. Toepfer, one of the attorneys for
Petitioner, Strata Geologic Services, Inc.