

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 06 2005

WEBB & SONS, INC.,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board
PCB No. 05-183
(UST Appeal)

NOTICE OF FILING

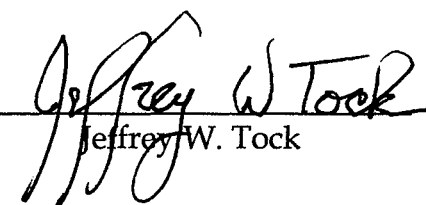
TO: Ms. Dorothy Gunn
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

John Kim, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62764-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of an Entry of Appearance of Jeffrey W. Tock and Petition for Review of Illinois Environmental Protection Agency's Decision to Deny Petitioner's Budget for Site Investigation Activities, copies of which are herewith served upon you.

Respectfully Submitted

WEBB & SONS, INC.,
Petitioner

BY: 
Jeffrey W. Tock

Dated: April 5, 2005

Jeffrey W. Tock
Harrington & Tock
201 W. Springfield Ave., Suite 601
P.O. Box 1550
Champaign, Illinois 61824-1550
Telephone: (217) 352-4167

APR 06 2005

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

WEBB & SONS, INC.,)
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Petitioner,)
)
vs.)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 05-183
(UST Appeal)

ENTRY OF APPEARANCE OF JEFFREY W. TOCK

NOW COMES Jeffrey W. Tock, of the law firm of Harrington & Tock, and hereby enters his appearance on behalf of Petitioner, WEBB & SONS, INC., in the above-referenced matter.

Respectfully Submitted

WEBB & SONS, INC.,
Petitioner,

By: 
Jeffrey W. Tock

Dated: April 5, 2005

Jeffrey W. Tock
Harrington & Tock
201 W. Springfield Ave., Suite 601
P.O. Box 1550
Champaign, Illinois 61824-1550
Telephone: (217) 352-4167

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 06 2005

WEBB & SONS, INC.,)
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 Petitioner,)
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 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 05-183
(UST Appeal)

**PETITION FOR REVIEW OF ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY'S DECISION TO DENY
PETITIONER'S BUDGET FOR SITE INVESTIGATION ACTIVITIES**

NOW COMES the Petitioner, WEBB & SONS, INC. (hereinafter "Petitioner"), by and through its attorney's, Harrington & Tock, and, pursuant to Sections 40 and 57.7 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40, 5/57.7), and 35 Ill. Admin. Code Part 105, hereby requests review of the decision by the Respondent, Illinois Environmental Protection Agency ("Agency"), to not approve as submitted the Petitioner's budget for Stage 2 site investigation activities. In support of this Petition, the Petitioner states as follows:

1. Petitioner is the owner of certain property located at 1201 DeWitt Avenue, Mattoon, Illinois, hereinafter referred to as "the Site".
2. Petitioner is the owner of underground storage tanks ("USTs") formerly located at the Site.
3. Petitioner has submitted to the Agency its Site Investigation Stage 1 Completion Report (the "Report") dated January 18, 2005.
4. Part 5.0 of that Report contained a description of future investigation needed to delineate soil and ground water contamination (Site Investigation -- stage 2). A

true and accurate copy of part 5.0 of the Report is attached hereto and made a part hereof as Exhibit "A".

5. In conjunction with the Report, Petitioner also submitted to the Agency a Site Investigation – Stage 2 Budget. A true and accurate copy of the Site Investigation – Stage 2 Budget is attached hereto and made a part hereof as Exhibit "B".
6. By letter dated February 8, 2005, the Agency approved the site investigation plan – stage 2 contained in part 5.0 of the Report, but modified the proposed budget (Exhibit "B"). The Agency made the following deductions from the budget:
 - (a) \$1,500.00 for a professional survey from Other Costs as not eligible; and,
 - (b) \$17,610.00 from Personnel Costs for lack of supporting documentation.The Agency requested further justification of personnel costs. (The Agency's letter is attached as Exhibit "C".)
7. By letter dated February 15, 2005, Petitioner submitted justification of surveying costs and a breakdown and justification of personnel costs. (The Petitioner's letter is attached as Exhibit "D".)
8. By letter dated February 25, 2005, Petitioner submitted a request that the Agency reconsider its decision to modify the budget as submitted by Petitioner and approve the budget as proposed. (The Petitioner's letter is attached as Exhibit "E".)
9. By letter dated March 2, 2005, the Agency revised its February 5, 2005 modifications, stating that the Agency had made the following deductions:
 - (a) \$1,500 for a professional survey from Other Costs as not eligible; and,
 - (b) \$7,906 from Personnel Costs as unreasonable.

10. The Agency's March 2, 2005 letter further stated that "An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board... within 35 days after the date of issuance of the final decision". The Agency's March 2, 2005 letter is attached as Exhibit "F".)
11. The Investigation of the Site requires the installation of borings and wells on adjacent properties. It is, therefore, necessary to identify property boundaries accurately. In addition, the legal description for the site will ultimately be required for corrective action completion. The only accurate and complete way to identify property boundaries is to utilize a professional surveyor.
12. All investigations, plans and reports under sec. 57.7 of the Act shall be conducted or prepared under the supervision of a licensed professional engineer. (415 ILCS 5/57.7.) A Site Investigation Completion Report must be signed and sealed by a professional engineer and must contain the following statement: "To the best of my knowledge and belief, this report, supporting documents and all attachments are true, accurate and complete." The Professional Engineering Practice Act of 1989 states:

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. (225 ILCS 325/14)

This Act further states:

Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision is prohibited and may result in loss of license and/or civil penalties. (225 ILCS 325/24)

13. The Agency denied all professional engineer hours from the budget. As stated above, a professional engineer cannot certify a technical submission that has not

been prepared under the professional engineer's supervision and review. The professional engineer hours are necessary to comply with the requirements of the Professional Engineering Practice Act of 1989 and with the requirements of the Agency.

14. All project manager hours were denied by the Agency. The project manager is a vital part of any project in the engineering and consulting industry. The use of a project manager is industry standard. Management personnel are utilized for personnel scheduling, billing, technical reviews, and general project oversight. The use of management hours is necessary to ensure a timely, cost-effective, and technically accurate product.
15. All work approved by the Agency in the Site Investigation Plan cannot feasibly be completed by the number of hours in the amended budget. Personnel costs of \$12,816 were approved by the Agency on March 5, 2004 for the previous Site Investigation Plan work which proposed 36 feet of soil borings and 60 feet of monitoring wells to be installed on-site. This averaged \$133.50 per foot. The current Site Investigation Plan dated January 18, 2005, approved by the Agency in a letter dated February 8, 2005, proposed 132 feet of soil borings and 45 feet of monitoring wells to be installed off-site. Off-site wells and borings require authorization of adjacent property owners and city permits, which entails additional personnel hours. A total of 81 additional feet of soil borings and monitoring wells have been approved by the Agency for this stage of site investigation which also entails additional personnel hours. The Petitioner requested \$17, 610 for personnel costs related to this stage of site investigation. This averages \$99.49 per foot – much less than previously

approved. The Agency only approved \$9,704 of personnel costs in its letter dated March 2, 2005. This cost averages \$54.82 per foot, which is not reasonable.

16. Petitioner is seeking review of the Agency's March 2, 2005, determination rejecting the budget for the above-referenced costs. The Agency's determinations are arbitrary, capricious, and without statutory authority.

WHEREFORE, for the above and foregoing reasons, Petitioner, WEBB & SONS, INC., respectfully requests that the Illinois Pollution Control Board grant the following relief:

1. Find that the Agency's March 2, 2005 decision is arbitrary and capricious, and without statutory authority.
2. Reverse the Agency's decision regarding the budget,
3. Remand this matter to the Agency with instructions to approve the budget,
4. Award Petitioner reasonable consulting fees and expenses incurred in bringing this action.
5. Award such further relief as deemed just and equitable in these premises.

WEBB & SONS, INC.,
Petitioner,

By: 

Jeffrey W. Tock

Dated: April 5, 2005

Jeffrey W. Tock
Harrington & Tock
201 W. Springfield Ave., Suite 601
P.O. Box 1550
Champaign, Illinois 61824-1550
Telephone: (217) 352-4167

EXHIBIT "A"



201 W. Springfield Ave., Suite 300
P.O. Box 140
Champaign, Illinois 61824-0140
BUS. (217) 352-6976
FAX (217) 356-0570

January 20, 2005

James Malcom
Illinois Environmental Protection Agency
Bureau of Land
Leaking Underground Storage Tank Section
P. O. Box 19276
Springfield, IL 62794-9276

RE: Site Investigation Stage 1 Completion Report & Stage 2 Budget
LPC # 0290255079 - Coles County
Mattoon / Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No.: 931126
LUST Technical File

Dear Mr. Malcom:

The Site Investigation Stage 1 Completion Report and Stage 2 Budget for the referenced site are enclosed for your review. If you have any questions or need additional information, you may contact me at (217) 352-6976 or jason.jones@hdc-eng.com.

Respectfully Submitted,
HDC Engineering

A handwritten signature in black ink, appearing to read "Jason Jones", written over a horizontal line.

Jason Jones
Environmental Professional

cc: Doris Webb
file

Enclosures

**Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
Site Investigation Stage 1 Completion Report**



Site Location

Webb & Sons, Inc.
1201 DeWitt Avenue
Mattoon, Illinois
Coles County
IEMA Incident No. 20021577
931126

Prepared For

Doris Webb
1201 DeWitt Avenue
Mattoon, Illinois 61938

Prepared by

HDC Engineering
201 West Springfield, Suite 300
Champaign, Illinois 61820
Phone: 217.352.6976
Fax: 217.356.0570

HDC Project No. 01323

January 18, 2005

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The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4; 5/57 - 57.17). Failure to disclose this information may result in a civil penalty of not to exceed \$50,000.00 for the violation and an additional civil penalty of not to exceed \$10,000.00 for each day during which the violation continues (415 ILCS 5/42). Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Forms Management Center.

**Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
LUST Technical Form Cover Page**

IEMA Incident #: 20021577/931126 IEPA LPC# (10-digit): 0290255079

Site Name: Webb & Sons, Inc.

Site Address (Not a P.O. Box): 1201 DeWitt Avenue

City: Mattoon County: Coles ZIP Code: 61938

Please indicate below the type of plan/report that is being submitted to the Illinois EPA at this time. This form must be attached to all plans and reports submitted to the Illinois EPA pursuant to 35 Ill. Adm. Code 731, 732 and/or 415 ILCS 5/57-57.17. Please check all that apply.

20 Day Certification	_____	
45 Day Report	_____	
Free Product Removal Report	_____	
Owner/Operator Summary	_____	
Election to Proceed Under Title XVI	_____	
	Initial	Amended
	Submittal	Submittal
Site Investigation Plan	_____	_____
Site Investigation Budget	✓	_____
Site Investigation Completion Report	✓	_____
Site Classification Plan	_____	_____
Site Classification Plan Budget	_____	_____
Site Classification Completion Report	_____	_____
Groundwater Monitoring Plan (Low Priority)	_____	_____
Groundwater Monitoring Plan Budget (Low Priority)	_____	_____
Groundwater Monitoring Results (Low Priority)	_____	_____
Corrective Action Plan	_____	_____
Corrective Action Plan Budget (High Priority)	_____	_____
Corrective Action Completion Report	_____	_____
Professional Engineer Certification	_____	_____
Other (specify) _____	_____	_____

1.0	Site History	3
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3.0	Site Investigation Results	3
3.1	Soil Investigation Activities	3
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3.3	Groundwater Elevation and Flow Direction	5
3.2	Groundwater Flow Velocity	5
3.3	Vapor Investigation Activities	5
3.4	Community and Potable Well Survey	6
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4.0	Discussion of Subsurface Investigation.....	6
5.0	Future Investigation	6

Appendices

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Appendix B	Site Map
Appendix C	Soil Boring Logs
Appendix D	Monitoring Well Construction Diagrams
Appendix E	Laboratory Reports and Chain-of-Custody Forms
Appendix F	Analytical Results Table
Appendix G	Hydraulic Conductivity Test Data

Results of Subsurface Accesses Survey	
Sampling Location	PID Reading (ppm)
storm sewer inlet (southwest corner of DeWitt and 12 th St.)	1.6
storm sewer inlet (southeast corner of DeWitt and 12 th St.)	1.9
storm sewer inlet (northeast corner of DeWitt and 12 th St.)	1.3
storm sewer inlet (northwest corner of DeWitt and 12 th St.)	1.6

The PID readings do not appear to indicate elevated vapors due to the Site. Additionally, to our knowledge, no petroleum vapors or odors have been reported in any nearby buildings or utility conduits since the original report of the release.

3.4 Community and Potable Well Survey

The Illinois Environmental Protection Agency (IEPA), Bureau of Water, Division of Public Water Supply, Illinois State Geological Survey (ISGS) and Illinois State Water Survey (ISWS) were previously contacted to identify all community water supply wells within 2,500 feet and potable water supply wells within 200 feet of the former tank. This information was provided in the 45 Day Report, dated March 13, 2003, and received by IEPA on February 3, 2003. Refer to the 45 Day Report for the water well survey data.

The Village of Mattoon Public Works Engineering Department was contacted to determine if a local ordinance or policy exists that regulates the use of potable water supply wells. David Wortman indicated that no local ordinance or policy exists that regulates the use of potable water supply wells in Mattoon.

3.5 Surface Bodies of Water

A site survey was conducted to identify any surface bodies of water within 100 feet of the UST system. No such bodies of water were observed within the 100-foot radius.

4.0 Discussion of Subsurface Investigation

The laboratory results of the soil and groundwater samples indicate the presence of petroleum contamination at concentrations above the applicable Tier 1 Cleanup Objectives at B1, B2, MW1, and MW3 see tables in Appendix F for specific data. These results provide evidence that there is migration of petroleum contamination through natural and man-made pathways at the site.

Petroleum vapors or odors have not been reported in nearby dwellings or utility conduits since the original report of the release. The storm sewer survey indicated no locations with significant detectable organic vapors. Based on this information, it appears unlikely that an immediate threat to human health or safety, or a risk of explosions, exists at the Site.

5.0 Future Investigation

Based on analytical results to date, soil and groundwater contamination has not been fully delineated. Current data suggest extensive soil contamination on-site. It should be

noted that the distance between and lack of data points on-site creates a large margin of error when predicting contamination migration. Future investigation activities will focus on minimizing this margin of error by increasing the number of data points, thereby reducing the cost of remedial activities. Additional monitoring wells are required to delineate BTEX contamination to the north and northeast of the site. Additional soil borings are required to delineate on-site contamination. MTBE contamination has been fully delineated. Therefore, analysis of this constituent need not be addressed in this stage of the investigation. Future investigation at the site will include the following:

- Three monitoring wells will be installed to the north and northeast of the site to delineate the contamination present in MW3.
 - MW5 will be installed off-site on the northwest corner of DeWitt Ave. and 12th St.
 - MW6 will be installed off-site on the northeast corner of DeWitt Ave. and 12th St.
 - MW7 will be installed off-site on the southeast corner of DeWitt Ave. and 12th St.

- Groundwater samples will be collected from monitoring wells MW1 – MW7 and sent to an accredited laboratory for BTEX analysis. A total of 7 groundwater samples will be collected. One groundwater field blank will be collected and analyzed for BTEX.

- Eight soil borings will be advanced to a depth of 12 feet on-site and three soil borings will be advanced to a depth of 12 feet off-site and sent to an accredited laboratory for BTEX analysis. A total of 11 soil borings will be advanced to delineate contamination of the site.
 - B4 will be advanced approximately 40 feet west of PTS4.
 - B5 will be advanced approximately 7 feet south of the north sidewalk and 118 feet west of the east sidewalk.
 - B6 will be advanced approximately 20 feet east of B5 and 15 feet south of MW2.
 - B7 will be advanced south of tank bed #5, approximately 40 feet east of the west property boundary.
 - B8 will be advanced 25 feet north of MW4.
 - B9 will be advanced approximately 15 feet west of MW4 and approximately 45 feet south of PTS1.
 - B10 will be advanced approximately 20 feet east of MW1.
 - B11 will be advanced approximately 20 feet south of MW1.
 - B12 will be advanced approximately 15 feet west of MW1.
 - B13 will be advanced approximately 20 feet north of MW1.
 - B14 will be advanced approximately 45 feet north of PTS2 on the north side of DeWitt Ave.

- In addition to the samples collected from soil borings B4 – B13, soil samples will also be collected from MW5, MW6, and MW7. The zone exhibiting the highest PID reading from each boring will be selected for laboratory analysis. A second sample, deeper than the first, also will be selected for laboratory analysis in order to define the vertical extent of contamination. In the absence of definitive PID readings, samples will be collected based on similar depths of known contamination. Soil sample collection will follow SW-846 Method 5035 for BTEX.

- Permission to access adjacent properties to the north, northeast, and southwest for investigation will be requested from the property owners. If access is granted groundwater and soil investigation will be performed on these properties.

Soil borings, well installation, and sample collection will follow procedures described in Section 3.0 of this report. Wells are expected to be 15 feet deep and soil borings are expected to be 12 feet deep. However, depths may be increased based on field screening results. Boring locations as shown in Appendix B are approximate. Actual locations may vary based on physical barriers such as utility lines, utility poles, trees, and ground cover (e.g., concrete drives).

A budget for the next phase of delineation is being submitted with this plan.

If the data gathered from this proposed phase of investigation is sufficient to delineate soil and groundwater contamination, a corrective action plan and budget will be developed. If groundwater contamination is not fully delineated, an additional investigation plan and budget will be submitted for approval.

EXHIBIT "B"

**Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
Site Investigation – Stage 2 Budget**



Site Location

Webb & Sons, Inc.
1201 DeWitt Avenue
Mattoon, Illinois
Coles County
IEMA Incident No. 20021577
931126

Prepared For

Doris Webb
1201 DeWitt Avenue
Mattoon, Illinois 61938

Prepared by

HDC Engineering
201 West Springfield, Suite 300
Champaign, Illinois 61820
Phone: 217.352.6976
Fax: 217.356.0570

HDC Project No. 01323

January 18, 2005

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LIST OF CONTENTS

Site Information Form

Proposed Budget Summary and Budget Total Form

Investigation Costs Form

Analysis Costs Form

Personnel Form

Equipment Costs Form

Field Purchases and Other Costs Form

Handling Charges Form

Owner/Operator and Professional Engineer Budget Certification Form

Eligibility and Deductibility Determination

**BUDGET AND BILLING FORM FOR
LEAKING UNDERGROUND STORAGE
TANK SITES**

A. SITE INFORMATION

Site Name: Webb & Sons, Inc.

Site Address: 1201 DeWitt Avenue City: Mattoon

Zip: 61938

County: Coles IEPA Generator No.: 0290255079

IEMA Incident No.: 931126 and 20021577 IEMA Notification Date: May 7, 1993

Date this Form was Prepared: January 2005

This form is being submitted as a:

X Budget Proposal

Budget Amendment (Budget Amendments must include only the costs over the previous budget.)

Amendment Number: _____

Billing Package for costs incurred pursuant to 35 Illinois Administrative Code (IAC), Part 732 ("new program").

This form is being submitted for the Site Activities indicated below (check one):

Early Action

Site Classification

Low Priority Corrective Action

High Priority Corrective Action

X Other (indicate activities) Site Investigation - Stage 2

**DO NOT SUBMIT "NEW PROGRAM" COSTS AND "OLD PROGRAM"
COSTS AT THE SAME TIME, ON THE SAME FORMS.**

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1. Investigation Costs: \$ 7,916.10
2. Analysis Costs: \$ 2,143.92
3. Personnel Costs: \$ 17,610.00
4. Equipment Costs: \$ 740.00
5. Field Purchases and Other Costs: \$ 2,650.00
6. Handling Charges: \$ 147.08

TOTAL PROPOSED BUDGET = \$ 31,207.10

E. INVESTIGATION COSTSMethod I _____ Method II _____ Method III _____ Not Applicable X

1. **Drilling Costs** - This includes the costs for drilling labor, drill rig usage, and other drilling equipment. Borings which are to be completed as monitoring wells should be listed here. Costs associated with disposal of cuttings should not be included here. An indication must be made as to why each boring is being conducted (i.e., classification, monitoring wells, migration pathways).

3 borings to 15 feet = 45 feet to be bored for monitoring wells11 borings to 12 feet = 144 feet to be bored for soil borings

_____ borings to _____ feet = _____ feet to be bored for _____

_____ borings to _____ feet = _____ feet to be bored for _____

_____ borings to _____ feet = _____ feet to be bored for _____

Total Feet to be Bored: 165Borings: 189 feet x \$ 14.00 per foot = \$ 2,646.00 (or)

Hours: _____ x \$ _____ per hour = \$ _____

_____ borings through _____ ft of bedrock = _____ Ft bedrock to be bored

_____ borings through _____ ft of bedrock = _____ Ft bedrock to be bored

Total Feet bedrock to be Bored: _____

Borings: _____ Ft bedrock x \$ _____ per ft bedrock = \$ _____ (or)

_____ Hours x \$ _____ per Hour = \$ _____

3 # of Mobilizations @ \$ 250.00 per mobilization = \$ 750.00

Other Costs	Number of Units	Unit Cost	Total Cost
decon equipment – per day	3	\$190.00	\$570.00
decon/drumming labor – per hour	5	\$38.00	\$190.00
per diem, 3 man crew – per man-day	3	\$100.00	\$300.00
concrete cores – each, for wells	1	\$50.00	\$50.00
well installation – rig time	3	\$75.00	\$225.00
well installation – labor, 2-man crew – per hour	3	\$76.00	\$228.00

2. **Professional Services (e.g., P.E., geologist)** - These costs must be listed in Section I, the Personnel section of the forms.
3. **Monitoring Well Installation Materials** - Costs listed here must be costs associated with well casing, well screens, filter pack, annular seal, surface seal, well covers, etc. List the items below in a time and materials format.

Material	Number of Units	Unit Cost	Total Cost
10' x 2" PVC screen	3	35.00	105.00
5' x 2" PVC riser	3	15.60	46.80
2" PVC bottom plug	3	8.00	24.00
locking cap	3	17.60	52.80
8" aluminum manway	3	82.00	246.00
filter sand	21	8.00	168.00
bentonite grout	6	12.00	72.00
concrete	5	8.50	42.50

4. **Disposal Costs** - This includes the costs for disposing of boring cuttings and any water generated while performing borings or installing wells.

Disposal of Cuttings: 6 drums x \$ 220.00 per drum = \$ 1,320.00

Disposal of Water: 4 drums x \$ 220.00 per gallon = \$ 880.00

Transportation Costs: \$ _____

Describe how the water/soil will be disposed: removed by licensed waste handler to be recycled,

Incinerated, or landfilled

Total Investigation Costs: \$ 7,916.10

F. ANALYSIS COSTS

1. Physical Soil Analysis - This must only include analysis costs for classification of soil types at the site.

_____ Moisture Content samples x \$ _____ per sample = \$ _____

_____ Soil Classification samples x \$ _____ per sample = \$ _____

Indicate method to be performed: _____

_____ Soil Particle Size samples x \$ _____ per sample = \$ _____

_____ Ex-situ Hydraulic Conductivity/Permeability samples
x \$ _____ per sample = \$ _____

Indicate the method to be performed: _____

_____ Rock Hydraulic Conductivity/Permeability samples
x \$ _____ per sample = \$ _____

_____ Natural Organic Carbon Fraction (foc) samples
x \$ _____ per sample = \$ _____

Indicate the ASTM or SW-846 method to be performed: _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

2. Soil Analysis Costs - This must be for laboratory analysis only.

_____ 28 BTEX samples x \$ 48.75 per sample = \$ 1,365.00

_____ PNA samples x \$ _____ per sample = \$ _____

_____ LUST Pollutants samples x \$ _____ per sample = \$ _____

_____ pH Samples x \$ _____ per sample = \$ _____

_____ Paint Filter samples x \$ _____ per sample = \$ _____

_____ TCLP Lead samples x \$ _____ per sample = \$ _____

_____ Flash Point samples x \$ _____ per sample = \$ _____

_____ Lab and/or Field Bank samples x \$ _____ per sample = \$ _____

28 Dry Weight _____ samples x \$ 12.50 _____ per sample = \$ 350.00

28 Handling & Disposal _____ samples x \$ 3.00 _____ per sample = \$ 84.00

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

3. Groundwater Analysis Costs - This must be for laboratory *analysis* only.

7 BTEX samples x \$ 40.31 _____ per sample = \$ 282.17

_____ PNA samples x \$ _____ per sample = \$ _____

_____ LUST Pollutants samples x \$ _____ per sample = \$ _____

_____ pH Samples x \$ _____ per sample = \$ _____

1 Lab and/or Field Bank samples x \$ 38.75 _____ per sample = \$ 38.75

_____ Flash Point samples x \$ _____ per sample = \$ _____

8 Handling & Disposal _____ samples x \$ 3.00 _____ per sample = \$ 24.00

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

TOTAL ANALYSIS COSTS = \$ 2,143.92

G. PERSONNEL

All personnel costs that are not included elsewhere in the budget/billing form must be listed here. Costs must be listed per task, not personnel type. The following are some examples of tasks: Drafting, data collection, plan, report, or budget preparation for _____ (i.e., site classification work plan, 45 day report, or high priority corrective action budget), sampling, field oversite for _____ (i.e., drilling/well installation, corrective action, or early action), of maintenance of _____. The above list is not inclusive of all possible tasks.

Project Manager : 16 hours x \$ 99.00 per hour = \$ 1,584.00
(Title)

Task to be performed for the above hours: project supervision, administration, and review

Professional Engineer : 28 hours x \$ 90.00 per hour = \$ 2,520.00
(Title)

Task to be performed for the above hours: PE preparation and certification of reports, project oversight

Environmental Professional IV : 28 hours x \$ 77.00 per hour = \$ 2,156.00
(Title)

Task to be performed for the above hours: work plan development, report preparation

Environmental Professional III : 70 hours x \$ 75.00 per hour = \$ 5,250.00
(Title)

Task to be performed for the above hours: logging, soil and water sampling, survey, report writing

Environmental Professional II : 90 hours x \$ 65.00 per hour = \$ 5,850.00
(Title)

Task to be performed for the above hours: well development, water sampling, survey

Draftsperson : 5 hours x \$ 50.00 per hour = \$ 250.00
(Title)

Task to be performed for the above hours: technical drawings for report

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

_____ : _____ hours x \$ _____ per hour = \$ _____
(Title)

Task to be performed for the above hours: _____

TOTAL PERSONNEL COSTS: \$ 17,610.00

Other Costs - A listing and description of all other costs which will be/were incurred and are not specifically listed on this form should be attached. The listing should include a cost breakdown in a time and materials format.

Other Costs	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?
Mileage – per mile	500	\$0.38	\$190.00	no
Disposable bailers – each	7	\$10.00	\$70.00	no
Drums	10	\$60.00	\$600.00	no
Prints	12	\$1.00	\$12.00	no
Baggies – per box	2	\$3.00	\$6.00	no
Ice – per bag	3	\$2.00	\$6.00	no
Latex gloves – per box	2	\$10.00	\$20.00	no
Terracore samplers – each	28	\$2.00	\$56.00	no
Shipping (to client / IEPA)	4	\$10.00	\$40.00	yes
City Boulevard Cut Permit	3	\$50.00	\$150.00	yes
Survey	1	\$1,500.00	\$1,500.00	no

TOTAL OTHER COSTS = \$ 2,650.00

Subtotal Page I-2: \$2,650.00

Total Pages I-1 and I-2: \$2,650.00

J. HANDLING CHARGES

Handling charges are eligible for payment on subcontractor billings and/or field purchases only if they are equal to or less than the amounts determined by the following table:

<p>Subcontractor or Field Purchase Cost \$1 - \$5,000 \$5,001 - \$15,000 \$15,001 - \$50,000 \$50,001 - \$100,000 \$100,001 - \$1,000,000</p>	<p>Eligible Handling Charges as a Percentage of Cost 12% \$600 + 10% of amt. Over \$5,000 \$1,600 + 8% of amt. Over \$15,000 \$4,400 + 5% of amt. Over \$50,000 \$6,900 + 2% of amt. Over \$100,000</p>
---	---

A. Subcontractor Charges

Subcontractor	Section in these Forms where Cost is Listed	Subcontract Amount
Western Environmental Services	investigation	\$2,820.10
RS Used Oil	investigation	\$2,200
Great Lakes Analytical	analysis	\$2,143.92
Subtotal Page J-1: \$7,164.02		

Illinois Environmental Protection Agency

Owner/Operator and Professional Engineer Budget Certification Form for Leaking Underground Storage Tanks Sites

In accordance with 415 ILCS 5/57, if an owner or operator intends to seek payment from the UST Fund, an owner or operator must submit to the Agency, for the Agency's approval or modification, a budget which includes an accounting of all costs associated with the implementation of the investigative, monitoring and/or corrective action plans.

I hereby certify that I intend to seek payment from the UST Fund for performing Site Investigation activities at Webb & Sons, Inc. LUST site. 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. I further certify that costs ineligible for payment from the Fund pursuant to 35 Illinois Administrative Code Section 732.606 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 defense costs.
Costs incurred prior to July 28, 1989.
Costs associated with installation of new USTs or the repair of existing USTs.

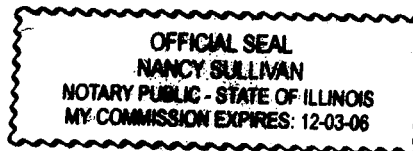
Owner/Operator: Doris Webb Title: Owner

Signature: [Handwritten Signature] Date: 1-18-05

Subscribed and sworn to before me the 18th day of January, 2005. (Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Handwritten Signature] (Notary Public)

Seal:



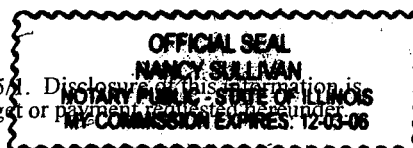
P.E.: Kevin Saylor

P.E. Signature: [Handwritten Signature] Date: 1-18-05

Subscribed and sworn to before me the 18th day of January, 2005. (Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Handwritten Signature] (Notary Public)

Seal:



The Agency is authorized to require this information under 415 ILCS 5/4. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested thereunder. This form has been approved by the Forms Management Center.



Office of the Illinois State Fire Marshal

General Office
217-785-0960
FAX
217-782-1062

Divisions

ARSON INVESTIGATION
217-782-9116

BOILER and PRESSURE
VESSEL SAFETY
217-782-2886

FIRE PREVENTION
217-785-4714

MANAGEMENT SERVICES
217-782-8689

INFIRS
217-785-8826

HUMAN RESOURCES
217-785-1028

PERSONNEL STANDARDS
and EDUCATION
217-782-4542

PETROLEUM and
CHEMICAL SAFETY
217-785-5678

PUBLIC INFORMATION
217-785-1021

WEB SITE
www.state.il.us/sofm

CERTIFIED MAIL - RECEIPT REQUESTED #7002 1000 0004 8741 6800

CORRECTED

July 12, 2002

Webb & Sons, Inc.
1201 Dewitt Avenue
Mattoon, IL 61938

In Re: Facility No. 4-028243
IEMA Incident No. 93-1126
Webb & Sons, Inc.
1201 Dewitt Avenue
Mattoon, Coles Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on June 12, 2002 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$15,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

- Tank 1 10,000-gallon Diesel
- Tank 2 5,000-gallon Kerosene
- Tank 3 2,000-gallon Heating Oil
- Tank 4 2,000-gallon Diesel
- Tank 5 4,000-gallon Diesel
- Tank 6 1,000-gallon Diesel

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

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

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

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

Aviation fuel

Heating oil

Kerosene

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

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

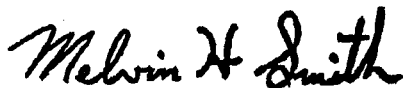
This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision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

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

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

If you have any questions regarding the eligibility or deductibility determinations, please contact our Office at (217) 785-1020 or (217) 785-5878 and ask for Deanne Lock.

Sincerely,



Melvin H. Smith
Division Director
Division of Petroleum and Chemical Safety

MHS/dl

cc: IEPA
Facility File

EXHIBIT "C"



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1253 3918

FEB 08 2005

Mrs. Doris Webb
8687 E. 150 N.
Lerna, Illinois 62440

RECEIVED

FEB - 9 2005

HDC ENGINEERING

Re: LPC# 0290255079 -- Coles County
Mattoon/ Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No. 20021577 & 931126
LUST Technical File

Dear Mrs. Webb:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated January 18, 2005, was received by the Illinois EPA on January 24, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA has determined that the activities proposed in this plan are appropriate to demonstrate compliance with Title XVI of the Act (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b)). Therefore, the plan is approved.

In addition, the budget is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of 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(d), 57.8(e) and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 732.606(s) and 732.611.

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.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 732.100 and 732.105, the Illinois EPA requires submittal of a Site Investigation Completion Report within 30 days after completing the site investigation to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

If you have any questions or need further assistance, please contact James R. Malcom, III at 217/524-9140.

Sincerely,



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

HAC: jrm

cc: HDC
Division File

Attachment A

Re: LPC# 0290255079 -- Coles County
Mattoon/ Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No. 20021577 & 931126
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 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:

\$7,916.10	Investigation Costs
\$2,143.92	Analysis Costs
\$0.00	Personnel Costs
\$740.00	Equipment Costs
\$1,150.00	Field Purchases and Other Costs
\$147.08	Handling Charges

SECTION 2

1. \$1,500.00 for surveying. These costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)).

The excessive costs submitted for surveying indicates that a professional surveyor is being utilized which is not required by the Agency.

2. \$17,610.00 for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A site investigation plan budget must include, but not be limited to, an accounting of all costs associated with the development, implementation, and completion of the site investigation plan (Section 57.7(a)(2) of the Act). Since there is no supporting documentation of costs, the Illinois EPA cannot determine if the minimum requirements necessary to comply with Title XVI have been exceeded (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)).

The Agency is requesting that the proposed personnel costs be further broken down to provide sufficient justification for the proposed personnel cost. The Agency is requesting information regarding the task performed by each person and the amount of time for each task performed. The Agency is requesting justification for the estimated amount of time to complete each task.

For example, the professional engineer is requesting 28 hours for P.E. preparation and certification of reports and project oversight. The Agency is requesting justification as to why it takes 28 hours to perform these tasks? If 28 hours is simply a budgeted guess, why was 28 hours proposed?

TOTAL AMOUNT APPROVED FOR SITE INVESTIGATION AND CORRECTIVE ACTION ACTIVITIES TO DATE:

\$13,390.90	Investigation Costs
\$5,029.67	Analysis Costs
\$12,816.00	Personnel Costs
\$1,574.00	Equipment Costs
\$1,685.64	Field Purchases and Other Costs
\$306.53	Handling Charges

jrm

EXHIBIT "D"



February 15, 2005

201 W. Springfield Ave., Suite 300
P.O. Box 140
Champaign, Illinois 61824-0140
BUS. (217) 352-6976
FAX (217) 356-0570

James Malcom
Illinois Environmental Protection Agency
Bureau of Land
Leaking Underground Storage Tank Section
P. O. Box 19276
Springfield, IL 62794-9276

RE: Site Investigation Plan
Justification of Personnel Costs
LPC # 0290255079 - Coles County
Mattoon / Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No.: 931126
LUST Technical File

Dear Mr. Malcom:

In response to your letter dated February 8, 2005, HDC Engineering (HDC) has prepared a breakdown and justification of the personnel hours that were denied from the Site Investigation Budget dated January 18, 2005. Please refer to Attachment A for justification of surveying costs and Attachment B for a complete breakdown and justification of personnel hours.

HDC would like to point out that the IEPA increases personnel costs every time it requires HDC to submit additional information. The IEPA required HDC to justify every line item of the last Site Investigation budget as well. Furthermore, the IEPA originally denied approval of the first Site Investigation Plan, submitted in September 2003, stating that the number of borings was unreasonable. However, four of the borings included in the approved Stage 2 plan are in similar locations on the Site as proposed in the denied plan, showing that the original plan was reasonable in the first place. Costs for the project would have been reduced had the original plan been approved in September 2003.

HDC has a highly qualified staff of environmental professionals, with many years of experience with underground storage tanks. This recurring requirement by the IEPA for micro-justification of personnel costs is redundant and time consuming, and is viewed as an affront to HDC's professionalism and experience. It also has the unfortunate result of increasing the overall costs and duration of the project. As your office has told HDC, one of the charters of the IEPA is to ensure the LUST fund is well spent. However, you consistently require HDC to duplicate effort in justifying cost when, in fact, the cost and work are already justified and reasonable.

James Malcolm
February 15, 2005
Page 2 of 2

If you have any questions I can be reached at 217.352.6976 or kevins@hdc-eng.com.

Respectfully Submitted,
HDC Engineering



Kevin Saylor, PE
Environmental Division Manager

cc: Doris Webb
file

Enclosures

EXHIBIT "E"



February 25, 2005

201 W. Springfield Ave., Suite 300
P.O. Box 140
Champaign, Illinois 61824-0140
BUS. (217) 352-6976
FAX (217) 356-0570

James Malcom
Illinois Environmental Protection Agency
Bureau of Land
Leaking Underground Storage Tank Section
P. O. Box 19276
Springfield, IL 62794-9276

RE: Site Investigation Plan
Justification of Personnel Costs
LPC # 0290255079 - Coles County
Mattoon / Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No.: 931126
LUST Technical File

Dear Mr. Malcom:

HDC Engineering (HDC) has been in contact with Sue Rennels of Representative Chapin Rose's office. As you are aware, Ms. Rennels has been in contact with the IEPA on behalf of Doris Webb, who is a constituent of Mr. Rose. In response to the recent Site Investigation (SI) budget, Ms. Rennels informed HDC that your office does not intend to approve the personnel requested as part of this budget, even considering the justification letter prepared by HDC and dated February 15, 2005. Ms. Rennels stated that your position is that SI personnel costs are limited to a range around \$12,000.

HDC agrees that this amount of personnel costs, depending on the site-specific scope of work, may be adequate for the first stage of SI. However, many sites, such as Webb's, require additional stages of SI. Each stage of investigation will require additional personnel costs. The personnel costs for additional stages may be greater than the first stage of investigation, as the work generally tends to incorporate adjacent properties, necessitating property boundary identification and right-of-entry agreements. Additionally, subsequent costs and associated work are not known until the each preceding stage is completed.

HDC would also like to point out that we have two other projects in the second stage of SI which are under the review of other IEPA units. Personnel costs for both of these projects were approved for each stage of SI as follows:

Stage 1	Stage 2	Total
\$14,972	\$16,710	\$31,682
\$13,974	\$12,333	\$26,307

James Malcolm
February 25, 2005
Page 2 of 2

It would appear that your unit's interpretation of SI is inconsistent with at least two other units in your section.

HDC maintains that additional stages of SI logically require additional personnel costs. The personnel costs approved for the first stage of SI were to perform and report on the field work for that stage, including three soil borings and four monitoring wells. The second stage will include personnel costs to perform and report on an additional eleven soil borings and three monitoring wells, several of which are off site. The technical portion of the work plan was approved, as well as all investigation, analytical, equipment, and most other costs. It is not reasonable that all of the work and non-personnel costs were approved, but the personnel costs to actually perform the work was not.

Your review letter dated February 8, 2005, does not refer to itself as a final decision or state that the decision can be appealed. HDC requests that you reconsider your decision and approve the proposed costs. In lieu of approval, HDC requests that you issue a final decision letter with the appeal attachment that is standard for budgets that have been approved with modifications.

If you have any questions I can be reached at 217.352.6976 or kevin@hdc-eng.com.

Respectfully Submitted,
HDC Engineering



Kevin Saylor, PE
Environmental Division Manager

cc: Doris Webb
Sue Rennels


Attachment A

\$1,500 were deducted from the budget for surveying costs with the reasoning that a professional survey is not required by the Agency. The requirements of Title XVI do not specifically require a professional survey as part of a LUST incident. However, it has been HDC's experience that professional surveys are ultimately necessary to delineate and obtain No Further Remediation status for LUST projects.

During the course of delineation, it is necessary to identify the site's property boundaries. The location of these boundaries is used to identify the extents of the property and to place off site boring locations.

The letter to request off site access to perform delineation and/or remediation on adjacent properties is essentially a contract between the LUST owner/operator and the adjacent property owner. Therefore, a professional boundary survey is crucial in identifying the site's and adjacent parcel's property limits to insure that the necessary access is obtained and that the necessary involved parties are protected by the off site access letter.

The accurate location of property boundaries is necessary for the use of highway authority agreements. These agreements require scaled maps identifying the impacted area and the extents of the agreement.

Environmental land use controls require the legal description of the property subject to the control. The professional boundary survey is used for this purpose.

The Property Owner Summary required for corrective action completion also requires a legal description. Again, the professional survey is used for this purpose.

In general, the reporting requirements of the LUST program require the accurate presentation of the site and adjoining properties, including utilities, roadways, and property boundaries. To fulfill these requirements, a professional survey is conducted. Sources such as county plat and aerial composite maps are not always of sufficient detail to accommodate the requirements to close a LUST incident. In some instances, a foot can mean the difference between a highway authority agreement and an environmental land use control. Additional land use controls requires a significant amount of additional consulting time and additional liability for the owner.

Required technical reports, such as the Site Investigation Completion Report and the Corrective Action Completion Report, require certification by a licensed Professional Engineer or Professional Geologist. The certification includes the following statement:

To the best of my knowledge and belief, this report, supporting documents and all attachments are true, accurate and complete.

The only accurate and complete way to identify property boundaries is to utilize a professional surveyor.

Because of these reasons, HDC requests that the Agency approve the \$1,500 for professional surveyor's costs. These costs have been approved on numerous other LUST budgets and billing packages.

Attachment B

Environmental Professional II (90 hours)

Work Description	Number of Hours
Work plan preparations (Stage 2 Site Investigation Work Plan and Budget)	22
Sample and log soil borings	20 (one EPII for two 10 hour days)
Pre-drill / Post-drill (JULIE locate, package and ship samples, etc.)	4
Off-site access (Obtain property and adjacent property tax cards, contacting and coordinating off-site access, including both IDOT and city right of ways)	12
Well development and survey	18 (two EPII's for one 9 hour day)
Well purging and sampling	10 (one EPII for one 10 hour day)
Miscellaneous* (Contact with client, IEPA, local municipality, IDOT, subcontractors, laboratory etc.)	4

Environmental Professional III (70 hours)

Work Description	Number of Hours
Prepare Site Safety and Health Plan	2
Pre-drill / Post-drill (prepare soil log templates, load/unload sampling supplies, jar samples, ship samples, etc.)	4
Monitoring Well Installation (Supervise subcontractor, sample and log soil, etc.)	10
Well purging and sampling	10 (one EPIII for one 10 hour day)
Miscellaneous* (Contact with client, IEPA, local municipality, IDOT, subcontractors, laboratory etc.)	8
Report writing (Stage 2 and Stage 3 Site Investigation Work Plans and Budgets, including soil boring logs, analysis tabulation, and reimbursement)	36

Attachment B (continued)

Environmental Professional IV (28 hours)

Work Description	Number of Hours
Budget preparations	12
Report preparation and oversight	8
Miscellaneous* (Contact with client, IEPA, local municipality, IDOT, subcontractors, laboratory etc.)	8

Project Manager (16 hours)

Work Description	Number of Hours
Work plan preparation	3
Budget preparation and review	2
Site Safety and Health Plan preparation and review	1
Pre-drill oversight	1
Monitoring well drilling oversight	1
Report preparation and oversight	2
General project management	6

Project Engineer (28 hours)

Work Description	Number of Hours
Work plan preparation for Stage 2	4
Budget preparation for Stage 2	3
Technical supervision for field activities	5
Stage 3 Site Investigation Work Plan and Budget, reimbursement request)	8
Miscellaneous* (Contact with client, IEPA, local municipality, IDOT, subcontractors, laboratory etc.)	8

*Miscellaneous time includes communication with the owner/operator, local municipality, IDOT, subcontractors, and the IEPA which does not necessarily fall within a specific task. HDC has found that many times, especially with this site, that the IEPA requires additional information and justification for the approval of budgets, reimbursements and reports. When the IEPA requests additional information/justification, additional consultant fees are incurred. HDC feels that the costs requested in this budget are reasonable and are consistent approved funds for several other LUST projects.

EXHIBIT "F"



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1253 7084

MAR 02 2005

Mrs. Doris Webb
8687 E. 150 N.
Lerna, Illinois 62440

Re: LPC# 0290255079 -- Coles County
Mattoon/ Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No. 20021577 & 931126
LUST Technical File

Dear Mrs. Webb:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Site Investigation Plan Budget(budget) submitted for the above-referenced incident. This budget, dated February 15, 2005, was received by the Illinois EPA on February 16, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

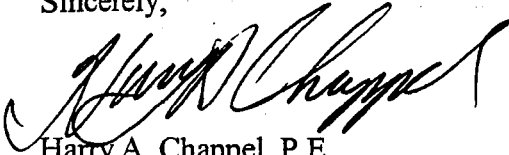
The budget is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(d), 57.8(e) and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 732.606(s) and 732.611.

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 James R. Malcom, III at 217/524-9140.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Chappel". The signature is written in a cursive, flowing style.

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

HAC: jrm

Attachment: Budget Modification

cc: HDC Engineering
Division File

The following personnel work hours are being approved based on the work plan provided in the plan received January 24, 2005:

Environmental Professional II (82 Hours approved, 8 hours denied as unreasonable)
\$5,330.00 approved in budget

The 4 hours for pre-drill/post drill were deducted as these cost are considered part of sample and soil boring log hours. The 4 hours for miscellaneous task was deducted as these tasks are being approved under Off-site access hours.

Environmental Professional III (46 Hours approved, 24 hours denied as unreasonable)
\$3,450.00 approve in budget

The hours associated with the safety and health plan were deducted as this task was approved under the previous budget. The hours for pre-drill, post drill, well purging and sampling, and miscellaneous were deducted as they were approved under the Environmental Professional II hours.

Environmental Professional IV (12 Hours approved, 16 hours denied as unreasonable)
\$924.00

The hours associated with report preparation & oversight and miscellaneous were deducted as these tasks were approved under the Environmental professional II.

All hours associated with the project manager were deducted as these hours were approved under the environmental professional II hours. All hours for the project engineer were deducted as these hours were approved under the environmental professional II. The costs for the stage III site investigation work plan and budget was deducted as this report is not required at this time.

TOTAL AMOUNT APPROVED FOR SITE INVESTIGATION AND CORRECTIVE ACTION ACTIVITES TO DATE:

\$13,390.90	Investigation Costs
\$5,029.67	Analysis Costs
\$22,520.00	Personnel Costs
\$1,574.00	Equipment Costs
\$1,685.64	Field Purchases and Other Costs
\$306.53	Handling Charges

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)(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:

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

Attachment A

Re: LPC# 0290255079 -- Coles County
Mattoon/ Webb & Sons, Inc.
1201 DeWitt Avenue
LUST Incident No. 20021577 & 931126
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 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:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$9,704.00	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$0.00	Handling Charges

SECTION 2

1. \$1,500.00 for surveying. These costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)).

The excessive costs submitted for surveying indicates that a professional surveyor is being utilized which is not required by the Agency. The Agency's February 8, 2005 decision remains in effect for this item.

2. \$7,906.00 for an adjustment in personnel costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(3) 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 are reasonable.

Based on the amount of work proposed in the approved site investigation plan, the Agency has reduced the proposed personnel costs by \$7,906.00.