

AUG 03 2005

EXHIBIT LIST

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-22
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35)
ILL. ADM. CODE 732)

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-23
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35) Consolidated
ILL. ADM. CODE 734)

- Exhibit 1 Illinois Environmental Protection Agency's First ERRATA Sheet for Part 732
- Exhibit 2 Illinois Environmental Protection Agency's First ERRATA Sheet for Part 734
- Exhibit 3 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 4 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 5 Testimony of Hernando Albarracin in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 6 Testimony of Hernando Albarracin in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 7 Testimony of Douglas Oakley in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 8 Testimony of Douglas Oakley in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 9 Testimony of Brian Bauer in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 10 Testimony of Brian Bauer in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734

- Exhibit 11 Testimony of Harry Chappel in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 12 Testimony of Harry Chappel in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 13 DRAFT Budget and Billing Forms for the Underground Storage Tank Fund March 9, 2004
- Exhibit 14 Leaking Underground Storage Tank Reimbursement Example 35 Ill. Adm. Code 734
- Exhibit 15 Illinois Environmental Protection Agency Second ERRATA sheet
- Exhibit 16 35 Ill. ADC 185.204
- Exhibit 17 Cash Balance Daniel W. Hynes
- Exhibit 18 State Underground Storage Tank Fund
- Exhibit 19 Landfills that Accept LUST Soils as of May 2004
- Exhibit 20 General Guidelines
- Exhibit 21 LUST Claims Voucher Process
- Exhibit 22 State UST Reimbursement Regulations (Summary)

Exhibit 23 Complete Copies of State UST Reimbursement Regulations
(exhibit includes one set of USEPA Guidelines and rules from 31 states as listed below):

USEPA, State Funds in Transition: Models for UST Assurance Funds, EPA 510-B-97-002, Jan. 1997; Montana Petroleum Tank Release Cleanup Fund Reasonable Cost Ceilings (Draft 9/6/02); Ohio Revised Code, Petroleum Storage Tank Release Compensation Board (Dec. 1997); Missouri, Rules of Dept. of Natural Resources, 10 CSR 100-5.010-5.030 (4/30/02); New Mexico Environment Dept. 20.5.17 NMAC (11/30/03); Arkansas Dept. of Environmental Quality, Regulated Storage Tank Trust Fund Cost Control Guidance Document (6/03); Florida Dept. of Environmental Protection, Petroleum Preapproval Program—Fixed Rate Schedule (12/02); Kansas Petroleum Storage Tank Release Trust Fund Reasonable Rate Ranges (eff. 6/28/02); Wisconsin Dept. of Commerce Maximum Reimbursable Equipment Rates (4/28/04); Nebraska Dept. of Environmental Quality, Petroleum Release Remedial Action Cash Fund (Title 200 Program)(eff. 3/1/00); Virginia Dept. of Environmental Quality, Virginia Petroleum Storage Tank Fund Reimbursement Guidance Manual, Vol. II UCR Schedules (5th ed.); Vermont Agency of Natural Resources, Waste Mgt. Div., Procedures for Reimbursement from the Petroleum Cleanup Fund) (eff. 4/04); Mississippi Dept. of Environmental Quality, UST Branch, Reimbursement Limitation & Procedures for Immediate Response Actions Eligible for Reimbursement from the Mississippi Groundwater Protection Trust Fund (eff. 1/1/02); Alabaman Dept. of Environmental Management, Alabama Tank Trust Fund Reasonable Rate Schedule (6/03); Indiana Underground Storage Tank Financial Assurance Board, 328 IAC, LSA Doc. #00-135(F), (adopted 7/10/01); Kentucky Off. of Petroleum Storage Tank Environmental Assurance Fund, 415 KAR 1:110. Contractor Costs (4/30/04); Maryland Dept. of Environment, Title 26 Subtitle 10 Chap. 14 Underground Storage Tank Site Cleanup Reimbursement (7/23/01); South Dakota Petroleum Release Compensation Fund, 1999 Internal Cost Screening Guidelines for Determining Reasonable Environmental Consultant Expenses (4/12/99); New Hampshire Petroleum Storage Facility Fund Program Guidance Manual, Section VI only (10/1/03); Texas Natural Resource Conservation Comm. Petroleum Storage Tank Division, Reimbursable Cost Guidelines (4/30/04); Tennessee Dept. of Environment and Conservation, Reasonable Reimbursement Guidance Document (1/1/04); Colorado Dept. of Labor & Employment, Division of Oil & Public Safety, Reasonable Cost Guidelines 2001 (4/30/04); North Carolina Group Dept. of Environment and Natural Resources-Div. Of Waste Mgt., UST Tank Price List, Version 1.0 (3/1/03); Minnesota Rules, Chapter 2890 (4/27/04); Arizona Dept. of Environmental Quality, State Assurance Fund 2004 Cost Ceilings (2004); Alaska Underground Storage Tank Financial Assistance Program Tables of Customary Costs (5/25/99); Louisiana Motor Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document (undated); California State Water Resources Control Board, Cost Guidelines—Underground Storage Tank Cleanup Fund (Final Draft 10/01/01); Nevada Division of Environmental Protection, State of Nevada Petroleum Fund CEM Cost Guidelines (12/01)

- Exhibit 24 Excavation/Transportation/Disposal/Backfill Costs (undated)
- Exhibit 25 LUST Average Days to Process Claims (2/11/04)
- Exhibit 26 Maximums Allowable (J. Kim 4/20/04)
- Exhibit 27 Amended Attachments (2nd ERRATA Sheet) as Requested by Hearing Conducted 5/25/04
- Exhibit 28 Payment of Corrective Action and Third Party Liability Claims Trust Fund (2 pages from Indiana Administrative Code) (undated)
- Exhibit 29 Prefiled testimony of CW³M for the hearings beginning on June 21, 2004, including Attachment A and Appendix A through N
- Exhibit 30 Table with heading "Paid in 2003", "Paid in 2002", and "Paid in 2001" and graph
- Exhibit 31 Letter from Goodwin & Broms, Inc. for cite LPC # 1150155313
- Exhibit 32 "Excavation and Off-Site Landfarm Treatment" Budget form with IEMA No. 932539
- Exhibit 33 LUST Technical Review Notes by Jason Donnelly dated March 14, 2003, for cite LPC # 0110505004
- Exhibit 34 Comparison of Other States Provided
- Exhibit 35 Resume of Cindy S. Davis, P.G.
- Exhibit 36 Resume of Joseph W. Truesdale, P.E., S.I.T.
- Exhibit 37 Resumes of Joe Kelly, Duane Doty, Robert J. Pulfrey, and Barry Sink
- Exhibit 38 High Priority Corrective Action Task List, page numbered 6 of 8 followed by "Information Presented to IEPA by AD-HOC group, led by Consulting Engineers of Illinois (CECI)
- Exhibit 39 Underground Storage Tank Fund Information including information from Daniel W. Hines dated 6/20/04 and 6/17/04
- Exhibit 40 UST Fund Graphs including "Frequency of Payouts" and "LUST Fund Balance"
- Exhibit 41 Letter from Bill Fleischli of Illinois Petroleum Marketers Association to Mr. Gary King of the Illinois Environmental Protection Agency dated October 24, 2001

- Exhibit 42 Memorandum from Doug Clay of the Illinois Environmental Protection Agency to Bill Fleischli dated April 4, 1995
- Exhibit 43 UST Reimbursement Project Information
- Exhibit 44 Emergency Rule Language Negotiated Between IEPA, PIPE, CECI, ISPE
- Exhibit 45 Illinois Department of Transportations "Aggreement" (sic) Provisions for Consultant Services, pages 29 through 33
- Exhibit 46 Capitol Development Board's Professional Services and Fees Handbook for Centralized Fee Negotiation, pages 5 though 6
- Exhibit 47 General Information Used by Businesses in Determing Reasonable and Competitive Pricing
- Exhibit 48 PIPE Workgroup Work Breakdown Structure
- Exhibit 49 Prefiled Testimony of Cindy S. Davis for the hearings beginning on June 21, 2004
- Exhibit 50 Prefiled Testimony of Michael W. Rapps for the hearings beginning on June 21, 2004
- Exhibit 51 Table titled "Chappel Attachment 12 E + T + D Data"
- Exhibit 52 Graph titled "Normal distribution"
- Exhibit 53 Prefiled testimony of Duane Doty for the June 21, 2004, hearing
- Exhibit 54 Prefiled testimony of Joseph M. Kelly for the June 21, 2004, hearing
- Exhibit 54(a) Supplemental Prefiled testimony of Joseph M. Kelly for the June 21, 2004, hearing
- Exhibit 55 Prefiled testimony of Robert J. Pulfrey for the June 21, 2004, hearing
- Exhibit 56 Prefiled testimony of Barry F. Sink for the June 21, 2004, hearing
- Exhibit 57 Map titled "Active LUST Sites"
- Exhibit 58 Map titled "PIPE Member LUST Sites"
- Exhibit 59 Map titled "Special Waste Landfills"

- Exhibit 60 Map titled "Special Waste Landfills" with Active LUST Sites included by blue dots
- Exhibit 61 Map titled "Special Waste Landfills" with active LUST Sites included by blue dots and yellow highlighted sites within 25 miles of landfills
- Exhibit 62 Map titled "Rock Backfill Vendors 2002-2003"
- Exhibit 63 Table titled "All Incident Numbers" from the IEPA LUST Database, dated April 2003
- Exhibit 64 Table headed Number of Sites Year of Incident from the IEPA LUST Database, dated April 2003
- Exhibit 65 Chart headed Sites Not Assigned
- Exhibit 66 Map titled "Illinois OSFM Licensed Contractors"
- Exhibit 67 Map titled "Illinois OSFM Licensed Contractors", including LUST Sites with yellow dots
- Exhibit 68 Map titled "Illinois OSFM Licensed Contractors", including LUST Sites with yellow dots and highlighted sites within 25 miles of contractor
- Exhibit 69 Table titled "NFRs Issued Vs. TACO Usage"
- Exhibit 70 Web Pages for United Science Industries
- Exhibit 71 Prefiled testimony of Bill Fleischli for the hearings beginning on June 21, 2004
- Exhibit 72 Prefiled testimony of Harold Primack for the hearings beginning on June 21, 2004
- Exhibit 73 Prefiled testimony of Joseph W. Truesdale for the hearings beginning on June 21, 2004
- Exhibit 74 Prefiled testimony of Daniel J. Goodwin for the July 6, 2004 hearing
- Exhibit 75 Prefiled testimony of Jarrett Thomas for the July 6, 2004 hearing
- Exhibit 76 Table titled "State Underground Storage Tank Fund"
- Exhibit 77 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2000

- Exhibit 78 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2001
- Exhibit 79 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2002
- Exhibit 80 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2003
- Exhibit 81 Internet copy of Occupational Safety and Health Administration, Department of Labor Part 1926 and October 31, 1989 *Federal Register* version of Part 1926
- Exhibit 82 Office of State Fire Marshal Table of Contents for Part 170 and 41 Ill. Adm. Code 172.10
- Exhibit 83 Illinois Environmental Protection Agency letter dated February 9, 2004 to Mathias Development Corporation
- Exhibit 84 Illinois Environmental Protection Agency letter dated February 11, 2004 to L.E. Anderson Bros. Oil Co., Inc.
- Exhibit 85 Transcript from Riverview FS, Inc. v. IEPA PCB 97-226
- Exhibit 86 Table Titled "Raw Numbers for ETD&B of Other States"
- Exhibit 87 Illinois Environmental Protection Agency third ERRATA sheet
- Exhibit 88 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's Proposal
- Exhibit 89 Illinois Department of Transportation Letter to Douglas Clay dated August 2, 2004
- Exhibit 90 PIPE's Proposed Alternate Language
- Exhibit 91 PIPE's Testimony in Response to IEPA Testimony of August 9, 2004 and Third ERRATA Sheet; PIPE Testimony in Support of PIPE's Alternate Language
- Exhibit 92 Tables headed "Construction Costs"
- Exhibit 93 Table Titled "RS Means (2004) – Monitor Well Material Costs for 2", 4", 6", 8" Wells"
- Exhibit 94 Prefiled questions to the Illinois Environmental Protection Agency from CW³M for the July 27, 2005 hearing.

- Exhibit 95 Prefiled questions to the Illinois Environmental Protection Agency from Daniel King with United Science Industries, Inc. for the July 27, 2005 hearing.
- Exhibit 96 Prefiled questions to the Illinois Environmental Protection Agency from Jay Koch with United Science Industries, Inc. for the July 27, 2005 hearing.
- Exhibit 97 Prefiled questions to the Illinois Environmental Protection Agency from CSD Environmental Services for the July 27, 2005 hearing.
- Exhibit 98 Prefiled answers from the Illinois Environmental Protection Agency for the July 27, 2005 hearing.
- Exhibit 99 Prefiled testimony of Cindy S. Davis and Joseph W. Treusdale for the July 27, 2005 hearing.
- Exhibit 100 Amendment to testimony of Joseph W. Treusdale
- Exhibit 101 Amendment to testimony of Cindy S. Davis
- Exhibit 102 Petition that begins with “We, the undersigned, do hereby petition the Illinois Pollution Control Board (IPCB) . . .”
- Exhibit 103 Arizona Department of Environmental Quality UST Program “Release Reporting & Corrective Action Guidance” Appendix J
- Exhibit 104 Arizona Department of Environmental Quality UST Program “Release Reporting & Corrective Action Guidance” “7.3 CONTENTS OF CAP”
- Exhibit 105 Remedial Technology Screening (RTS) Form
- Exhibit 106 Prefiled testimony of CW³M for the July 27, 2005 hearing.
- Exhibit 107 Prefiled testimony of Jay P. Koch for the July 27, 2005 hearing.
- Exhibit 108 Videotape entitled “Small Owners/Operators of Underground Storage Tanks”
- Exhibit 109 Amended testimony of Jay P. Koch for the July 27, 2005 hearing.
- Exhibit 110 Hot & Cold Analysis
- Exhibit 111 Sector Analysis: Annual Growth Rates
- Exhibit 112 Hand drawn illustration to statement by Steven E. Rigdon

- Exhibit 113 Group of Charts entitled "IEPA PM %Denial", "Overall %Denial by Unit Manager", "IEPA PM %Modification or Denial", "Overall %Modified or Denied by Unit Manager", "IEPA PMs Average days for response", "Average Days for Response by Unit Manager"
- Exhibit 114 LUST Technical File for site #0770155105 Jackson County site (big file)
- Exhibit 115 LUST Technical File for site #0790305001 Jasper County site (little file)