

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
March 1, 2006

IN THE MATTER OF:	)	
	)	
PROPOSED AMENDMENTS TO:	)	R04-022
REGULATION OF PETROLEUM	)	(UST Rulemaking-Docket B)
LEAKING UNDERGROUND STORAGE	)	
TANKS (35 ILL.ADM.CODE 732)	)	
	)	
IN THE MATTER OF:	)	
	)	
PROPOSED AMENDMENTS TO:	)	R04-023
REGULATION OF PETROLEUM	)	(UST Rulemaking)
LEAKING UNDERGROUND STORAGE	)	Consolidated-Docket B)
TANKS (35 ILL.ADM.CODE 734)	)	

TESTIMONY OF UNITED SCIENCE INDUSTRIES, INC. REGARDING THE  
REGULATION OF FEES AND RATES FOR PROFESSIONAL CONSULTING SERVICES:

**I. INTRODUCTION**

My name is Jay Koch. I am President & CEO of United Science Industries, Inc. (USI) located in Woodlawn, Illinois. Before offering USI's testimony regarding Subdocket B, I would like to make four comments.

First, on behalf of our organization, our employees and our clients I thank the Illinois Pollution Control Board. We are all grateful that the Illinois Pollution Control Board exists as an independent review board. We are grateful that you listened to our testimony, our comments, and our pleas; analyzed the facts and recognized and acted upon the serious flaws in the professional services portion of the proposed rule that was being considered last year. Your actions are appreciated and respected. Thank you!

Second, I would like to express regret. In preparing this testimony I spent a considerable amount of time reviewing the record in this proceeding pertaining to the regulation of

professional consulting services. Specifically, I spent time reviewing the Board's Opinion and Orders, at both First Notice and Second Notice. I also spent a considerable amount of time re-visiting the text of USI's July 27, 2005 testimony. Months have passed since July 2005 and in reviewing that testimony from a historical perspective it was easy to sense the anger and aggressive tone of that testimony. What I regret, without pointing blame at anyone, is the way in which the relationship between the Agency and many of the participants in this rulemaking has unnecessarily deteriorated over the years. I regret that relationships have deteriorated to the point that an angry and aggressive tone towards a long time colleague in our collective mission of restoring the environment, the Agency, felt warranted in order to protect our business, our clients and the environmental consulting industry.

Third, I want the Board, all of those that have participated in this proceeding and especially the Agency to know that I am hopeful. I am hopeful that the parties to this proceeding will use subdocket B as an opportunity to reconcile their differences and coalesce to build a better UST program in Illinois. I am hopeful that USI, the Agency, PIPE and the other participants in this process will use the opportunities afforded by subdocket B to put an end to the impasse regarding this rule, focus on the future, and get to work on the task of developing a *workable* professional services rule. I am hopeful that the product of these efforts will be a model rule; a rule that will streamline the reimbursement process and leave little doubt as to the level of costs that are reasonable for a particular task; a rule that will provide the Agency, Board and the regulated community with a solid tool to use to truly account for and define costs at the task level and to identify abuses of the system; and most importantly, a rule that is objective and straightforward so that it can be implemented, administered and interpreted in an impartial and consistent fashion. I am hopeful that by genuinely focusing on this task and what is best for the

UST program and then laboring together to achieve the same; the parties to this proceeding will re-acquaint themselves and eventually regain the mutual trust and respect that has been so sorely lacking for the last several years and which is so fundamental to the development of a workable rule.

Finally, you may hear from others an opinion that professional consulting services should always be reimbursed on a time and materials basis and that lump sum payments for professional services should not be implemented now or at any point in the future. I am confident that lump sum payments should not be implemented on a per task basis until accurate cost data for standardized and well-defined tasks can be properly collected and carefully analyzed. However, instincts tell me that so long as tasks are properly created and the scopes of work are well defined and standardized and once the corresponding costs data is collected and analyzed; the data will show that numerous professional consulting tasks can be safely converted to lump sum payment amounts. I believe that this change, when implemented under the confines of a sound, well thought-out, statistically reliable and objective rule, is entirely appropriate and is in the best interest of UST owners/operators, the taxpayers of this state and the environment. As the president of USI, I am supportive of this effort and willing to commit our organization to assist the Board, the Agency and the other participants in the development of a "*workable rule*" that will achieve the goals of expediting the reimbursement process, reducing the incidence of abuse and broadening the effectiveness of the LUST Fund as a tool for financing clean-ups in this state.

## **II. SCOPE OF USI's TESTIMONY**

In today's testimony USI intends to do three things:

First, USI will attempt to clarify some portions of its July 27, 2005 testimony. After reading the Board's January 5, 2006 Opinion and Order, it is apparent that some portions of USI's July

27, 2005 testimony and proposal were not clearly communicated or were interpreted in a manner other than that intended. Therefore, USI will attempt to clarify its position. In staying consistent with the Board's desire to limit the scope of this hearing to only those issues discussed in the Board's January 5, 2006 Opinion and Order, USI will only clarify those portions of its July 27, 2005 testimony that were referenced in the Board's January 5, 2006 Opinion and Order.

Second, USI will answer the questions posed by the Board and make comments on issues where the Board has solicited input from the participants. These questions generally pertain to the adequacy of the scope of work and the adequacy of the lump sum payment amounts.

Finally, USI will offer suggested modifications to the list of tasks and associated scopes of work presented in rough draft format as part the Board's January 5, 2006 Opinion and Order.

### **III. CLARIFICATION OF USI'S JULY 27, 2005 TESTIMONY:**

Listed below are excerpts from the Board's January 5, 2006 Opinion and Order regarding USI's July 27, 2005 testimony along with USI's clarification and/or rebuttal in relation thereto.

***Excerpt 1:*** *“USI addresses the issue of scope of work by creating a standardized task list, which explicitly references the regulations themselves, and a schedule of standard product and services along with the scope of services and reasonable quantity guidance. USI's proposal addresses all the tasks involved with the UST remediation under Parts 732 and 734, including tasks related to professional consulting services. **Since this docket is limited to issues concerning payment of professional consultant services, USI's proposal pertaining to such services will be discussed in this section.**”* (January 5, 2006 Opinion & Order Page 3).

***Clarification:*** The language in bold above leads USI to believe that

the Board's perception may have been that USI's intent was for the scope of work for professional consulting services to be defined broadly only at the phase level. This is not the case. The text in the Scope of Work section of page 532 of USI's proposal which reads:

*“Professional Consulting Services include all labor, equipment, materials, supplies and subcontractors necessary and associated with the design, oversight, analysis, management, administration and documentation of investigative and remedial activities during a corrective action project as well as the professional consulting and associated services necessary to*

*perform all Agency required planning, budgeting, certification, reporting, correspondence. Professional consulting services also include all services necessary and associated with the cost reimbursement from the Fund.”*

This language should be interpreted in concert with the language found in section 734.845 d. of USI's proposed rule which requires that all professional consulting costs be tracked and reported to the Agency on a per task basis. It should also be interpreted in concert with the provision on the bottom of page 532 of USI's testimony that requires all work activities to be justified (at the task level). In USI's July 2005 proposal the tasks conventions are the same as the regulations. USI envisioned that this approach would require all work activities to be justified as reasonable and necessary in order to comply with the specific requirements of the regulations. Finally, the statement on page 532 of USI's testimony that Professional Consulting Services are anticipated to be provided in relation to each of the Tasks specified in Appendix D should be considered. This statement, on page 532, is based upon the premise that environmental professionals direct, guide and oversee all aspects of a UST remediation project so they should track and justify their time in accordance with the detailed activities that they are required to perform each task. This includes planning or oversight time for those tasks that are primarily field services oriented such as tank removal or abandonment.

USI believes that by using this approach, the parties will begin to gain a complete understanding of the true total costs for each task. Some tasks may have both professional services and field services components while others may only have a professional services component.

For example, a review of the language found at the bottom of page 521 of USI's testimony indicates that USI anticipated that professionals would post and be required to justify

their time during tank removal oversight activities. The language contained on the bottom of page 521 provides the following:

*“Professional oversight of these Field Services is appropriate. An environmental professional should be on site at all times during tank removal activities. The hours necessary for the environmental professional to travel from his or her office to and from the job site prior to and subsequent to tank removal or abandonment services is reasonable as are associated per diems, lodging and mileage. An engineer, technician, or geologist would typically be expected to staff this field oversight activity. Instrumentation and equipment that would typically be expected to be associated with this professional oversight (tasks) include, but are not limited to the following: Combustible Gas Indicator, Photo-Ionization Detector, Disposable Camera, Headspace Analysis Containers, Utility Vehicle.”*

The reasonable quantity guidance provided by USI at the task level (for example, at the bottom of page 521 of USI's testimony) was simply intended to serve as a guide/barometer for Agency reviewers to determine the reasonableness of professional service time proposed at the task level.

USI recognizes that its intent may not have been clear. USI would be happy to answer any questions regarding this issue.

**Excerpt 2:** *“Finally, USI proposes scope of service for professional consulting service under Section 732/734 Appendix F as follows. Professional products and services include all labor, equipment, materials, supplies and subcontractors necessary and associated with the design, oversight, analysis, management, administration and documentation of investigative and remedial activities during a corrective action project as well as the professional consulting and associated services necessary to perform all Agency required planning, budgeting, certification, reporting and correspondence. Professional consulting services also include all necessary services and costs associated with requesting payment from the fund. PC 60 at 136 and PC 67 at 170.*

*USI's approach to addressing scope of work deviates significantly from the approach taken by ACECI, PIPE and CW<sub>3</sub>M. While proposals from ACECI, PIPE and CW<sub>3</sub>M prescribe detailed scope of work for each task for which lump sum payments are specified under Sections 732.845 and 734.845, USI's proposal takes a broader approach of defining scope of service as including all labor, equipment, materials, supplies and subcontractors necessary and associated remedial activities during a corrective action project (January 5, 2006 Opinion and Order Pages 3-4).*

**Clarification:** USI clarifies that the activities conducted by a professional consultant on a UST remediation project include design, oversight, analysis, management, administration and documentation of investigative and remedial activities all in accordance with the specific regulatory requirements as set forth in parts 732 and 734, as appropriate. In addition the activities include all Agency required planning, budgeting, certification, reporting and correspondence. USI's use of the phrase "...include all labor, equipment, materials, supplies and subcontractors necessary and associated with..." does not set forth the scope of services but only serves to define the types of resources that the consultant is expected to use in the performance of those services. It also establishes that the consultant is responsible to provide those resources in order to complete the scope of work. This method of broadly defining the resources that are to be provided by the consultant (or a contractor in the case of construction or remedial work) in the performance of activities that are necessary to complete a specific scope of work is very common and nearly a default industry standard on both professional contracts for services and construction contracts. This is especially true in instances where lump sum payment amounts are involved. To support its point, USI refers the Board to two different resources. The first is the American Institute of Architects Standard Form Agreement between the Owner and Architect. The first sentence of Division 0: Bidding and Contract Requirements, Section 00300-Bid Proposal Form of these documents provides "I, having reviewed the contract documents and familiarized myself with all conditions affecting the scope of work, propose to provide all *labor, equipment, utility, transportation and materials* necessary to perform the required Work on the above noted project." In this instance it is clear that the scope of work and the resources that are promised to be provided by the architect in order to provision those services are distinct concepts. The second reference is a simple, but commonly

available proposal form published by Cardinal Brands Inc. of Lawrence, Kansas. Cardinal Brands, Inc. uses the trade name Adams business forms. These form proposals are readily available at most office supply stores and are routinely used by contractors and other small businesses when preparing lump sum quotes. This widely accepted proposal form prominently includes the following language at the top of the scope of work section of the form, "We hereby propose to furnish the *materials* and perform the *labor* necessary for the completion of:" The form then leaves a space for the contractor to insert a general narrative of the scope of work. Beneath that portion of the form is the following language: "All material is guaranteed to be as *specified*, and the above work to be performed in accordance with the *drawings* and *specifications* submitted for above work, and completed in a substantial workmanlike manner for the sum of \_\_\_\_\_(BLANK)\_\_\_\_\_ Dollars." The Cardinal Brands form is clearly consistent with the approach used by AIA. Both refer to the categories of resources necessary to engage in the activities necessary to complete the work and both clarify that the scope of work and the resources are not the same. The Cardinal Brands form goes even further by clarifying that the detailed requirements of the scope of work are provided in the plans and specifications. The plans and specifications, then, provide the detailed requirements of the scope of work. It makes sense that the AIA forms between the owner and the architect would not include this reference to a specification because the architect is presumably being hired to develop detailed plans and specifications on behalf of the owner.

USI believes that the proposals made by ACECI, PIPE and CW3M and USI are all generally consistent with the concepts outlined above in that each proposal desired specificity in the scope of work. If one compares the primary work activities listed in USI's scope of services found on page 532 of its July 27, 2005 testimony to those tier 1 work activities proposed by



ACECI, PIPE and CW3M, one finds that the activities are very, very similar. The list of activities shown in Attachment A illustrates this point.

Additionally, if one evaluates the detailed sub-tier activities and specifications contained within the scope of work proposed by ACECI, PIPE and CW3M, as modified by the Board for presentation in the January 5, 2006 draft rule, one finds a striking similarity between those detailed sub-tier work activities and the specific UST regulations and associated forms/guidance documents. USI's use of the regulations as the task identity was intentional. In USI's proposal, the scope of work for each task was to include all of the general activities underlined in Excerpt 2 above in addition to the specific requirements of each regulation (task) as specified in the technical regulations. USI did not specifically list in Section 734.845 the details of each sub-tier technical because it felt that doing so was unnecessary since those specifics were already provided in the regulations.

USI recognizes that the ACECI, PIPE & CW3M proposals create new tasks conventions solely for purposes of cost containment (734.845) and that these new task conventions do not completely track with the requirements of the technical regulations. USI believes that this approach is different than what it proposed but USI believes that the creation of new tasks in Section 734.845 adds unnecessary levels of complexity. USI will comment more on that subject later in its testimony.

In summary, the USI, ACECI, PIPE and CW3M proposals are all similar in that they are all ultimately based on the regulations and are intended to provide high levels of specificity in the scope of work.

**Excerpt 3:** *"...the scope of work in USI's proposal is similar to the one proposed by the Agency and adopted by the Board for first notice, i.e. the scope of work includes all work necessary to comply with the requirements of the regulations." (January 5, 2006 Opinion & Order-Page 5)*

**Clarification:** USI's intention was for the scope of work included in its proposal to include all work necessary to comply with regulations. However, USI feels that its proposal was not similar to the Agency's proposal adopted by the Board at First Notice. The key distinctions are that the Agency's proposal contained newly created tasks that were created solely for use in Section 734.845. The Agency did not provide any detail or specificity as to where or how costs associated with professional service activities that are rendered per the requirements of the technical regulations in sections other than Subpart H should be accounted for under the newly created Subpart H tasks (maximum payment amounts). Additionally, and notwithstanding the above, the Agency used the "included but not limited to" language as a qualifier in relation to the tasks created in Subpart H. The use of the delimiting word "includes" is consistent with creating or defining a "scope" or extent. However, the addition of the all-encompassing phrase "but not limited to" broadens the level of work required to an unknown level and violates the entire concept of defining a "scope" of work and satisfying the participants desire for specificity. On the other hand, USI's proposal was intended to specify in detail the requirements for each task. Recognizing that the technical regulations found in Subparts other than Subpart H are very detailed and provide the specifics of what is required of a UST owner/operator and their consultant in order to comply with the Act; USI simply used the regulations to serve as the basis for its task list. The detailed sub-tier regulations contained within each regulation used to denote a specific task provides ample information and specificity which clearly outline the deliverables that are required in order for each considered task to be completed. USI believes that there is a subtle but very significant difference between the Agency's proposal and its proposal.

USI concurs with the Agency when they assert that the tasks should be based upon the regulations. They should be based upon the regulations/tasks that have been in place for years

that the industry is already familiar with and not upon new conventions that were arbitrarily created and first introduced to the regulated community as part of the 734.845 proposed in Subpart H. USI also believes that its proposal provides an appropriate level of specificity without increasing complexity. A program that is based upon task identities that are already familiar will be simpler and easier to communicate to the regulated community, more readily adopted and help to keep program administrative costs to a minimum. USI will provide more information about this later in its testimony.

**Excerpt 4:** *“In addition, USI proposed reasonable quantity guidance for personnel hours based on each phase of remediation (Exh.109). The personnel time estimates proposed by the participants for various tasks are summarized in the table below.” (January 5, 2006 Opinion & Order, Page 8)*

**Clarification:** USI desires to clarify that the reasonable quantity guidance provided by USI is not an estimate as are the figures provided by the *Ad Hoc* Work group and PIPE. The reasonable quantity guidance provided by USI on a per phase basis are the statistically valid ninetieth percentile of professional consulting costs actually incurred at Illinois UST sites. This is based upon USI’s review and evaluation of professional consulting costs at 69 randomly selected LUST sites in Illinois. The details of this analysis were provided at hearing on July 27, 2005.

**Excerpt 5:** *“...according to the Agency, the average cost of professional consulting services based upon USI’s estimate would be significantly higher than the average total amount paid for sites closed during 1997 through 2001” (January 5, 2006 Opinion and Order, page 10).*

**Clarification:** The Agency has taken USI’s testimony out of context. USI’s testimony focused on an 80% coverage at 95% confidence interval which would cover approximately the ninetieth percentile of charges assessed on a per site basis across the state. USI selected this coverage range and confidence interval because in its earlier testimony the Agency had claimed the maximum lump sum payment amounts they proposed in Subdocket A would cover approximately ninety percent (90%) of the sites in the state. A proper means of comparing the

figures presented by USI relating to professional consulting service charges to the total amount reimbursed for professional and field (contracting) services would be to utilize the statistical ninetieth percentile of total costs (80% coverage at 95% confidence interval) of remediation to the statistical ninetieth percentile of professional consulting costs presented by USI. USI is confident that a proper comparison will not support the Agency's implication and instead support the facts as presented by USI at the July 2005 hearing. USI does not find any merit in the Agency's attempt to rebut USI's testimony.

**IV. RESPONSES TO QUESTIONS AND INQUIRIES POSED BY THE ILLINOIS POLLUTION CONTROL BOARD.**

In its January 5, 2006 Opinion & Order, the Board asked a series of questions and/or solicited input from the participants on a number of issues pertaining to the adequacy of the proposed scope of work and the maximum lump sum payment amounts for professional services. In this section USI will address each of the Board's questions and/or requests for input.

**1. Question 1:** *"...the Board invites the participants to comment on whether scope of work needs to be defined for these tasks?"* (January 5, 2006 Opinion and Order page 6)

**Response 1:** USI believes that all technical regulations that could potentially be subject to a maximum lump sum payment amount should have a defined scope of work. USI would like to emphasize two points with regard to the Board's inquiry. First, USI notes that the Board referred to these regulatory requirements as tasks. Whether the Board categorized these requirements as "tasks" consciously or subconsciously USI does not know. In either case, USI agrees with this categorization (identifying the regulations as a task) and believes that the regulatory requirements themselves (at an appropriate tier) should be considered to be the tasks for purposes of cost containment rather than to establish an entirely new task structure solely for the purpose

of administering cost containment. Creating an entirely new structure of tasks solely for the purpose of administering cost containment is not necessary and will add complexities and costs to the administration of the program. Second, USI notes that the scope of work for the task of preparing the report required pursuant to Section 734.210 (h) (3) is clearly specified in sub-tier regulations 734.210 (h) (3) (A), (B) and (C). Please see USI's proposed task 734.210 (h) (3) in Attachment **B**.

**2. Question 2:** *"The Board directs the participants to review the proposed scopes of work to see if they adequately address the specific tasks or if revisions are necessary."* (January 5, 2006 Opinion & Order, page 7)

**Response 2:** Please see Section V. below of USI's testimony.

**3. Question 3:** The Board asks where Scope of Work should be set forth (i.e. in Board rules or in Agency implementation rules and solicits comments and testimony from the participants and the Agency. Specifically the Board states that *"... the Board believes that it is important to address the issue of scope of work in this rulemaking to ensure that the maximum lump sum payment for each task reflect the scope of work for that task and the time required to perform the work. Upon the resolution of issues concerning the maximum lump sum payments, the Board will decide the appropriate vehicle for specifying the scope of work. In this regard, the Board welcomes additional comments and testimony from the participants and the Agency"* (January 5, 2006 Opinion and Order page 7).

**Response 3:** As is readily evident in the record, the inclusion of a well-defined scope of work is critical to the participants in this proceeding and it is critical to the development of maximum lump sum payment amounts that can be applied impartially and consistently. The Agency's

long standing position with regard to scope of work is summarized in testimony made by Doug Clay on August 9, 2004 which is as follows:

Doug Clay- August 9, 2004 hearing.

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3 *"The Agency does not believe that a detailed and*  
 4 *defined scope of work for each aspect of the*  
 5 *leaking underground storage tank cleanup is*  
 6 *necessary, nor does it -- should it be included*  
 7 *in these regulations."*

Some of the participants in these proceedings have suggested that development of a scope of work can be handled by the Agency and LUST Advisory Committee or just the LUST Advisory Committee. CW3M has suggested that the final task list and scopes of work for each should be developed by the Agency and the LUST Advisory Committee and published periodically outside of the Board rules (January 5, 2006 Opinion & Order page 7). CSD asks that the Board direct the LUST Advisory Committee to develop the scope of work and make it available on the Agency's website (January 5, 2006 Opinion and Order, page 7). USI is of the opinion that the proper delineation of tasks and associated scopes of work are so critical that they should be set forth by the Board.

**4. Question 4:** *"Should professional consulting services be reimbursed on a time and materials basis"* (January 5, 2006 Opinion and Order, page 8).

**Response 4:** As stated in the introduction section of USI's testimony, USI is of the opinion that some tasks can and eventually should be converted to lump sum payment amounts. USI supports the standards, approach and implementation steps set forth by PIPE in its Policy & Position Statement which was submitted to the Board as PIPE's testimony. PIPE's approach outlines that all professional consulting services should continue to be reimbursed on a time and materials basis during phases one and two of the implementation process proposed by PIPE for the eventual conversion to maximum lump sum payment amounts. During phase three of

PIPE's proposed implementation process, some tasks could be converted to maximum lump sum payment amounts. Until that point in time, USI's position is that all professional services should continue to be reimbursed on a time and materials basis.

**5. Question 5:** *"The Board would like to hear from the Agency and the participants as to whether adequate information is available in the Agency's database to determine lump sum payments for the various professional consulting tasks that reflect reasonable costs incurred in performing the necessary work"* (January 5, 2006 Opinion and Order page 8).

**Response 5:** USI is extremely confident, from both its experience in working with the UST program for more than fifteen years, and from data analyzed in USI's review of the 69 LUST incident files that it reviewed in preparation for its July 27, 2005 testimony, that adequate data is not available in the Agency's files to establish credible costs on a per task basis. Please see USI's July 27, 2005 testimony for additional details.

**6. Question 6:** *"Specifically, the Board would like the participants to provide reasonable personnel time estimates for all the tasks for which the scope of work has been proposed in today's order"* (January 5, 2006 Opinion and Order, page 10).

**Response 6:** USI concurs with PIPE on this matter. The many problems inherent in using estimates for a maximum lump sum payment were clearly shown by USI at the July 27, 2005 hearing. USI determined that the personnel time estimates made by the *Ad Hoc Work Group* and PIPE which are presented in the table on page 9 of the Board's January 5, 2006 Opinion and Order are based upon estimates. USI's figures which are provided in that same table are based upon actual professional consulting costs incurred under the LUST program. USI's costs are representative of 80% coverage with a 95% confidence interval which is approximately the ninetieth percentile of costs. The *Ad Hoc Work Group* estimated a total of 264 professional

consulting hours would be necessary for all phases of work on a UST project including preparation and submission of claims for reimbursement. PIPE estimated that 480 hours of professional consulting services would be necessary for all phases of work on a UST project including preparation and submission of claims for reimbursement. The actual professional consulting hours that are required to cover approximately ninety percent of UST sites based upon USI's statistical review (80% coverage at a 95% confidence interval) are 1,240. The *Ad Hoc* work groups estimate was only 21% of the actual number of hours and PIPE's estimate was only 39% of the actual number of hours. USI respectfully declines to provide an estimate of hours for professional consulting services for the listed tasks. USI also urges the Board to refrain from basing maximum lump sum payment amounts on estimates. Finally, USI notes that the Board's Opinion and Order states that the scope of work included in the regulations is a "...starting point..." (January 5, 2006 Opinion and Order, page 5) and the Board directs the participants to review the proposed scopes of work to see if they adequately address the specific tasks or if revisions are necessary." (January 5, 2006 Opinion and Order, page 7). As outlined in Section V. below, USI believes that work still needs to be performed in order to adequately define a scope of work for each of the proposed tasks and that the task structure should be revisited in order to maximize clarity and understanding by the consulting community. In evaluating the proposed task list and associated draft scopes of work, the specific regulatory requirements are not explicit. In short, USI believes that the scope of work proposed is not completely defined, so even if the Board does receive estimates from other participants it should do so only after taking into account appropriate *caveats*.

**7. Question 7:** "...the Board invites the Agency and participants to comment on the implication of "one size fits all" maximum lump sum payments for all UST sites." (January 5, 2006 Opinion and Order, page 10).



**Response 7:** USI believes that maximum lump sum payment amounts are applicable for some tasks. This is the case if the listed tasks and associated scopes of work are clearly-defined, standards-based, well-communicated and impartially and consistently administered. While maximum lump sum payment amounts may be workable for some tasks, they are not likely to work for all tasks or in all project situations. The Board has already ordered that *“The rules must also allow for payments based on time and materials for any work performed beyond the specified scope of work that is required to meet the applicable regulatory requirement.”* (December 1, 2006 Opinion and Order, page 60). Therefore, the establishment of “one size fits all” maximum lump sum payment amounts will no longer require the owner/operator or their consultant to show the existence of an “unusual or extraordinary circumstance” in order to be reimbursed in an amount in excess of a lump sum payment amount. This change reduces some, but not all, of the risks posed by “maximum lump sum payment amounts” as originally proposed in Subdocket A and may be one of the reasons that in its more recent decisions, the Board frequently refers to “lump sum payment amounts” as opposed to “maximum lump sum payment amounts.” Instead of requiring the owner/operator or their consultant to show the existence of “unusual or extraordinary circumstances,” to be reimbursed in an amount in excess of the lump sum payment amount, the owner/operator or their consultant must now only demonstrate that work was performed beyond the specified “scope of work” in order to meet the applicable regulatory requirement. USI believes that this is an appropriate and fair approach if properly administered. The administrative implications, however, are many if the rule and its corresponding program are to be interpreted, applied and implemented impartially and consistently.

The Board asked the participants to comment on the implications of this approach.

USI believes it is in a unique position from the other participants in this proceeding to comment on these implications. Whereas, many of the participants in this proceeding are small consulting firms with fewer than twenty employees, and few levels of management, USI is a much larger operation with a significant number of employees and multiple layers of management. USI manages substantially more sites and interacts with a substantially larger number of owners/operators than the other firms. In short, USI's operations are more similar in scope to the operations of the Agency than others in this proceeding. Although USI is still smaller than the Agency, like the Agency, USI is large enough that its operations require communication, management and administration of its operations by "programs" or "systems." Because of this, we believe that we are in a better position than any other participant in this proceeding to provide insight into the likely programmatic and administrative implications of one-sized fits all maximum payment amounts. Described below are some of the implications that are envisioned.

- Implication 1: *Lump Sums Drive the Need for Clearly Specified & Easily Understood Scopes of Work with Objective Deliverables:* In order to interpret, apply, implement and administer the lump sum payment amounts in an impartial and consistent fashion, it will be critical that the scope of work and deliverables be clearly specified both qualitatively and quantitatively so that all those that have responsibility to implement and administer the rules at the Agency have a full comprehension of the requirements and are able to administer the same consistently and with a limited need for re-training.
- Implication 2: *Implementation of Lump Sum Payment Amounts Drives a Need for Training on the Part of Consultants-* Just as the Agency personnel must understand the specifications and the required deliverables from qualitative and quantitative perspectives, so

too should the consultant. The consultant's "deliverable" or work product should meet the requirements set forth in the specifications from both qualitative and quantitative perspectives. Because these specifications and deliverables will be set forth by the Agency it will be necessary for consultants to be trained on the requirements. The level of re-training required can be minimized by utilizing a task structure that is already well understood and accepted. The use of the regulations themselves as tasks with the associated sub-tiered regulations, Agency forms and guidance documents, serving as the scope of work specifications for each task is logical and would minimize the need for retraining.

- Implication 3: Implementation of Lump Sums Drives a Need for Specification Clarification and Increased Levels of Communication: It will be vitally important that a means of consistently and pro-actively communicating the details of the specifications for each of the tasks be available and utilized at both the project and program levels. This communication can take place via the web, e-mail, regular mail, or other forms, but the ability to timely communicate and answer questions about the scope of work in a consistent and impartial fashion is critical. Even the most simple, straightforward and clearly specified scopes of work are subject to differing interpretations. This is evidenced by the need for pre-bid walkthroughs on lump sum bid construction projects and the numerous questions that government contracting officers and architects receive from contractors asking for clarifications regarding bid specifications and plans. These requests for clarification are normal occurrences in the construction and contract administration fields. This is especially the case when newly published or unexplained lump sum payment amounts are involved because the perceived risk level is high.

- Implication 4: *Implementation of Lump Sum Payment Amounts Increases the Need for Detailed Tracking of Costs at the “Activity” Level.* The Board’s ruling requiring payment on a time and materials basis for any work performed beyond the specified scope of work that is required to meet the applicable regulatory requirements implicates two things from a consultant’s perspective. First, it implies that the consultant fully understand the scope of work that is required by the specifications. Second, it requires that the consultant keep track of the time that it spends on all activities associated with a UST project whether those activities are included in, above and beyond or unrelated to those specified in the scope of work. In relation to the standard set by the Board in its December 1, 2005 Opinion and Order the following administrative rules would apply to each increment of work activity documented: 1.) If the work activity is necessary to meet the scope of work specified in the regulations then it would be subject to and limited by the lump sum payment amount. 2.) If the activity is necessary to comply with the Act, but not included in the specified scope of work, it would be reimbursed on a time and materials basis (synonymous to a time and materials change order in the contractor’s world.) and 3.) If the work activity is not necessary to meet the applicable regulatory requirements it would not be reimbursed on any basis.
- Implication 5: *Implementation of Lump Sum Payment Amounts Drives a need for a procedure to track and report deviations from the specified scope of work and administer “change orders.”* Because there will certainly be instances in which work activities above and beyond the specified scope of services will be necessary in order to meet the requirements of the regulations, it is important that a provision be made for administering payments required pursuant to these changed conditions. It is also important to track and

document the costs and activities that are above and beyond the specified scope of work. This need exists both for the owner/operator and consultants (to request payment and be paid) and the Agency (to receive requests for payment, process payments and monitor conditions that are causing change orders).

- Implication 6: *Implementation of Lump Sum Payments Drive a Need for a Database Solution.* PIPE, USI and other participants in these proceedings agree that lump sum payment amounts should only be applied to tasks where statistically valid data shows a normalized distribution of costs associated with professional service tasks. The most feasible and efficient way to establish and maintain a method of evaluating costs distribution and cost trends on a per task basis is via database technology.

The above is only a partial list of the implications of a “one-size-fits all” approach. USI wants to clarify that it offers the above only as constructive input into some of the likely implications of a “one size fits all” maximum payment approach. USI believes that these implications are accurate and that the management effort needed to address each implication is realistic and within the scope of the Agency’s Strategic Management Directions one of which is to “Foster innovation, systems improvement and human resource development.” (Purpose of the IEPA, Mission Statement, Strategic Management Directions- IEPA website- February 25, 2006)

USI is certainly willing to provide answers to questions or comments regarding any of the above.

2. Question 8: *“The Board invites comments from the participants as to whether it is feasible to take the multiple rate approach”* (January 5, 2006 Opinion & Order, page 10).

Response 8: USI is of the opinion that the best approach is to collect rates based upon actual market data and market-based staffing rather than trying to develop an estimated index

rate. Basing rates on the collection of market data is consistent with the standards, approach and implementation steps outlined by PIPE and the Board's earlier statement that the maximum payment amount should be based upon data from Illinois UST sites. If, in the interim, the Agency feels that proposed staffing for a particular task is not appropriate the Agency can always suggest that the consultant staff the task in a different fashion.

**V. ADEQUACY OF THE PR ADEQUACY OF THE PROPOSED TASK LIST & SCOPES OF WORK.**

The Board has asked the participants to comment on the adequacy of the proposed scopes of work. Specifically, the Board "directs the participants to review the proposed scopes of work to see if they adequately address the specific tasks or if revisions are necessary" (January 5, 2006 Opinion and Order, page 7). As a preface to its testimony regarding the adequacy of scopes of work, USI notes that the Board has indicated that it used the *Ad Hoc* Work Group's proposal as the "starting point" for building the task list and the associated scopes of work in Subdocket B. It is also important to keep in mind that the *Ad Hoc* Work Groups proposal has served as the basis of the task list that has been used since the inception of the Subdocket A proceedings. For ease of review, this section has been divided into three subsections. These are a background information section, a section describing inadequacies in the task list and scopes of work in Subdocket B and a section describing ways of correcting inadequacies.

**A. Background Information:**

In the context of maximum lump sum payment amounts for professional consulting services, *the overall regulatory framework, individual tasks and scopes of work for each task are completely interdependent.* In other words, *each specific regulatory requirement of the entire UST regulatory framework (i.e. Part 732 or 734 as applicable) must be assigned to a specific task,*

*irrespective of whether the task is a lump sum task, a time and materials task or otherwise, in order for any of the lump sum payment amount tasks to be adequate.* This is the case, because *unassigned specific regulatory requirements contained within the regulatory framework cannot be administered on a consistent or impartial basis. Implications of inclusion alone are not adequate to facilitate administration, application and interpretation on an impartial and consistent basis* because implications are by their very nature highly subject to arbitrary and varying interpretations.

USI understands that the Agency coordinated with ACECI (*Ad Hoc* Work Group) to develop the various activities (tasks) conducted by a consultant in order to complete each step of the UST remediation process and the estimated personnel time (hours) required for completing each activity within a task. This is included in the Testimony of Harry A. Chappel P.E. which was filed with the Board on March 8, 2004. The Board has acknowledged that, “*Mr. Dan Goodwin, Vice President of ACECI, testified that while the general structure of the reimbursement limitations in the Agency’s proposed Subpart H is consistent with the recommendations of the Ad Hoc Group, the most important problem with the Agency’s proposal from the viewpoint of the professional consulting firms is the lack of clear delineation of the scope of services that may be included in each of the phases of the project for which reimbursement limits are set forth in Proposed Sections 732.845 and 734.845*” (Board’s January 5, 2006 Opinion and Order, page 2). Mr. Goodwin’s testimony is highly important for two reasons. First, it clearly supports that professional consulting firms greatly desire a *clear delineation* of the scope of services and secondly, and even more importantly, it seems to verify that the intentions of the *Ad Hoc* Work Group were to develop a task list and scopes of service that were inclusive of all phases of remediation (i.e. inclusive of all specific regulatory requirements contained within the regulatory

framework) under Part 732 and 734. Mr. Chappel's testimony filed with the Board on March 8, 2004 serves to validate this point. In that testimony, Mr. Chappel specifically states that "*The Illinois EPA has coordinated with the Consulting Engineers Council of Illinois (CECI)*<sup>1</sup> to develop the activities that are conducted by the consultant in each step of the process and the estimated personnel time (hours) required for each activity within a task." (Harry Chappel's Testimony filed with the Board on March 8, 2004, pages 5-6.) It appears that "the process" that Mr. Chappel is referring to is the entire corrective action process and his statement regarding "each activity within a task" is a reference to the scope of work for the individual tasks within the overall corrective action process. In other words, the initial intentions of both ACECI and the Agency were to develop a task list and scope of work that covered all of the specific regulatory requirements of the complete regulatory framework for the applicable rules (i.e. Part 732 or Part 734).

USI in no way intends to be disrespectful towards the participants in the *Ad Hoc* Work Group, Mr. Goodwin or the Agency, but the task list that was created by the *Ad Hoc* Work Group and the Agency, which is now serving as the "starting point" for the task list in Subdocket B, simply falls substantially short of meeting the standards set by both Mr. Chappel and Mr. Goodwin in each of their respective testimonies. Perhaps this helps explain one of the reasons that the *Ad Hoc* Work Group's estimate of the number of professional consulting hours that are necessary during a corrective action are only twenty one percent (21%) of the actual number of hours.

**B. Inadequacies in Subdocket B "Starting Point" Task List & Scopes of Work**

The task list and associated scopes of work provided in Subdocket B do not explicitly assign many of the specific regulatory requirements to the listed tasks or scopes of work. This lack of

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<sup>1</sup> The CECI is now known as the ACECI.



explicit assignment and specificity creates numerous uncertainties and results in an overall structure that will be nearly impossible to administer and interpret on an impartial and consistent basis. Although very detailed, the scopes of work that are provided within the proposed Sections 732.845 and 734.845 of Subdocket B are not inclusive of all of the detailed requirements contained within the applicable regulatory framework (i.e. Part 732 or Part 734.) Please see Attachment C for an overview of some of the regulations that are not explicitly covered by the proposed tasks and associated scopes of work. The tasks and scopes of work provided in Subdocket B are also lacking the explicit specificity to make the specific requirements of the scope of work clear. For example, consider the list of questions presented in Attachment D. This list of questions demonstrates how the proposed tasks lists and scopes of work do not provide the specificity necessary to make the task requirements clear. Both the standard AIA form proposal and Cardinal Brands form described in Section III above indicate that in order for a lump sum payment amount to be effective the scope of work must be clear and must be familiar. The Cardinals Brands form uses the phrases “guaranteed as specified.” This type of language is fairly common in standard lump sum contracts. A reasonable business person would only “guarantee” something if they were confident that they clearly understood the requirements of the scope of work. In the case of Cardinals Brand form the clear understanding is gained from information provided in the “drawings and specifications” which serve to define the scope of work. The AIA form proposal is similar in that it states that “I having reviewed the contract documents and familiarized myself with all conditions affecting the scope of work...” It is evident from this language that a clear comprehension of the scope of work is necessary in order to propose a lump sum payment amount. These observations made by USI are supported by an abstract of a work by authors Peter R. Dumont, Member, ASCE, (Proj. Engr., S&B Engrs. &

Constructors Ltd., 7825 Park Place Blvd., Houston, TX 77087.), G. Edward Gibson, Jr., Member, ASCE, (Assoc. Prof., Dept. of Civ. Engrg., ECJ 5.2, Univ. of Texas at Austin, Austin, TX 78712-1076.), and John R. Fish, (Dir., Proj. Quality Controls, Procurement and Service, Process Services Inc., P.O. Box 86810, Baton Rouge, LA 70879.) which was published in the Journal of Management in Engineering Vol.13, No. 5 September/October 1997, pp. 54-60. An excerpt from the abstract on this article reads:

*“It is widely accepted that poor scope definition is one of the leading causes of project failure in the U.S. construction industry. Many owner and contractor companies understand this; however, they share the misconception that it is not economically feasible to spend the time or money necessary to adequately define the scope of work early in a project’s life cycle. In other cases project participants are ignorant about the requirements for an adequately defined scope of work.”*

A second inadequacy with the Subdocket B tasks and scopes of work are the absence of specific “deliverables” for each task. The term deliverable has been used in previous sections of this testimony. The concept of a deliverable is highly important to the development of a lump sum payment amount so the term is worth defining. A deliverable is defined as a tangible measurable product of a task<sup>2</sup>. If a deliverable is not able to be measured then a task does not exist. This is important because many of the “tasks” listed in Subdocket B do not have a tangible measurable product therefore they should either be categorized as “activities” and not “tasks” or a deliverable should be defined in order for them to be properly considered a task. The concept of deliverables, have not been discussed to date in this proceeding but they are critical to the establishment and administration of a workable rule that involves maximum lump sum payment amounts. These observations made by USI are supported by an abstract of a work by author:

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<sup>2</sup> Georgetown University- University Information Services-  
<http://uis.georgetown.edu/departments/eets/dw/GLOSSARY0816.html>

Thomas J. Willoughby, Member, ASCE, (Sr. Proj. Mgr., Parsons Brinckerhoff Quade & Douglas, Inc., 1230 Columbia St., Ste. 640, San Diego, CA 92101) in his work which was published at the *Journal of Management in Engineering*, Vol. 11, No. 2, March/April 1995, pp. 21-25. An excerpt from this abstract reads:

*“Pre-establishing a comprehensive list of deliverables that are time sensitive with a budget allocation that matches closely the anticipated expenditure curve is essential. Reaching mutual agreement between all participating parties, especially the client, on this deliverable list is a special challenge to a project manager’s negotiation skills.”*

The third, and much less serious inadequacy, is that the currently proposed scopes of work provide few measurable deliverables but many activities. Since the proposed tasks were created arbitrarily for the sole purpose of inclusion in the proposed Sections 732.845 and 734.845, and do not follow the deliverable oriented technical regulations, the scopes of work for the tasks tend to list activities that a consultant might perform on a daily basis but that are not truly part of the deliverable. Activities such as project management, correspondence, report preparation, etc. are “givens” for professional consulting work. To repeatedly list those activities in the various task structures is not necessary and analogous to specifying that one of the tasks that a carpenter engages in is swinging a hammer. This approach focuses on the activity and not on the real task. The end result of a true task is the completion of the deliverable. In the case of the carpenter the deliverable that results from all the swinging of the hammer might be the completion of a wall. Tracking all of the hammer swinging is not necessary. Focusing on the deliverables is the more appropriate approach because the deliverable is typically the item for which payment is tendered. Too much focus on activities tends to waste money because one can engage in a flurry of activity and still not accomplish the task’s deliverable. (i.e. activities can

only costs money, the completion of deliverables yields value). Some consultants may want to focus on activities; those that are truly interested in cost containment and program improvement will be willing to focus on deliverables. As a shrewd business person would establish the task structure and scopes of work to focus on deliverables. The Board and the Agency should make certain that the tasks structures and scopes of work under the UST program are designed to yield value through the timely and cost effective completion of deliverables. The existing Subdocket B tasks and scope of work structures are laden with “activities” and are not properly centered on “deliverables”. This is an inadequacy from a cost control perspective.

The fourth notable inadequacy is the level of reporting and administrative complexity that could be created by inclusion of detailed “activities” in the scope of work. The Board and the Agency must determine how much detailed “activity tracking” is appropriate for the program. Tracking time at the “activity” level could add substantial complexity and costs to the administration of the UST program. The currently proposed task structure begs the question, at what level should time be reported by the professional?

For the above reasons, the overall task structure, as it is currently presented in Subdocket B is inadequate. There are two logical ways in which this structural inadequacy can be mitigated.

### **C. Remedies to Inadequacies:**

For ease of review this subsection has been divided into two sections. The first section describes a way to attempt to resolve the inadequacies with the current Subdocket B task list and associated scopes of work. This section also discusses the disadvantages of attempting to do so. The second section provides an alternative approach to establishing tasks and associated scopes of work.

#### **1. Correcting Inadequacies in Subdocket Task List and Scopes of Work.**

The problems with the task list and scopes of work found in Subdocket B could be remedied by supplementing the existing task list and associated scopes of work (as currently proposed in Subdocket B) with detailed information that will explicitly list the specific regulatory requirements that are necessary to complete the deliverable for each task. Since the task listed in Subdocket B do not currently include clearly defined deliverables for each task this approach would also require that an objective deliverable be identified and assigned for each task.

The tactic of supplementing the existing task structure and associated scopes of work is somewhat handicapped by several different factors. First, the tasks listed in Subdocket B are not specifically linked to the regulations. Supplementation efforts will require a fairly extensive level of effort to develop specific regulatory assignments for each task and to create the new tasks necessary to accommodate specific regulatory requirements that are not intended to be associated with tasks in the currently proposed list. As a result the tasks structures could become unwieldy. Second, since the tasks were not originally established to track with the regulations it may be difficult to identify a logical place to incorporate specific regulatory assignments into the task and scope of work structure. Third, since the tasks and scopes of work do not define deliverables it will be necessary to do so. Fourth, because the task structure and associated scopes of work are laden with "activities" it may be necessary to remove these unnecessary activities in order to make specific regulatory assignments and provide identification of deliverables. Finally, if the appropriate regulatory assignments are made and the deliverables are identified and the unnecessary activities are not removed from the scopes of work, the administration of the program could become unwieldy.

2. Alternative Approach to Establishing Tasks and Scopes of Work

The second approach, which may be a refreshing alternative and a means of resolving the ongoing debate that has centered around the regulation of professional consulting services since the very onset of Subdocket A would be to do the following:

1. Abandon the existing task list and scopes of work altogether. This task list was created somewhat arbitrarily and has been shown to be incomplete. Continued attempts to force fit the incomplete and arbitrarily created tasks and associated scopes of work originally proposed in Subdocket A into a *workable* form are highly laborious, controversial and counter-productive;
2. Adopt a simple task structure based upon the general regulatory framework. (one task structure for Part 732 and another for Part 734);
3. Adopt the specific regulatory requirements along with appropriate guidance documents, forms, model documents, etc. as the detailed work specifications and establish an objective and measurable deliverable(s) for each task.
4. Allow the combination of the specific regulatory requirements, guidance documents, forms, model documents along with the deliverable associated with each task to define the scope of work for that task.
5. Designate repetitive “activities” such as project management, correspondence, distribution, planning, reporting, preparation, records gathering, resource coordination, technical evaluation, waste disposal, oversight, documentation, designing, certification, etc. as eligible costs in Section 732.605 and 734.625 and remove them from the scope of work altogether since they are activities that are inherent in the performance of professional services.

6. Standardize all of the procedures in items 2 through 5 above and require all consultants across the state to bill pursuant to the new tasks structure and scopes of work as a pre-requisite to reimbursement.
7. Implement a standardized program of tracking costs.
8. Collect a sufficient amount of data, analyze cost trends and ranges of costs for each task and then propose appropriate task for conversion to lump sum payment amounts.

Provided as Attachment **E** is a list of task based on the alternative method outlined above. Provided in Attachment **F** is a listing of each of those tasks along with a scope of work that specifies the specific regulatory language (specifications) and the deliverable(s) for each task. At hearing, USI will provide more details about the information contained in each of the above referenced attachments.

This alternate approach to specifying the scope of services is intended to be entirely consistent with the Standards, Approach and Implementation Steps set forth by PIPE in their Policy & Position Paper presented to the Agency as PIPE's testimony. In this Subdocket B USI endorses the Standards, Approach and Implementation Steps offered by PIPE in its policy and position statement and provides the detailed approach listed above for meeting the needs outlined in Steps 1 and 2 of Phase One of PIPE's implementation steps. Specifically, the approach creates tasks and scopes of work that meet PIPE's standards in the following ways:

- PIPE's General Standards-
  - *Fair and objective*- The UST rules are the basis of the work requirements across the entire state. Using the rules themselves as the task list is the most fair and objective approach available. (It is anticipated that others may disagree with this point. Others may suggest that the

Agency does not apply the rules objectively. USI is willing to discuss and explain this point in more detail).

- *Well-defined and Clearly Understood*- The UST rules have been in place for years, their specific requirements should be highly understood by the industry and the Agency.
- *Transparent-Rules* that have been promulgated per the Administrative Procedures Act are by their very nature, transparent.
- *Clearly and Convincingly Evident that they will achieve the Agency's goals of expediting and streamlining*-Using the specific regulatory requirements of the existing technical UST rules (part 732 and part 734) along with appropriate guidance documents, forms, model documents, etc. as the detailed work specifications and establishing objective and measurable deliverable(s) for each task is the most efficient and straightforward approach to achieving a rule that will streamline and expedite. It is certainly much more efficient than introducing an entirely new task structure into the program, which is the course that is being followed under the tasks that are currently published in Subdocket B. The introduction of an entirely new task structure will require much more, training and retooling and will not streamline the program.
- PIPE's Standards for Developing Scopes of Work
  - *Task Based*-
    - *PIPE desires for task conventions to be based upon common standards that are widely known, recognized and accepted in the industry.* The use of the regulations as the basis for a task list meets this requirement.
    - *PIPE also desires for the task list to be comprehensive in that every provision of the UST regulations should be accounted for somewhere within the standardized task list or the scopes of*



*work associated with the individual tasks.* Basing the task list on the technical regulations is the best way to assure that this requirement is met.

- *Clearly Defined-* PIPE desires for the scope of work requirements and deliverable(s) for each task to be clearly defined from both qualitative and quantitative perspectives. The alternate approach proposed herein accomplishes both goals. The qualitative components of the scope of work are specified by using appropriate the specific regulatory requirements, guidance documents, forms, model documents, etc and the quantitative component of the scope of work is established by setting forth the deliverable(s). USI will provide more explanations at hearing as to how these standards are met by this proposed alternative approach.
- *Standardized-* Since the regulations are inherently standardized, this requirement is easily met.
- *Appropriately Delineated-*
  - *Task Conventions should not be too detailed or too broad.* The alternate approach outlined herein provides a total of forty (40) standardized tasks for work performed pursuant to part 734 and a total of fifty (50) standardized tasks for work performed pursuant to part 734. In either the case, the maximum number of tasks that would be applicable in any phase of a project would be sixteen. Comparatively, the task list proposed in Subdocket B for part 732 provides sixteen (16) first tier tasks and a total of 542 tasks and or specifically identified activities in the task/scope of work structure.
  - *Task conventions should be broad enough to facilitate streamlining, yet narrow enough to yield a full understanding of costs.* The task list offered as part of this alternate approach meets this goal. It should be noted that the tasks names that include the words “prepare and submit” or “negotiate” will generally be conducted in an office setting (presumably, but not always, by more senior level staff) whereas, tasks that include the words “perform” or “collect” will generally be

conducted in the field as oversight activities. These activities would presumably, but not always, be conducted by technicians. This distinction is made because the tasks were intentionally named in this fashion to help segregate field oversight activities and costs from office activities and costs.

- *Task conventions and their associated scopes of work should avoid the use of repetitive activities, means and methods of performing the work and other intricacies.* This is accomplished by listing the activities listed in item “5” above in Section 732.605 or 734.625 as appropriate as opposed to including those activities in the detailed specifications.
- *Published-* *The list of tasks, along with the accompanying scope of work for each task, the deliverable(s) associated with each task, and any associated regulatory guidance, standards, notes, directives, etc. should be published and readily available to the public.* This is easily accomplished. Utilizing the approach proposed herein much of the work is already complete since the regulations are already published. USI will provide more information on this topic at hearing.
- *Flexible-* *The rules should be flexible so that tasks can be added and scopes of work and deliverables(s) can be modified as regulatory requirements change over time.* The alternative approach specified herein is highly flexible in this regard. As regulations are added to the overall regulatory framework they could be added to the task list by simply determining the deliverable related to each regulation and authoring the detailed regulatory language in a fashion that clearly specifies the qualitative and quantitative components of the deliverable.

In addition to meeting PIPE’s standards, the alternative approach outlined above is consistent with the expressed desires of many of the participants in these proceedings.

From the Agency's perspective the alternative approach specified above meets the goals and objectives of streamlining the program and reforming the reimbursement process by organizing the task in a way that will help streamline the remediation process and will help to identify and decrease perceived incidents of abuse. Because the alternative approach accounts for every regulation that requires a work activity within the overall regulatory framework, the Agency's repeatedly stated desire which was conveyed by Doug Clay at the July 27, 2005 hearing when he said: "The scope of work is what you need to do to meet regulations." (Transcript of July 27, 2005 hearing, page 17 lines 21-22.) will be satisfactorily and fully accomplished and more importantly in a fashion that is inclusive and explicitly specific.

Because the alternative approach would include in its specifications of the scope of work, the specific regulatory requirements, deliverable(s), along with appropriate guidance documents, forms, etc. the approach is consistent with the Board's comments implicating the applicability of currently existing guidance documents such as fact sheets, forms, model documents and answers to FAQ's to the tasks and scopes of work. It is also consistent with CSD's suggestion that the Board require the Agency to provide a comprehensive list of the tasks to be completed, including number of maps, cross sections, etc. to be included in each report. ACECI's needs as stated by Dan Goodwin when he declared the need for a "*clear delineation of the scope of services that may be included in each of the phases of the project*" will also be satisfied.

Finally, since the alternative approach described above satisfies both the general and scope of work standards set forth by PIPE, the alternate approach offered herein facilitates the eventual conversion of task reimbursement to lump sum amounts in fashion that is completely consistent with that prescribed by PIPE.

Because the task structure proposed under this alternate approach is standardized and based upon the regulations, any costs variations from site to site or that might result from inconsistent interpretations of the regulations would be included in the data set for each task. These variations may result in a wider range of costs for the particular task or an abnormal cost distribution. In either case, the critical data would be available when determining the appropriateness of a proposed lump sum payment amount.

Having the critical data would help to identify not only abuses of the system but also inadequate quality on the part of a consultant or inconsistency in the application and interpretation of the regulations by the regulatory authority. In short, it would provide a means of facilitating a total quality management approach to the UST program; one that would necessarily involve both consultants and the Agency.

## **VI. CONCLUSION**

In conclusion, USI would like to state that although it has pride of workmanship in what it has offered above, it is most interested in developing a workable rule, so it is genuinely interested in questions and constructive criticisms regarding its testimony and the alternative approach to task and scopes of work. As was stated at the beginning of this testimony, USI remains committed to the development of a workable rule and more importantly we are willing to work to make sure that goal is accomplished.

Thank you again for the opportunity to provide input in these proceedings. I look forward to any questions or comments that you may have.

**Attachment A- Similarities in Scope of Work**

<b>TABLE ONE</b>	
<b>SIMILARITIES IN SCOPE OF WORK</b>	
<i>ACECI, PIPE &amp; CW3M PROPOSAL</i>	<i>USI PROPOSAL</i>
<i>TIER 1- Tasks Names/Scope of Work</i>	<i>USI Scope of Work Key Phraseology</i>
Correspondence	Correspondence
Distribution	Correspondence
Plan & Report Preparation	Design, Reporting, Certification
Project Management	Manage, Budgeting
Records Gathering	Administer
Resource Coordination	Manage
Technical Evaluation	Analyze, Oversee, Document
Waste Disposal	Planning, Manage

**ATTACHMENT B**

**TASK 734.210(h) (3)**

**WITH SCOPE OF WORK  
SPECIFICATIONS AND  
DELIVERABLES**

**TASK LIST**

734 EA

**Task:** 210(h)(3) - Prepare & Submit EA Closure Report**Regulation**

3) If the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been met, and if none of the criteria set forth in subsections (h)(4)(A) through (C) are met, within 30 days after the completion of early action the owner or operator shall submit a report demonstrating compliance with those remediation objectives. The report must include, but is not limited to, the following:

A) A characterization of the site that demonstrates compliance with the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

B) Supporting documentation, including, but not limited to, the following:

i) A site map meeting the requirements of Section 732.110(a)(1) of this Part that shows the locations of all samples collected pursuant to this subsection (h);

ii) Analytical results, chain of custody forms, and laboratory certifications for all samples collected pursuant to this subsection (h); and

iii) A table comparing the analytical results of all samples collected pursuant to this subsection (h) to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

C) A site map containing only the information required under Section 732.110(a)(1) of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Early Action Closure Report	1	Each		734.210(h)(3)

**ATTACHMENT C**

**OVERVIEW OF SOME  
REGULATIONS NOT COVERED BY  
SUBDOCKET B**



732 TASK LIST COMPARISON

Shading - indicates a very similar though not explicit link between the two task structures based on the description provided for each  
 Unshaded Tasks on the left or right have no explicit link and would have to be arbitrarily assigned or assumed to a task on the right or the left respectively

USI Proposed Task List - Following Technical Regulations	Opinion and Order Appendix F Tasks List
<p>EA</p> <p>Task: 207(b)(3) - Prepare &amp; Submit EA Closure Report</p> <p>Task: 203(a)(4) - Prepare &amp; Submit 45 Day FP Removal Report</p> <p>Task: 204 - Prepare &amp; Submit EA Application For Payment</p> <p>Task: 202(a,b) - Perform Initial Response &amp; Abatement</p> <p>Task: 202(c,d,e) - Prepare &amp; Submit 30 &amp; 45 Day Reporting</p> <p>Task: 202(f) - Perform Tank Removal</p> <p>Task: 202(g) - Perform Tank Abandonment</p> <p>Task: 202(h) - Perform EA ETD&amp;B</p> <p>Task: 202(i) - Collect &amp; Analyze Soil Samples</p> <p>Task: 203(a)(1,2,3) - Perform 45 Day FP Removal</p>	<p>Section 732.845(a)(7) Preparation and submission of reports submitted pursuant to Section 734.210(b)(3)</p> <p>Section 732.845(a)(6) Preparation and submission of free product removal reports</p> <p>Section 732.845(a)(3) Preparation and submission of 20-day and 45-day reports</p>
<p>SC</p> <p>Task: 303(a) - Prepare &amp; Submit SCWP (Method 1 or 2)</p> <p>Task: 303(b) - Prepare &amp; Submit SCWP Budget</p> <p>Task: 303(c) - Prepare &amp; Submit Amended SCWP and Budget</p> <p>Task: 309 - Prepare &amp; Submit SCCR (Method 1 or 2)</p> <p>Task: 312(b) - Prepare &amp; Submit SCWP (Exposure Pathway Exclusion)</p> <p>Task: 312(c) - Prepare &amp; Submit Site Classification Budget</p> <p>Task: 312(d) - Prepare &amp; Submit Amended SCWP &amp; Budget</p> <p>Task: 312(e) - Prepare &amp; Submit SCCR (Exposure Pathway Exclusion)</p> <p>Task: 307(e) - Perform Method 1 Soil Classification</p> <p>Task: 307(f) - Perform Method 2 Soil Classification</p> <p>Task: 307(g) - Perform Survey of Water Supply Wells</p> <p>Task: 307(h) - Perform Investigation of Migration Pathways</p> <p>Task: 307(i) - Perform Class III Groundwater Determination</p> <p>Task: 307(j) - Perform Surface Water ID &amp; Inspection</p> <p>Task: 307(k) - Perform Groundwater Investigation</p> <p>Task: 312(c, d) - Perform Site Classification</p>	<p>Section 732.845(b)(1) Preparation and submission of site classification plans, site classification preparation, fieldwork, field oversight, and the preparation and submission of the site classification completion report</p>
<p>CA</p> <p>Task: 403(a) - Prepare &amp; Submit Low Priority GWM Plan</p> <p>Task: 403(b) - Prepare &amp; Submit Low Priority GWM Budget</p> <p>Task: 403(c) - Prepare &amp; Submit Annual Low Priority GWM Report</p> <p>Task: 403(d) - Prepare &amp; Submit Low Priority GWM Completion Report</p> <p>Task: 404(b)(1) - Prepare &amp; Submit High Priority Investigation CAP</p> <p>Task: 404(b)(2) - Prepare &amp; Submit High Priority CAP</p> <p>Task: 404(d) - Prepare &amp; Submit High Priority CAP Budget</p> <p>Task: 405(e, f) - Prepare &amp; Submit Amended CAP &amp; Budget</p> <p>Task: 407(a) - Prepare &amp; Submit Alt Tech Corrective Action Plan</p> <p>Task: 407(b) - Prepare &amp; Submit Alt Tech CAP Budget</p> <p>Task: 407(c) - Perform Agency Required Remote Monitoring</p> <p>Task: 407(d) - Prepare &amp; Submit High Priority CAP</p> <p>Task: 403(b) - Collect &amp; Analyze Low Priority GW Samples</p> <p>Task: 404(e) - Perform Corrective Action Investigation Activities</p> <p>Task: 404(f) - Perform High Priority Corrective Action</p> <p>Task: 404(g) - Perform Alt Tech Corrective Action</p>	<p>Section 732.845(c)(1) Preparation and submission of low priority groundwater monitoring plans</p> <p>Sections 732.845(c)(3) and (c)(4) Preparation and submission of first and second year groundwater monitoring reports</p> <p>Section 732.845(c)(5) Preparation and submission of low priority groundwater monitoring completion report</p> <p>Section 732.845(d)(1)(A) Preparation and submission of investigation plans for on-site contamination for sites classified pursuant to Section 732.207</p> <p>Section 732.845(d)(1)(B) Preparation and submission of investigation plans for off-site contamination for sites classified pursuant to Section 732.207</p> <p>Section 732.845(k)(4) Preparation and submission of corrective actions plans (Conventional)</p>
<p>FP</p> <p>Task: 404(a) - Prepare &amp; Submit High Priority CAP</p> <p>Task: 403(b) - Collect &amp; Analyze Low Priority GW Samples</p> <p>Task: 404(e) - Perform Corrective Action Investigation Activities</p> <p>Task: 404(f) - Perform High Priority Corrective Action</p> <p>Task: 404(g) - Perform Alt Tech Corrective Action</p>	<p>Section 732.845(g)(8) Preparation and submission of corrective action completion reports (Conventional)</p>
<p>Non-Specific</p> <p>Task: 411 - Negotiate Off-Site Access</p> <p>Task: 601 - Prepare &amp; Submit Application For Payment</p> <p>Task: 308(b) - Abandonment of Soil Borings and Monitoring Wells</p>	<p>Section 732.845(a)(1) Preparation for the abandonment or removal of USIs</p> <p>Section 732.845(g)(3) Well surveys conducted pursuant to Sections 732.404(e)(1) and 734.445(b)</p> <p>Section 732.845(g)(6)(B) Development of Tier 2 or Tier 3 remediation objectives</p> <p>Section 732.845(g)(7) Environmental Land Use Controls and Highway Authority Agreements</p>

734 TASK LIST COMPARISON

Shading - indicates a very similar though not explicit link between the two task structures based on the description provided for each  
 Unshaded Tasks on the left or right have no explicit link and would have to be arbitrarily assigned or assumed to a task on the right or the left respectively

USI Proposed Task List - Following Technical Regulations	Opinion and Order Appendix F Tasks List
EA	
Task: 210(a,b) - Perform Initial Response & Abatement	
Task: 210(c,d,e,g) - Prepare & Submit 20 & 45 Day Reporting	Section 734.845(d)(3) Preparation and submission of 20-day and 45-day reports
Task: 210(f) - Perform Tank Removal	Section 734.845(d)(7) Preparation and submission of reports submitted pursuant to Section 734.210(b)(3)
Task: 2100(b)(3) - Prepare & Submit EA Closure Report	
Task: 2100(f2) - Perform Tank Abandonment	
Task: 2100(g3) - Perform EA ETD&B	
Task: 220 - Prepare & Submit EA Application For Payment	
Task: 2100(b) - Collect & Analyze Soil Samples	
Task: 2150(a)(4) - Prepare & Submit 45 Day FP Removal Report	Section 734.845(d)(6) Preparation and submission of free product removal reports
Task: 2150(x)(1) - Perform 45 day Free Product Removal	
SI	
Task: 315(f)(b) - Prepare & Submit Stage 1 Work Plan	Section 734.845(d)(1) Preparation and submission of Stage 1 site investigation plan
Task: 3100(b)(1) - Prepare & Submit Stage 1 Work Plan Budget	
Task: 3200(b) - Prepare & Submit Stage 2 Work Plan	Section 734.845(d)(3) Preparation and submission of Stage 2 site investigation plans
Task: 3100(b)(2) - Prepare & Submit Stage 2 Work Plan Budget	
Task: 3250(b) - Prepare & Submit Stage 3 Work Plan	
Task: 3100(b)(3) - Prepare & Submit Stage 3 Work Plan Budget	
Task: 3100(d) - Prepare & Submit Amended SI Work Plan & Budget	Section 732.845(f) and 734.845(f) Amendment of plan and its associated budget
Task: 330 - Prepare & Submit SI Completion Report	Section 734.845(d)(8) Preparation and submission of site investigation completion reports
Task: 3150(a) - Perform Stage 1 Investigation	
Task: 3200(a) - Perform Stage 2 Investigation	
Task: 3250(a) - Perform Stage 3 Investigation	
CA	
Task: 3350(a) - Prepare & Submit CT Corrective Action Work Plan	Section 734.845(d)(1) Preparation and submission of corrective actions plans (Conventional)
Task: 3350(b) - Prepare & Submit CT Corrective Action Budget	
Task: 3350(e) - Prepare & Submit Amended CAP & Budget	Section 732.845(f) and 734.845(f) Amendment of plan and its associated budget
Task: 3400(a) - Prepare & Submit ALT Corrective Action Plan	
Task: 3400(b) - Prepare & Submit ALT Corrective Action Budget	
Task: 3400(d) - Perform Agency Required Remote Monitoring	
Task: 355 - Prepare & Submit Corrective Action Status Report	
Task: 3450(a)(1-2,4-8) - Prepare & Submit CACR	Section 734.845(d)(4) Preparation and submission of corrective action completion reports (Conventional)
Task: 34500(3) - Document Engineered Barriers and Controls	Section 734.845(d)(3) Environmental Land Use Controls and Highway Authority Agreements
Task: 3350(c) - Perform CT Corrective Action	
Task: 3400(c) - Perform ALT Corrective Action	
FP	
Task: 2150(e) - Prepare & Submit Post 45 Day FP Removal Plan	
Task: 2150(f) - Prepare & Submit Post 45 Day FP Removal Budget	
Task: 2150(a)(5) - Prepare & Submit FP Removal Quarterly Report	
Task: 2150(g) - Prepare & Submit Amended FP Removal Plan & Budget	Section 732.845(f) and 734.845(f) Amendment of plan and its associated budget
Task: 2150(e) - Perform Free Product Removal	
Non-Specific	
Task: 350 - Negotiate Off Site Access	
Task: 605 - Prepare & Submit Application for Payment	Section 734.845(a)(1) Preparation for the abandonment or removal of USTs
Task: 445(c) - Agency Req Additional Water Supply Well Survey	Section 734.845(d)(7) Well surveys conducted pursuant to Section 734.445(b)
	Section 734.845(d)(2) Development of Tier 2 or Tier 3 remediation objectives

**ATTACHMENT D**

**LIST OF QUESTIONS REQUESTING  
CLARIFICATIONS OF SCOPE OF  
WORK**

Below are four (4) examples of items which are explicitly required by the regulations, however, no explicit reference is made to them within the Scopes of Work listed within the Board's Opinion and Order dated January 5, 2006.

1. Pursuant to 734.210(a) there are activities that are required to be performed within 24 hrs of the confirmation of the release. Pursuant to 734.625 (a)(1) Early Action activities conducted pursuant to Subpart B are eligible for reimbursement. However, Subpart H does not include a pay item inclusive of these tasks.
2. Pursuant to 734.210(b) there are six (6) activities that are required to be performed within 20 days of the notification of the release to IEMA. None of the following tasks have associated pay items within Subpart H nor are they found on within the Board's Opinion and Order.
  - a. 734.210(b)(1) Remove petroleum to prevent further release
  - b. 734.210(b)(2) Visually inspect release and prevent further migration
  - c. 734.210(b)(3) Monitor/mitigate fire, explosion, & vapor hazards
  - d. 734.210(b)(4) Remedy hazards posed by excavated or exposed soils
  - e. 734.210(b)(5) Measure for the presence of a release
  - f. 734.210(b)(6) Determine the possible presence of free product
3. Pursuant to 734.845 costs associated with professional consulting services must include project planning and oversight, field work, field oversight, travel, per diem, mileage, transportation, vehicle charge, lodging, meals, and the preparation, review, certification, and submission of all plans, budgets, reports and applications for payment, and other documentation. Sections 734.845(a-f) include provisions for each of the above mentioned items with the exception of costs associated with applications for payment pursuant to 734.625(a)(14). Neither Subpart H nor the scope of work provided in the Board's Opinion and Order include provisions for payment of this item during Early Action, Site Classification/Investigation, or Corrective Action.
4. Pursuant to 734.345(b), an owner/operator as a minimum requirement must conduct "best efforts" to obtain off-site access in accordance with 734.350. However Subpart H nor the Board's Opinion and Order include pay items associated with obtaining off-site access.

**ATTACHMENT E**

**ALTERNATIVE APPROACH TASK  
LIST**

**PROPOSED TASK LIST BASED ON TECHNICAL REGULATIONS****732**

- Task:** 411 - Negotiate Off-Site Access
- Task:** 601 - Prepare & Submit Application For Payment
- Task:** 308(b) - Abandonment of Soil Borings and Monitoring Wells

**732 FP**

- Task:** 203(c) - Prepare & Submit Post 45day FP Removal Plan
- Task:** 203(d) - Prepare & Submit Post 45day FP Removal Budget
- Task:** 203(a)(5) - Prepare & Submit FP Removal Quarterly Report
- Task:** 203(g) - Prepare & Submit Amended FP Removal Plan & Budget
- Task:** 203(e,f) - Perform Post 45day FP Removal

**732 EA**

- Task:** 202(h)(3) - Prepare & Submit EA Closure Report
- Task:** 203(a)(4) - Prepare & Submit 45 Day FP Removal Report
- Task:** 204 - Prepare & Submit EA Application For Payment
- Task:** 202(a,b) - Perform Initial Response & Abatement
- Task:** 202(c,d,e) - Prepare & Submit 20 & 45 Day Reporting
- Task:** 202(f)1 - Perform Tank Removal
- Task:** 202(f)2 - Perform Tank Abandonment
- Task:** 202(f)3 - Perform EA ETD&B
- Task:** 202(h) - Collect & Analyze Soil Samples
- Task:** 203(a)(1,2,3) - Perform 45 Day FP Removal

**732 SC**

- Task:** 305(a) - Prepare & Submit SCWP (Method 1 or 2)
- Task:** 305(b) - Prepare & Submit SCWP Budget
- Task:** 305(e) - Prepare & Submit Amended SCWP and Budget
- Task:** 309 - Prepare & Submit SCCR (Method 1 or 2)
- Task:** 312(b) - Prepare & Submit SCWP (Exposure Pathway Exclusion)
- Task:** 312(e) - Prepare & Submit Site Classification Budget
- Task:** 312(k) - Prepare & Submit Amended SCWP & Budget
- Task:** 312(h) - Prepare & Submit SCCR (Exposure Pathway Exclusion)
- Task:** 307(c) - Perform Method 1 Soil Classification
- Task:** 307(d) - Perform Method 2 Soil Classification
- Task:** 307(f) - Perform Survey of Water Supply Wells
- Task:** 307(g) - Perform Investigation of Migration Pathways
- Task:** 307(h) - Perform Class III Groundwater Determination
- Task:** 307(i) - Perform Surface Water ID & Inspection
- Task:** 307(j) - Perform Groundwater Investigation
- Task:** 312(c, d) - Perform Site Classification

**732 CA**

- Task:** 403(a) - Prepare & Submit Low Priority GWM Plan
- Task:** 403(c) - Prepare & Submit Low Priority GWM Budget
- Task:** 403(d) - Prepare & Submit Annual Low Priority GWM Report
- Task:** 403(e) - Prepare & Submit Low Priority GWM Completion Report
- Task:** 404(b)(1) - Prepare & Submit High Priority Investigation CAP
- Task:** 404(b)(2) - Prepare & Submit High Priority CAP
- Task:** 404(f) - Prepare & Submit High Priority CAP Budget
- Task:** 405(e, f) - Prepare & Submit Amended CAP & Budget
- Task:** 407(a) - Prepare & Submit Alt Tech Corrective Action Plan
- Task:** 407(b) - Prepare & Submit Alt Tech CAP Budget
- Task:** 407(d) - Perform Agency Required Remote Monitoring
- Task:** 404(g) - Prepare & Submit High Priority CACR
- Task:** 403(b) - Collect & Analyze Low Priority GW Samples
- Task:** 404(e) - Perform Corrective Action Investigation Activities
- Task:** 404(a) - Perform High Priority Corrective Action
- Task:** 404(a)1 - Perform ALT Corrective Action

**PROPOSED TASK LIST BASED ON TECHNICAL REGULATIONS****734 FP**

- Task:** 215(c) - Prepare & Submit Post 45 Day FP Removal Plan
- Task:** 215(d) - Prepare & Submit Post 45 Day FP Removal Budget
- Task:** 215(a)(5) - Prepare & Submit FP Removal Quarterly Report
- Task:** 215(g) - Prepare & Submit Amended FP Removal Plan & Budget
- Task:** 215(e) - Perform Free Product Removal

**734 EA**

- Task:** 210(a,b) - Perform Initial Response & Abatement
- Task:** 210(c,d,e,g) - Prepare & Submit 20 & 45 Day Reporting
- Task:** 210(f)1 - Perform Tank Removal
- Task:** 210(h)(3) - Prepare & Submit EA Closure Report
- Task:** 210(f)2 - Perform Tank Abandonment
- Task:** 215(a)(4) - Prepare & Submit 45 Day FP Removal Report
- Task:** 210(f)3 - Perform EA ETD&B
- Task:** 220 - Prepare & Submit EA Application For Payment
- Task:** 210(h) - Collect & Analyze Soil Samples
- Task:** 215(a)(1) - Perform 45 day Free Product Removal

**734**

- Task:** 350 - Negotiate Off Site Access
- Task:** 605 - Prepare & Submit Application for Payment
- Task:** 445(c) - Agency Req Additional Water Supply Well Survey

**734 SI**

- Task:** 315(b) - Prepare & Submit Stage 1 Work Plan
- Task:** 310(b)1 - Prepare & Submit Stage 1 Work Plan Budget
- Task:** 320(b) - Prepare & Submit Stage 2 Work Plan
- Task:** 310(b)2 - Prepare & Submit Stage 2 Work Plan Budget
- Task:** 325(b) - Prepare & Submit Stage 3 Work Plan
- Task:** 310(b)3 - Prepare & Submit Stage 3 Work Plan Budget
- Task:** 310(d) - Prepare & Submit Amended SI Work Plan & Budget
- Task:** 330 - Prepare & Submit SI Completion Report
- Task:** 315(a) - Perform Stage 1 Investigation
- Task:** 320(a) - Perform Stage 2 Investigation
- Task:** 325(a) - Perform Stage 3 Investigation

**734 CA**

- Task:** 335(a) - Prepare & Submit CT Corrective Action Work Plan
- Task:** 335(b) - Prepare & Submit CT Corrective Action Budget
- Task:** 335(e) - Prepare & Submit Amended CAP & Budget
- Task:** 340(a) - Prepare & Submit ALT Corrective Action Plan
- Task:** 340(b) - Prepare & Submit ALT Corrective Action Budget
- Task:** 340(d) - Perform Agency Required Remote Monitoring
- Task:** 355 - Prepare & Submit Corrective Action Status Report
- Task:** 345(a)(1-2,4-8) - Prepare & Submit CACR
- Task:** 345(a)(3) - Document Engineered Barriers and Controls
- Task:** 335(c) - Perform CT Corrective Action
- Task:** 340(c) - Perform ALT Corrective Action

**ATTACHMENT F**

**SCOPES OF WORK FOR LISTED  
TASK INCLUDING REGULATOR  
SPECIFICATIONS AND  
DELIVERABLES**



**TASK LIST**

732

**Task:** 411 - Negotiate Off-Site Access**Regulation**

## Section 732.411 Off-site Access

- a) An owner or operator seeking to comply with the best efforts requirements of Section 732.404(c) of this Part must demonstrate compliance with the requirements of this Section.
- b) In conducting best efforts to obtain off-site access, an owner or operator must, at a minimum, send a letter by certified mail to the owner of any off-site property to which access is required, stating:
- 1) Citation to Title XVI Section 57 of the Act stating the legal responsibility of the owner or operator to remediate the contamination caused by the release;
  - 2) That, if the property owner denies access to the owner or operator, the owner or operator may seek to gain entry by a court order pursuant to Section 22.2c 22.2(c) of the Act;
  - 3) That, in performing the requested investigation, the owner or operator will work so as to minimize any disruption on the property, will maintain, or its consultant will maintain, appropriate insurance and will repair any damage caused by the investigation;
  - 4) If contamination results from a release by the owner or operator, the owner or operator will conduct all associated remediation at its own expense;
  - 5) That threats to human health and the environment and diminished property value may result from failure to remediate contamination from the release; and
  - 6) A reasonable time to respond to the letter, not less than 30 days.
- c) An owner or operator, in demonstrating that the requirements of this Section have been met, must provide to the Agency, as part of the corrective action completion report, the following documentation:
- 1) A sworn affidavit, signed by the owner or operator identifying the specific off-site property involved by address, the measures proposed in the corrective action plan that require off-site access, and the efforts taken to obtain access, and stating that the owner or operator has been unable to obtain access despite the use of best efforts; and
  - 2) A copy of the certified letter sent to the owner of the off-site property pursuant to subsection (b) of this Section.
- d) In determining whether the efforts an owner or operator has made constitute best efforts to obtain access, the Agency must consider the following factors:
- 1) The physical and chemical characteristics, including toxicity, persistence and potential for migration, of applicable indicator contaminants at the property boundary line;
  - 2) The hydrogeological characteristics of the site and the surrounding area, including the attenuation capacity and saturation limits of the soil at the property boundary line;
  - 3) The nature and extent of known contamination at the site, including the levels of applicable indicator contaminants at the property boundary line;
  - 4) The potential effects of residual contamination on nearby surface water and groundwater;
  - 5) The proximity, quality and current and future uses of nearby surface water and groundwater, including setback zones and regulated recharge areas, wellhead protection areas, and setback zones of potable water supply wells;
  - 6) Any known or suspected natural or man-made migration pathways existing in or near the suspected area of off-site contamination;
  - 7) The nature and use of the part of the off-site property that is the suspected area of contamination;
  - 8) Any existing on-site engineered barriers or institutional controls that might have an impact on the area of suspected off-site contamination, and the nature and extent of such impact; and
  - 9) Any other applicable information assembled in compliance with this Part.
- e) The Agency shall issue a No Further Remediation Letter to an owner or operator subject to this Section and otherwise entitled to such issuance only if the owner or operator has, in accordance with this Section, either completed any requisite off-site corrective action or demonstrated to the Agency's satisfaction an inability to obtain off-site access despite best efforts.
- f) The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the property boundary even where off-site access is denied.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Appropriate documentation of off-site access negotiations	0			732.411

**TASK LIST**

732

**Task:** 601 - Prepare & Submit Application For Payment**Regulation**

Section 732.601 Applications for Payment

- a) An owner or operator seeking payment from the Fund shall submit to the Agency an application for payment on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. The owner or operator may submit an application for partial payment or final payment. Costs for which payment is sought must be approved in a budget plan, provided, however, that no budget plan shall be required for early action activities conducted pursuant to Subpart B of this Part other than free product removal activities conducted more than 45 days after confirmation of the presence of free product.
- b) A complete application for payment shall consist of the following elements:
- 1) A certification from a Licensed Professional Engineer or a Licensed Professional Geologist acknowledged by the owner or operator that the work performed has been in accordance with a technical plan approved by the Agency or, for early action activities, in accordance with Subpart B of this Part;
  - 2) A statement of the amounts approved in the corresponding budget plan and the amounts actually sought for payment along with a certified statement by the owner or operator that the amounts so sought have been expended in conformance with the elements of a budget plan approved by the Agency;
  - 3) A copy of the OSFM or Agency eligibility and deductibility determination;
  - 4) Proof that approval of the payment requested will not exceed the limitations set forth in the Act and Section 732.604 of this Part;
  - 5) A federal taxpayer identification number and legal status disclosure certification;
  - 6) A private insurance coverage form;
  - 7) A minority/women's business form;
  - 8) Designation of the address to which payment and notice of final action on the application for payment are to be sent;
  - 9) An accounting of all costs, including but not limited to, invoices, receipts, and supporting documentation showing the dates and descriptions of the work performed; and
  - 10) Proof of payment of subcontractor costs for which handling charges are requested. Proof of payment may include cancelled checks, lien waivers, or affidavits from the subcontractor.
- c) The address designated on the application for payment may be changed only by subsequent notification to the Agency, on a form provided by the Agency, of a change in address.
- d) Applications for payment and change of address forms shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.
- e) Applications for partial or final payment may be submitted no more frequently than once every 90 days.
- f) Except for applications for payment for costs of early action conducted pursuant to Subpart B of this Part, other than costs associated with free product removal activities conducted more than 45 days after confirmation of the presence of free product, in no case shall the Agency review an application for payment unless there is an approved budget plan on file corresponding to the application for payment.
- g) In no case shall the Agency authorize payment to an owner or operator in amounts greater than the amounts approved by the Agency in a corresponding budget plan. Revised cost estimates or increased costs resulting from revised procedures must be submitted to the Agency for review in accordance with Subpart E of this Part using amended budget plans as required under this Part.
- h) Applications for payment of costs associated with site classification may not be submitted prior to approval or modification of the site classification completion report.
- i) Applications for payment of costs associated with site classification, low priority groundwater monitoring, or high priority corrective action that was deferred pursuant to Section 732.306 or 732.406 of this Part may not be submitted prior to approval or modification of the corresponding site classification completion report, low priority groundwater monitoring completion report, or high priority corrective action completion report.
- j) All applications for payment of corrective action costs must be submitted no later than one year after the date the Agency issues a No Further Remediation Letter pursuant to Subpart G of this Part. For releases for which the Agency issued a No Further Remediation Letter prior to the effective date of this subsection (j), all applications for payment must be submitted no later than one year after the effective date of this subsection (j).

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Application for Payment	0	each	the quantity of deliverables required for this task is dependent on the schedule and duration of the clean-up activities performed.	732.601

**TASK LIST**

732

**Task:** 308(b) - Abandonment of Soil Borings and Monitoring Wells**Regulation**

b) Boreholes and monitoring wells shall be abandoned pursuant to regulations promulgated by the Illinois Department of Public Health at 77 Ill. Adm. Code 920.120.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Appropriate documentation of proper soil boring and monitoring well abandonment	0			732.308(b)

**TASK LIST**

732 FP

**Task:** 203(c) - Prepare & Submit Post 45day FP Removal Plan**Regulation**

c) If free product removal activities will be conducted more than 45 days after the confirmation of the presence of free product, the owner or operator must submit to the Agency for review a free product removal plan. The plan must be submitted with the free product removal report required under subsection (a)(4) of this Section. Free product removal activities conducted more than 45 days after the confirmation of the presence of free product must not be considered early action activities.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Free Product Removal Plan	1	each		732.203(c )

**TASK LIST**

732 FP

**Task:** 203(d) - Prepare & Submit Post 45day FP Removal Budget**Regulation**

d) Any owner or operator intending to seek payment from the Fund must, prior to conducting free product removal activities more than 45 days after the confirmation of the presence of free product, submit to the Agency a free product removal budget plan with the corresponding free product removal plan. The budget plan must include, but not be limited to, an estimate of all costs associated with the development, implementation, and completion of the free product removal plan, excluding handling charges. The budget plan should be consistent with the eligible and ineligible costs listed in Sections 732.605 and 732.606 of this Part and the maximum payment amounts set forth in Subpart H of this Part. As part of the budget plan the Agency may require a comparison between the costs of the proposed method of free product removal and other methods of free product removal.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Free Product Removal Budget Plan, corresponding to a Free Product Removal Work Plan	1	each		732.203(d)

**TASK LIST**

732 FP

**Task:** 203(a)(5) - Prepare & Submit FP Removal Quarterly Report**Regulation**

5) If free product removal activities are conducted more than 45 days after the confirmation of the presence of free product, submit free product removal reports in accordance with a schedule established by the Agency.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Quarterly Free Product Removal Report	1	each		732.203(a)(5)

**TASK LIST**

732 FP

**Task:** 203(g) - Prepare & Submit Amended FP Removal Plan & Budget**Regulation**

g) If, following approval of any free product removal plan or associated budget plan, an owner or operator determines that a revised removal plan or budget plan is necessary in order to complete free product removal, the owner or operator must submit, as applicable, an amended free product removal plan or associated budget plan to the Agency for review. The Agency must review and approve, reject, or require modification of the removal amended plan or budget plan in accordance with Subpart E of this Part.

BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all free product removal plans and associated budget plans submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Amended Free Product Removal Plan and corresponding Budget	0	each	The quantity of deliverables required for this task is dependent on the schedule and duration of the clean-up activities performed	732.203(g)

**TASK LIST**

732 FP

**Task:** 203(e,f) - Perform Post 45day FP Removal**Regulation**

e) Upon the Agency's approval of a free product removal plan, or as otherwise directed by the Agency, the owner or operator must proceed with free product removal in accordance with the plan.

f) Notwithstanding any requirement under this Part for the submission of a free product removal plan or free product removal budget plan, an owner or operator may proceed with free product removal in accordance with this Section prior to the submittal or approval of an otherwise required free product removal plan or budget plan. However, any such removal plan and budget plan must be submitted to the Agency for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of this Part prior to payment for any related costs or the issuance of a No Further Remediation Letter.

BOARD NOTE: Owners or operators proceeding under subsection (f) of this Section are advised that they may not be entitled to full payment from the Fund. Furthermore, applications for payment must be submitted no later than one year after the date the Agency issues a No Further Remediation Letter. See Subpart F of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Free Product Removal activities	0			732.203(e); 732.203(f)
2	Field documentation of Free Product Removal activities	0			732.203(e); 732.203(f)



**TASK LIST**

732 EA

**Task:** 202(h)(3) - Prepare & Submit EA Closure Report**Regulation**

3) If the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been met, and if none of the criteria set forth in subsections (h)(4)(A) through (C) are met, within 30 days after the completion of early action activities the owner or operator shall submit a report demonstrating compliance with those remediation objectives. The report must include, but is not limited to, the following:

A) A characterization of the site that demonstrates compliance with the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

B) Supporting documentation, including, but not limited to, the following:

i) A site map meeting the requirements of Section 732.110(a)(1) of this Part that shows the locations of all samples collected pursuant to this subsection (h);

ii) Analytical results, chain of custody forms, and laboratory certifications for all samples collected pursuant to this subsection (h); and

iii) A table comparing the analytical results of all samples collected pursuant to this subsection (h) to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

C) A site map containing only the information required under Section 732.110(a)(1) of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Early Action Closure Report	1	each		732.202(h)(3)

**TASK LIST**

732 EA

**Task:** 203(a)(4) - Prepare & Submit 45 Day FP Removal Report**Regulation**

- 4) Within 45 days after the confirmation of presence of free product from a UST, prepare and submit to the Agency a free product removal report. The report shall, at a minimum, provide the following:
- A) The name of the persons responsible for implementing the free product removal measures;
  - B) The estimated quantity, type and thickness of free product observed or measured in wells, boreholes and excavations;
  - C) The type of free product recovery system used;
  - D) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;
  - E) The type of treatment applied to, and the effluent quality expected from, any discharge;
  - F) The steps that have been or are being taken to obtain necessary permits for any discharge;
  - G) The disposition of the recovered free product;
  - H) The steps taken to identify the source and extent of the free product; and
  - I) A schedule of future activities necessary to complete the recovery of free product still exceeding one-eighth of an inch in depth as measured in a groundwater monitoring well, or still present as a sheen on groundwater in the tank removal excavation or on surface water. The schedule must include, but not be limited to, the submission of plans and budgets required pursuant to subsections (c) and (d) of this Section; and

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Free Product Removal Report	1	each		732.203(a)(4)

**TASK LIST**

732 EA

**Task:** 204 - Prepare & Submit EA Application For Payment**Regulation**

Section 732.204 Application for Payment of Early Action Costs

Owners or operators intending to seek payment for early action activities, excluding free product removal activities conducted more than 45 days after confirmation of the presence of free product, are not required to submit a corresponding budget plan. The application for payment may be submitted to the Agency upon completion of the early action activities in accordance with the requirements at Subpart F of this Part, excluding free product removal activities conducted more than 45 days after confirmation of the presence of free product. Applications for payment of free product removal activities conducted more than 45 days after confirmation of the presence of free product may be submitted upon completion of the free product removal activities.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Application for Payment	1	each		732.204

**TASK LIST**

732 EA

**Task:** 202(a,b) - Perform Initial Response & Abatement**Regulation**

Section 732.202 Early Action

a) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours after the release:

- 1) Report the release to IEMA (e.g., by telephone or electronic mail);
- 2) Take immediate action to prevent any further release of the regulated substance to the environment; and
- 3) Identify and mitigate fire, explosion and vapor hazards.

b) Within 20 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall perform the following initial abatement measures:

- 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
- 2) Visually inspect any aboveground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815;
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and
- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of initial response and abatement activities	0			732.202(a); 732.202(b)
2	Field documentation of initial response & abatement activities	0			732.202(a); 732.202(b)

**TASK LIST**

732 EA

**Task:** 202(c,d,e) - Prepare & Submit 20 & 45 Day Reporting**Regulation**

- c) Within 20 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) of this Section and any resulting information or data.
- d) Within 45 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections (a) and (b) of this Section. This information shall include, but is not limited to, the following:
- 1) Data on the nature and estimated quantity of release;
  - 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
  - 3) Results of the site check required at subsection (b)(5) of this Section; and
  - 4) Results of the free product investigations required at subsection (b)(6) of this Section, to be used by owners or operators to determine whether free product must be recovered under Section 732.203 of this Part.
- e) Within 45 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall submit to the Agency the information collected in compliance with subsection (d) of this Section in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed 45-day report	1	each		732.202(c );732.202(d); 732.202(e)
2	Submission to the Agency a complete and fully executed 20-day certification	1	each		732.202(d); 732.202(e)

**TASK LIST**

732 EA

**Task:** 202(f)1 - Perform Tank Removal**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank. [415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of tank removal activities	0			732.202(f)
2	Field documentation of tank removal activities	0			732.202(f)

**TASK LIST**

732 EA

**Task:** 202(f)2 - Perform Tank Abandonment**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank. [415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of tank abandonment activities	0			732.202(f)
2	Field documentation of tank abandonment activities	0			732.202(f)

**TASK LIST**

732 EA

**Task:** 202(f)3 - Perform EA ETD&B**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank. [415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Early Action excavation activities	0			732.202(f)
2	Field documentation of Early Action excavation activities	0			732.202(f)



**TASK LIST**

732 EA

**Task:** 202(h) - Collect & Analyze Soil Samples**Regulation**

h) The owner or operator shall determine whether the areas or locations of soil contamination exposed as a result of early action excavation (e.g., excavation boundaries, piping runs) or surrounding USTs that remain in place meet the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants.

1) At a minimum, for each UST that is removed, the owner or operator shall collect and analyze soil samples as follows. The Agency must allow an alternate location for, or excuse the collection of, one or more samples if sample collection in the following locations is made impracticable by site-specific circumstances.

A) One sample must be collected from each UST excavation wall. The samples must be collected from locations representative of soil that is the most contaminated as a result of the release. If an area of contamination cannot be identified on a wall, the sample must be collected from the center of the wall length at a point located one-third of the distance from the excavation floor to the ground surface. For walls that exceed 20 feet in length, one sample must be collected for each 20 feet of wall length, or fraction thereof, and the samples must be evenly spaced along the length of the wall. For USTs abandoned in place, the samples must be collected via borings drilled as close as practicable to the UST backfill.

B) Two samples must be collected from the excavation floor below each UST with a volume of 1,000 gallons or more. One sample must be collected from the excavation floor below each UST with a volume of less than 1,000 gallons. The samples must be collected from locations representative of soil that is the most contaminated as a result of the release. If areas of contamination cannot be identified, the samples must be collected from below each end of the UST if its volume is 1,000 gallons or more, and from below the center of the UST if its volume is less than 1,000 gallons.

C) One sample must be collected from the floor of each 20 feet of UST piping run excavation, or fraction thereof. The samples must be collected from a location representative of soil that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a length of piping run excavation being sampled, the sample must be collected from the center of the length being sampled. For UST piping abandoned in place, the samples must be collected in accordance with subsection (h)(2)(B) of this Section.

D) If backfill is returned to the excavation, one representative sample of the backfill must be collected for each 100 cubic yards of backfill returned to the excavation.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of soil sample collection activities	0			732.202(h)
2	Field documentation of soil sample collection and analysis activities	0			732.202(h)

**TASK LIST**

732 EA

**Task:** 203(a)(1,2,3) - Perform 45 Day FP Removal**Regulation**

Section 732.203 Free Product Removal

a) Under any circumstance in which conditions at a site indicate the presence of free product, owners or operators shall remove, to the maximum extent practicable, free product exceeding one-eighth of an inch in depth as measured in a groundwater monitoring well, or present as a sheen on groundwater in the tank removal excavation or on surface water, while initiating or continuing any actions required pursuant to this Part or other applicable laws or regulations. In meeting the requirements of this Section, owners or operators shall:

- 1) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, State and federal regulations;
- 2) Use abatement of free product migration as a minimum objective for the design of the free product removal system;
- 3) Handle any flammable products in a safe and competent manner to prevent fires or explosions;

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
2	Oversight and direction of Free Product Removal activities	0			732.203(a)(1); 732.203(a)(2); 732.203(a)(3)
1	Field documentation of Free Product Removal activities	0			732.203(a)(1); 732.203(a)(2); 732.203(a)(3)

**TASK LIST**

732 SC

**Task:** 305(a) - Prepare & Submit SCWP (Method 1 or 2)**Regulation**

Section 732.305 Plan Submittal and Review

a) Unless an owner or operator elects to classify a site under Section 732.312, prior to conducting any site evaluation activities, the owner or operator shall submit to the Agency a site classification plan, including but not limited to a physical soil classification and groundwater investigation plan, satisfying the minimum requirements for site evaluation activities as set forth in Section 732.307. The plans shall be designed to collect data sufficient to determine the site classification in accordance with Section 732.302, 732.303 or 732.304 of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Method 1 or Method 2 Site Classification Work Plan	1	each		732.305(a)

**TASK LIST**

732 SC

**Task:** 305(b) - Prepare & Submit SCWP Budget**Regulation**

b) In addition to the plan required in subsection (a) of this Section and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency a site classification budget plan with the corresponding site classification plan. The budget plan shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation and completion of the site evaluation activities required in Section 732.307, excluding handling charges. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part and the maximum payment amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Site Classification Budget Plan, corresponding to a Method 1 or Method 2 Site Classification Work Plan	1	each		732.305(b)

**TASK LIST**

732 SC

**Task:** 305(e) - Prepare & Submit Amended SCWP and Budget**Regulation**

e) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject, or require modifications of the amended classification plan or budget plan in accordance with the procedures contained in Subpart E of this Part.

BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all site classification plans and associated budget plans submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Method 1 or Method 2 Site Classification Work Plan and corresponding Budget Plan	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed	732.305(e)

**TASK LIST**

732 SC

**Task:** 309 - Prepare & Submit SCCR (Method 1 or 2)**Regulation**

Section 732.309 Site Classification Completion Report

a) Within 30 days after the completion of a site evaluation in accordance with Section 732.307 of this Part, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by Section 732.307 of this Part, the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions, and the certification of a Licensed Professional Engineer or Licensed Professional Geologist of the site's classification as No Further Action, Low Priority or High Priority in accordance with this Subpart C. Documentation of the water supply well survey conducted pursuant to Section 732.307(f) of this Part must include, but is not limited to, the following:

1) One or more maps, to an appropriate scale, showing the following:

A) The location of the community water supply wells and other potable water supply wells identified pursuant to Section 732.307(f) of this Part, and the setback zone for each well;

B) The location and extent of regulated recharge areas and wellhead protection areas identified pursuant to Section 732.307(f) of this Part;

C) The current extent of groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

D) The modeled extent of groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. The information required under this subsection (D) is not required to be shown in the site classification completion report if modeling is not performed as part of site investigation;

2) One or more tables listing the setback zones for each community water supply well and other potable water supply wells identified pursuant to Section 732.307(f) of this Part;

3) A narrative that, at a minimum, identifies each entity contacted to identify potable water supply wells pursuant to Section 732.307(f) of this Part, the name and title of each person contacted at each entity, and field observations associated with the identification of potable water supply wells; and

4) A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the water supply well survey was conducted in accordance with the requirements of Section 732.307(f) of this Part and that the documentation submitted pursuant to this Section includes the information obtained as a result of the survey.

b) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Site Classification Completion Report	1	each		732.309

**TASK LIST**

732 SC

**Task:** 312(b) - Prepare & Submit SCWP (Exposure Pathway Exclusion)**Regulation**

b) The owner or operator, prior to conducting any site evaluation activities, shall submit to the Agency a site classification plan including, but not limited to, a contaminant identification and groundwater investigation plan (if one or more of the criteria set forth in Section 732.202(h)(4)(A) through (C) of this Part are met), satisfying the minimum requirements for site evaluation activities as set forth in this Section. The plans shall be designed to:

- 1) Determine the full extent of soil or groundwater contamination exceeding the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. Such activities may include soil borings with sampling and analysis, groundwater monitoring wells with sampling and analysis, groundwater modeling, or a combination of these activities.
- 2) Collect data sufficient to determine which, if any, of the applicable exposure routes under 35 Ill. Adm. Code 742 can be excluded pursuant to 35 Ill. Adm. Code 742, Subpart C. The data shall include, but is not limited to, site-specific data demonstrating the physical characteristics of soil and groundwater.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Exposure Pathway Exclusion Site Classification Work Plan	1	each		732.312(b)

**TASK LIST**

732 SC

**Task:** 312(e) - Prepare & Submit Site Classification Budget**Regulation**

e) In addition to the plan required in subsection (b) of this Section and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency a site classification budget plan with the corresponding site classification plan. The budget plan shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation and completion of the site evaluation activities required under subsection (b) of this Section, excluding handling charges. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part and the maximum payment amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Site Classification Budget Plan, corresponding to an Exposure Pathway Exclusion Site Classification Work Plan	1	each		732.312(e)



**TASK LIST**

732 SC

**Task:** 312(k) - Prepare & Submit Amended SCWP & Budget**Regulation**

k) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject, or require modification of the amended plan or budget plan in accordance with the procedures contained in Subpart E of this Part.

BOARD NOTE: Owners or operators proceeding under subsection (a)(2) or (j) of this Section are advised that they may not be entitled to full payment from the Fund and that applications for payment must be submitted no later than one year after the date the Agency issues a No Further Remediation Letter. Furthermore, owners or operators may only be reimbursed for one method of site classification. See Subpart F of this Part.

Owners and operators are also advised that the total payment from the Fund for all corrective action plans and associated budget plans submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Amended Exposure Pathway Exclusion Site Classification Work Plan and corresponding Budget Plan	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed	732.312(k)

**TASK LIST**

732 SC

**Task:** 312(h) - Prepare & Submit SCCR (Exposure Pathway Exclusion)**Regulation**

h) Within 30 days after the completion of a site evaluation in accordance with this Section, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by this Section, the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions, and the certification of a Licensed Professional Engineer or Licensed Professional Geologist of the site's classification as No Further Action or High Priority in accordance with this Section. For any site classified as High Priority, the report shall also contain the certification of a Licensed Professional Engineer or Licensed Professional Geologist as to which exposure routes, if any, have been excluded from further consideration under 35 Ill. Adm. Code 742, Subpart C.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Site Classification Completion Report	1	each		732.312(h)

## TASK LIST

732 SC

**Task:** 307(c) - Perform Method 1 Soil Classification

**TASK LIST****Regulation**

c) Method One for Physical Soil Classification:

1) Soil Borings

A) Prior to conducting field activities, a review of scientific publications and regional geologic maps shall be conducted to determine if the subsurface strata are as generally mapped in the Illinois State Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part. A list of the publications reviewed and any preliminary conclusions concerning the site geology shall be included in the site classification completion report.

B) A minimum of one soil boring to a depth that includes 50 feet of native soil or to bedrock shall be performed for each tank field with a release of petroleum.

C) If, during boring, bedrock is encountered or if auger refusal occurs because of the density of a geologic material, a sample of the bedrock or other material shall be collected to determine permeability or an in situ test shall be performed to determine hydraulic conductivity in accordance with subsections (c)(3)(A) and (c)(3)(B) of this Section. If bedrock is encountered or auger refusal occurs, the Licensed Professional Engineer or Licensed Professional Geologist shall verify that the conditions that prevented the full boring are expected to be continuous through the remaining required depth.

D) Borings shall be performed within 200 feet of the outer edge of the tank field or at the property boundary, whichever is less. If more than one boring is required per site, borings shall be spaced to provide reasonable representation of site characteristics. The actual spacing of the borings shall be based on the regional hydrogeologic information collected in accordance with subsection (c)(1)(A) of this Section. Location shall be chosen to limit to the greatest extent possible the vertical migration of contamination.

E) Soil borings shall be continuously sampled to ensure that no gaps appear in the sample column.

F) If anomalies are encountered, additional soil borings may be necessary to verify the consistency of the site geology.

G) Any water bearing units encountered shall be protected as necessary to prevent cross-contamination during drilling.

H) The owner or operator may utilize techniques other than those specified in this subsection (c)(1) for soil classification provided that:

i) The techniques provide equivalent, or superior, information as required by this Section;

ii) The techniques have been successfully utilized in applications similar to the proposed application;

iii) Methods for quality control can be implemented; and

iv) The owner or operator has received written approval from the Agency prior to the start of the investigation.

2) Soil Properties

The following tests shall be performed on a representative sample of each of the stratigraphic units encountered in the native soil boring that has been determined most conducive to transporting contaminants from the source based on site factors, including but not limited to visual and tactile observations, the classification of the soil, any prior evaluation of the site stratigraphy, the volume of the release, the thickness or extent of the stratigraphic unit, and the requirements of ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993:

A) A soil particle analysis using the test methods specified in ASTM (American Society for Testing and Materials) Standard D 422-63 or D 1140-92, "Standard Test Method for Particle-Size Analysis of Soils," or "Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 µm) Sieve," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

B) A soil moisture content analysis using the test methods specified in ASTM Standard D 2216-92 or D 4643-93, "Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock," or "Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

C) A soil classification using the test methods specified in ASTM Standard D 2487-93 or D 2488-93, "Standard Test Method for Classification of Soils for Engineering Purposes" or "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

D) Unconfined compression strength shall be determined in tons per square foot by using a hand penetrometer; and

E) If representative samples of each stratigraphic unit are collected for soil property testing by the use of thin-walled tube sampling, an additional soil boring must be performed for this sampling within 5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Standard Test Method D 1587-83, incorporated by reference in Section 732.104 of this Part, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 732.308(a) of this Part.

3) Hydraulic Conductivity

A) If a water bearing unit is encountered while performing soil boring(s) for the physical soil classification, an in-situ hydraulic conductivity test shall be performed in the first fully saturated layer below the water table. If multiple water bearing units are encountered, an in-situ hydraulic conductivity test shall be performed on each such unit.

i) Wells used for hydraulic conductivity testing shall be constructed in a manner that ensures the most accurate results.

ii) The screen must be contained within the saturated zone.

B) If no water bearing unit is encountered in the required soil boring(s), then the following laboratory analyses shall be conducted, as applicable, on a representative sample from each stratigraphic unit:

i) A hydraulic conductivity analysis of undisturbed or laboratory compacted granular soils (i.e., clay, silt, sand or gravel) using the test method specified in ASTM Standard D 5084-90, "Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter," incorporated by reference in Section 732.104 of this Part, or other Agency approved method.

ii) Granular soils that are estimated to have hydraulic conductivity greater than  $1 \times 10^{-3}$  cm/sec will fail the minimum geologic conditions for "No Further Action", i.e., rating of D, E, F, or G as described in the Berg Circular, and therefore, no physical tests need to be run on the soils.

iii) A hydraulic conductivity analysis of bedrock using the test method specified in ASTM Standard D 4525-90, "Standard Test Method for Permeability of Rocks by Flowing Air," incorporated by reference in Section 732.104 of this Part, or other Agency approved method.

iv) If representative samples of each stratigraphic unit are collected for soil property testing by the use of thin-walled tube sampling, an additional soil boring must be performed for this sampling within

**TASK LIST**

5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Standard Test Method D 1587-83, incorporated by reference in Section 732.104 of this Part, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 732.308(a) of this Part.

4) If the results of the physical soil classification or groundwater investigation reveal that the actual site geologic characteristics are different from those generally mapped by the Illinois State Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part, the site classification shall be determined using the actual site geologic characteristics.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Method 1 Soil Classification activities	0			732.307(c )
2	Field documentation of Method 1 Soil Classification activities	0			732.307(c )

**TASK LIST**

732 SC

**Task:** 307(d) - Perform Method 2 Soil Classification**Regulation**

d) Method Two for Physical Soil Classification:

1) Soil Borings

A) A minimum of one soil boring to a depth that includes native material from the invert elevation of the most shallow UST to 15 feet below the invert elevation of the deepest UST for each tank field with a release of petroleum.

B) This boring shall meet the requirements of subsections (c)(1)(C) through (c)(1)(G) of this Section.

2) Soil Properties

The following tests must be performed on a representative sample of each of the stratigraphic units encountered in the native soil boring that has been determined most conducive to transporting contaminants from the source based on site factors including but not limited to visual and tactile observations, the classification of the soil, any prior evaluation of the site stratigraphy, the volume of the release, the size or extent of the unit, and the requirements of ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993 and incorporated by reference in Section 732.104 of this Part:

A) A soil particle analysis satisfying the requirements of subsection (c)(2)(A) of this Section; and

B) Either:

i) A pump test or equivalent to determine the yield of the geologic material. Methodology, assumptions and any calculations performed shall be submitted as part of the site classification completion report. If the aquifer geometry and transmissivity have been obtained through a site-specific field investigation, an analytical solution may be used to estimate well yield. The Licensed Professional Engineer or Licensed Professional Geologist shall demonstrate the appropriateness of the analytical solution to estimate well yield versus an actual field test. Well yield should be determined for either confined or unconfined formations. Once the yield has been determined site-specifically, the hydraulic conductivity shall be calculated; or

ii) Hydraulic conductivity shall be determined in accordance with subsection (c)(3) of this Section. Once the hydraulic conductivity has been determined site-specifically, the yield shall be calculated.

C) If representative samples of each stratigraphic unit are collected for soil property testing by the use of thin-walled tube sampling, an additional soil boring must be performed for this sampling within 5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Standard Test Method D 1587-83, incorporated by reference in Section 732.104 of this Part, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 732.308(a) of this Part.

3) The results of the boring(s) and tests described in subsections (d)(1) and (d)(2) of this Section shall be used to demonstrate whether the native material from the invert elevation of the most shallow UST to 15 feet below the invert elevation of the deepest UST meets all of the following criteria:

A) Does not contain unconsolidated sand, gravel or sand and gravel that is 5 feet or more in thickness with 12 percent or less fines (i.e., fines that pass through a No. 200 sieve tested according to ASTM Standard Test Method D 2487-93, "Standard Test Method for Classification of Soils for Engineering Purposes," incorporated by reference at Section 732.104 of this Part, or other Agency approved method);

B) Does not contain sandstone that is 10 feet or more in thickness, or fractured carbonate that is 15 feet or more in thickness;

C) Is not capable of sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; and

D) Is not capable of hydraulic conductivity of  $1 \times 10^{-4}$  cm/sec or greater.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Method 2 Soil Classification activities	0			732.307(d)
2	Field documentation of Method 2 Soil Classification activities	0			732.307(d)

**TASK LIST**

732 SC

**Task:** 307(f) - Perform Survey of Water Supply Wells**Regulation**

f) Survey of Water Supply Wells. At a minimum, the owner or operator must conduct a water supply well survey to identify all potable water supply wells located at the site and within 200 feet of the site, all community water supply wells located at the site and within 2,500 feet of the site, and all regulated recharge areas and wellhead protection areas in which the site is located. Actions taken to identify the wells must include, but is not limited to, the following.

- 1) Contacting the Agency's Division of Public Water Supplies to identify community water supply wells, regulated recharge areas, and wellhead protection areas;
- 2) Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health (or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells other than community water supply wells; and
- 3) Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Water Supply Well Survey activities	0	each		732.307(f)
2	Documentation of Water Supply Well Survey activities	0			732.307(f)

**TASK LIST**

732 SC

**Task:** 307(g) - Perform Investigation of Migration Pathways**Regulation**

g) Investigation of Migration Pathways

1) The Licensed Professional Engineer or Licensed Professional Geologist shall conduct an investigation either separately or in conjunction with the physical soil classification to identify all potential natural and man-made migration pathways that are on the site, in rights-of-way attached to the site, or in any area surrounding the site that may be adversely affected as a result of the release of petroleum from the UST system. Once the migration pathways have been identified, the areas along all such pathways shall be further investigated in a manner sufficient to determine whether there is evidence that migration of petroleum or vapors along such pathways:

A) May potentially threaten human health or human safety; or

B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

2) Natural pathways shall be identified using data obtained from investigation at the site. This must include, but is not limited to, identification and location of groundwater if encountered during excavation activities or soil boring activities, identification of different soil strata during excavation activities or soil boring activities and inspection of surface water bodies. Investigation and evaluation of natural migration pathways shall include, for applicable indicator contaminants along potential natural migration pathways:

A) Soil sampling and laboratory analysis of samples; and

B) When groundwater is encountered or when there is potential for surface water contamination, groundwater and surface water sampling and laboratory analysis of samples.

3) Man-made pathways shall be identified from available sources, including but not limited to site plans; , a review of underground utilities as identified by the Joint Utility Location Information for Excavators (J.U.L.I.E.), the Chicago Utility Alert Network (Digger), another public locator, or a private locator; and interviews with site owners or personnel. The Licensed Professional Engineer or Licensed Professional Geologist must determine whether migration of indicator contaminants along any of these pathways has occurred, using laboratory analytical data for applicable indicator contaminants obtained as follows:

A) From prior sampling, provided that such laboratory analytical data demonstrates that no contaminant of concern has migrated to or along any man-made pathways;

B) From soil samples, and groundwater samples if groundwater is encountered, taken between man-made pathways and contaminated soil, provided that such laboratory analytical data demonstrates that no contaminant of concern has migrated to or along any man-made pathways; or

C) From soil samples, and groundwater samples if groundwater is encountered, taken along man-made pathways.

4) The Licensed Professional Engineer or Licensed Professional Geologist shall provide a map of the site and any surrounding areas that may be adversely affected by the release of petroleum from the UST system. At a minimum, the map shall be to scale, oriented with north at the top, and shall show the location of the leaking UST system(s) with any associated piping and all potential natural and man-made pathways that are on the site, that are in rights-of-way attached to the site, or that are in areas that may be adversely affected as a result of the release of petroleum.

5) Unless the Agency's review reveals objective evidence to the contrary, the Licensed Professional Engineer or Licensed Professional Geologist shall be presumed correct when certifying whether or not there is evidence that, through natural or man-made pathways, migration of petroleum or vapors:

A) May potentially threaten human health or human safety; or

B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Migratory Pathway Investigation activities	0			732.307(g)
2	Documentation of Migratory Pathway Investigation activities	0			732.307(g)



**TASK LIST**

732 SC

**Task:** 307(h) - Perform Class III Groundwater Determination**Regulation**

h) The Licensed Professional Engineer or Licensed Professional Geologist shall verify whether Class III groundwater exists within 200 feet of the UST system.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
2	Oversight and direction of Class II Groundwater Determination activities	0			732.307(h)
1	Documentation of Class II Groundwater Determination activities	0			732.307(h)

**TASK LIST**

732 SC

**Task:** 307(i) - Perform Surface Water ID & Inspection**Regulation**

i) The Licensed Professional Engineer or Licensed Professional Geologist shall locate all surface bodies of water on site and within 100 feet of the site and provide a map noting the locations. All such surface bodies of water shall be inspected to determine whether they have been adversely affected by the presence of a sheen or free product layer resulting from the release of petroleum from the UST system.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Surface Water ID & Inspection activities	0			732.307(i)
2	Documentation of Surface Water ID & Inspection activities	0			732.307(i)

**TASK LIST**

732 SC

**Task:** 307(j) - Perform Groundwater Investigation

**TASK LIST****Regulation**

## j) Groundwater Investigation

1) For sites failing to meet NFA site classification or for sites where a groundwater investigation is necessary pursuant to Section 732.302(b) of this Part, the Licensed Professional Engineer or Licensed Professional Geologist shall perform a groundwater investigation as required under this Part in accordance with this subsection (j) to determine whether the most stringent Tier 1 groundwater remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been exceeded at the property boundary or 200 feet from the UST system, whichever is less, as a result of the UST release of petroleum.

2) Applicable indicator contaminants shall be those identified pursuant to Section 732.310 of this Part.

3) Except as provided in subsection (j)(6) of this Section, a minimum of four groundwater monitoring wells shall be installed at the property boundary or 200 feet from the UST system, whichever is less. In the event that a groundwater monitoring well cannot be physically installed at the property line or 200 feet from the UST system, whichever is closer, in accordance with this subsection (j), the owner or operator shall request approval from the Agency to place the well further out, but at the closest practical point to the compliance point. The owner or operator may elect to place a monitoring well in a location that is closer to the UST system than this Part requires. However, once the election is made, the owner or operator may not withdraw the election at a later time. The Agency may require the installation of additional monitoring wells to ensure that at least one monitoring well is located hydraulically upgradient and three monitoring wells are located hydraulically downgradient of the UST system. The wells must be installed so that they provide the greatest likelihood of detecting migration of groundwater contamination. At a minimum, monitoring well construction shall satisfy the following requirements:

A) Construction shall be in a manner that will enable the collection of representative groundwater samples;

B) All monitoring wells shall be cased in a manner that maintains the integrity of the borehole. Casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used;

C) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with clean, well-rounded and uniform material sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material that is inert with respect to the constituents of the groundwater to be sampled;

D) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as cement/bentonite grout that does not react with or in any way affect the sample, in order to prevent contamination of groundwater samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level;

E) The annular space shall be backfilled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away;

F) All monitoring wells shall be covered with vented caps and equipped with devices to protect against tampering and damage. Locations of wells shall be clearly marked and protected against damage from vehicular traffic or other activities associated with expected site use; and

G) All wells shall be developed to allow free entry of groundwater, minimize turbidity of the sample, and minimize clogging.

4) Monitoring well construction diagrams prescribed and provided by the Agency shall be completed for each monitoring well.

5) Static water elevations shall be measured for each monitoring well. Groundwater samples shall be taken from each well and analyzed for the applicable indicator contaminants. The data collected shall be used to determine the direction of groundwater flow and whether the applicable groundwater remediation objectives have been exceeded. Samples shall be collected and analyzed in accordance with the following procedures:

A) Samples shall be collected in accordance "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, as incorporated by reference at Section 732.104 of this Part, or other procedures approved by the Agency.

B) Groundwater elevation in a groundwater monitoring well shall be determined and recorded to establish the gradient of the groundwater table.

C) The analytical methodology used for the analysis of the indicator contaminants shall be consistent with both of the following:

i) The methodology must have a practical quantitation limit (PQL) at or below the most stringent objectives or detection levels set forth in 35 Ill. Adm. Code 742 or as set for mixtures or degradation products as provided in Section 732.310 of this Part; and

ii) The methodology must be consistent with the methodologies contained in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, as incorporated by reference at Section 732.104, or other Agency approved methods.

D) In addition to analytical results, sampling and analytical reports shall contain the following information:

i) Sample collection information including but not limited to the name of sample collector, time and date of sample collection, method of collection, and monitoring location;

ii) Sample preservation and shipment information including but not limited to field quality control;

iii) Analytical procedures including but not limited to the method detection limits and the practical quantitation limits (PQL);

iv) Chain of custody and control; and

v) Field and lab blanks.

6) As an alternative to the installation of monitoring wells under subsection (j)(3) of this Section, the Licensed Professional Engineer or Licensed Professional Geologist may demonstrate to the Agency through a site-specific evaluation that the groundwater monitoring should not be required.

A) The evaluation shall be based on a demonstration of the following factors:

i) Whether groundwater is present within the depth of the boring used to perform physical soil classification under the selected method (Method One under subsection (c) of this Section or Method Two under subsection (d) of this Section);

ii) Whether groundwater is withdrawn for potable use within 1000 feet of the UST system and at what depths; and

**TASK LIST**

iii) Whether seasonal fluctuation in groundwater could result in groundwater contacting contaminated soil (e.g., historical records).

B) The presence or absence of a water bearing unit under subsection (j)(6)(A)(i) of this Section shall be determined on the basis of at least one soil boring to the depth necessary to perform physical soil classification under the selected method (Method One under subsection (c) of this Section or Method Two under subsection (d) of this Section), unless auger refusal occurs because of the density of a geologic material or because bedrock is encountered. If auger refusal occurs, then the Licensed Professional Engineer or Licensed Professional Geologist must demonstrate the depth to a water bearing unit from the available site specific or regional information.

C) If the evaluation fails to demonstrate to the Agency that a groundwater investigation should not be required as part of site classification activities, then the Licensed Professional Engineer or Licensed Professional Geologist shall perform a groundwater investigation in accordance with the remainder of this subsection (j).

D) If the evaluation demonstrates to the Agency that a groundwater investigation should not be required, then the site shall be classified as Low Priority, unless other High Priority criteria are present. Upon Agency approval of the evaluation to demonstrate that a groundwater investigation should not be required, then the site shall be classified as Low Priority and a No Further Remediation Letter shall be issued to the owner or operator of the site, unless other High Priority criteria are present.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Groundwater Investigation activities	0			732.307(j)
2	Documentation of Groundwater Investigation activities	0			732.307(j)

**TASK LIST**

732 SC

**Task:** 312(c, d) - Perform Site Classification**Regulation**

c) A Licensed Professional Engineer or Licensed Professional Geologist (or, where appropriate, persons working under the direction of a Licensed Professional Engineer or Licensed Professional Geologist) shall conduct the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified by the supervising Licensed Professional Engineer or Licensed Professional Geologist.

d) As a part of each site evaluation, the Licensed Professional Engineer or Licensed Professional Geologist shall conduct physical soil classification and contaminant identification in accordance with the procedures at subsection (b) of this Section.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Site Classification activities	0			732.312(c); 732.312(d)
2	Documentation of Site Classification activities	0			732.312(c); 732.312(d)

**TASK LIST**

732 CA

**Task:** 403(a) - Prepare & Submit Low Priority GWM Plan**Regulation**

a) The owner or operator of a site that has been certified as a Low Priority site by a Licensed Professional Engineer or Licensed Professional Geologist and approved as such by the Agency shall develop a groundwater monitoring plan and perform groundwater monitoring in accordance with the requirements of this Section.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Low Priority Groundwater Monitoring Plan	1	each		732.403(a)

**TASK LIST**

732 CA

**Task:** 403(c) - Prepare & Submit Low Priority GWM Budget**Regulation**

c) Prior to the implementation of groundwater monitoring, except as provided under subsection (b)(6) of this Section, the owner or operator shall submit the groundwater monitoring plan to the Agency for review in accordance with Section 732.405 of this Part. If the owner or operator intends to seek payment from the Fund, a groundwater monitoring budget plan also shall be submitted to the Agency for review.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Low Priority Groundwater Monitoring Budget Plan	1	each		732.403(c)



**TASK LIST**

732 CA

**Task:** 403(d) - Prepare & Submit Annual Low Priority GWM Report**Regulation**

d) Groundwater analysis results obtained pursuant to subsection (b) of this Section shall be submitted to the Agency within 30 days after the end of each annual sampling period on forms prescribed and provided by the Agency, except as provided under subsection (b)(6) of this Section. Groundwater analysis data being used pursuant to subsection (b)(6) shall be submitted to the Agency as part of a Low Priority groundwater monitoring plan or the Low Priority groundwater monitoring completion report.

1) The information to be collected shall include, but not be limited to, the information set forth in Section 732.307(j)(5) of this Part.

2) If at any time the groundwater analysis results indicate a confirmed exceedence of the applicable indicator contaminant groundwater remediation quality standards or Agency approved objectives as a result of the underground storage tank release of petroleum, the owner or operator shall notify the Agency of the exceedence within 30 days and provide supporting documentation of the nature and extent of the exceedence.

3) Indicator contaminant groundwater remediation objectives quality standards shall be determined in accordance with Section 732.311 of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Annual Low Priority Groundwater Monitoring Report	1	each	the quantity of deliverables required for this task is dependent on the schedule and duration of the clean-up activities performed.	732.403(d)

**TASK LIST**

732 CA

**Task:** 403(e) - Prepare & Submit Low Priority GWM Completion Report**Regulation**

e) Within 30 days after the completion of the Low Priority groundwater monitoring plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report in accordance with Section 732.409 of this Part. If there is no confirmed exceedance of applicable indicator contaminant objectives during the three year groundwater monitoring period, the report shall contain a certification to that effect by a Licensed Professional Engineer or Licensed Professional Geologist.

f) The Agency shall review the groundwater monitoring completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a No Further Remediation Letter to the owner or operator in accordance with Subpart G of this Part upon approval of the report by the Agency. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Low Priority Groundwater Monitoring Completion Report	1	each		732.403(e)

**TASK LIST**

732 CA

**Task:** 404(b)(1) - Prepare & Submit High Priority Investigation CAP**Regulation**

Section 732.404 High Priority Site

a) The owner or operator of a site classified as High Priority shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) of this Section that caused the site to be classified as High Priority.

b) The owner or operator of a site certified as High Priority by a Licensed Professional Engineer and approved as such by the Agency or reclassified as High Priority by the Agency pursuant to Section 732.403(g) shall develop a corrective action plan based on site conditions and designed to achieve the following as applicable to the site:

1) For sites that have submitted a site classification report under Section 732.309, provide that:

A) After complete performance of the corrective action plan, applicable indicator contaminants identified in the groundwater investigation are not present in groundwater, as a result of the underground storage tank release, in concentrations exceeding the remediation objectives referenced in Section 732.408 of this Part at the property boundary line or 200 feet from the UST system, whichever is less;

B) After complete performance of the corrective action plan, Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the UST system are not exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation;

C) After complete performance of the corrective action plan, remediation of contamination in natural or man-made exposure pathways as a result of the underground storage tank release has been conducted in accordance with 35 Ill. Adm. Code 742;

D) Threats to potable water supplies are remediated; and

E) Threats to bodies of surface water are remediated.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Conventional Technology Corrective Action Investigation Plan	1	each		732.404(b)(1)

**TASK LIST**

732 CA

**Task:** 404(b)(2) - Prepare & Submit High Priority CAP**Regulation**

Section 732.404 High Priority Site

a) The owner or operator of a site classified as High Priority shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) of this Section that caused the site to be classified as High Priority.

(b)(2) For sites that have submitted a site classification completion report under Section 732.312 of this Part, provide that, after complete performance of the corrective action plan, the concentrations of applicable indicator contaminants meet the remediation objectives developed under Section 732.408 for any applicable exposure route not excluded from consideration under Section 732.312.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Conventional Technology Corrective Action Plan	1	each		732.404(a)

**TASK LIST**

732 CA

**Task:** 404(f) - Prepare & Submit High Priority CAP Budget**Regulation**

f) The owner or operator shall submit the corrective action plan to the Agency for review in accordance with Section 732.405 of this Part. If the owner or operator intends to seek payment from the Fund, a corrective action budget plan budget also shall be submitted to the Agency for review.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Conventional Technology Corrective Action Budget Plan, corresponding to a High Priority Conventional Technology Corrective Action Plan	1	each		732.404(f)

**TASK LIST**

732 CA

**Task:** 405(e, f) - Prepare & Submit Amended CAP & Budget**Regulation**

e) If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject, or require modifications of the amended plan or budget plan in accordance with the procedures contained in Subpart E of this Part.

f) If the Agency determines any approved corrective action plan has not achieved applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator must also submit a revised budget plan. Any action by the Agency to require a revised corrective action plan pursuant to this subsection (f) shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all groundwater monitoring plans and associated budget plans, and for all corrective action plans and associated budget plans, submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Conventional Technology Corrective Action Plan and corresponding budget	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed	732.405(e); 732.405(f)

**TASK LIST**

732 CA

**Task:** 407(a) - Prepare & Submit Alt Tech Corrective Action Plan**Regulation**

Section 732.407 Alternative Technologies

a) An owner or operator may choose to use an alternative technology for corrective action in response to a release of petroleum at a High Priority site. Corrective action plans proposing the use of alternative technologies shall be submitted to the Agency in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action plans contained in Section 732.404, the owner or operator who seeks approval of an alternative technology shall submit documentation along with the corrective action plan demonstrating that:

- 1) The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and all corrective action remediation objectives necessary to comply with the Act and regulations and to protect human health or the environment;
- 2) The proposed alternative technology will not adversely affect human health or the environment;
- 3) The owner or operator will obtain all Agency permits necessary to legally authorize use of the alternative technology;
- 4) The owner or operator will implement a program to monitor whether the requirements of subsection (a)(1) of this Section have been met; and
- 5) Within one year from the date of Agency approval the owner or operator will provide to the Agency monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (a)(1) of this Section and any other applicable regulations. The Agency may require interim reports as necessary to track the progress of the alternative technology. The Agency will specify in the approval when those interim reports shall be submitted to the Agency.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Alternative Technology Corrective Action Plan	1	each		732.407(a)

**TASK LIST**

732 CA

**Task:** 407(b) - Prepare & Submit Alt Tech CAP Budget**Regulation**

b) An owner or operator intending to seek payment for costs associated with the use of an alternative technology shall submit a corresponding budget plan in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action budget plans at Section 732.404 of this Part, the budget plan must demonstrate that the cost of the alternative technology will not exceed the cost of conventional technology and is not substantially higher than other available alternative technologies. The budget plan must compare the costs of at least two other alternative technologies to the costs of the proposed alternative technology, if other alternative technologies are available and are technically feasible.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Alternative Technology Corrective Action Budget Plan	1	each		732.407(b)



**TASK LIST**

732 CA

**Task:** 407(d) - Perform Agency Required Remote Monitoring**Regulation**

d) The Agency may require remote monitoring of an alternative technology. The monitoring may include, but is not limited to, monitoring the alternative technology's operation and progress in achieving the applicable remediation objectives.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Documentation of Agency Required Remote Monitoring Activities	0			732.407(d)

**TASK LIST**

732 CA

**Task:** 404(g) - Prepare & Submit High Priority CACR**Regulation**

- g) Within 30 days after completing the performance of the High Priority corrective action plan, the owner or operator shall submit to the Agency a corrective action completion report in accordance with Section 732.409 of this Part.
- h) Within 120 days, the Agency shall review the corrective action completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a No Further Remediation Letter to the owner or operator in accordance with Subpart G of this Part upon approval by the Agency.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed High Priority Conventional Technology Corrective Action Completion Report	1	each		732.404(g)

**TASK LIST**

732 CA

**Task:** 403(b) - Collect & Analyze Low Priority GW Samples**Regulation**

b) The owner or shall develop a groundwater monitoring plan designed to satisfy the following requirements at a minimum:

- 1) Groundwater monitoring shall be conducted for a period of three years following the Agency's approval of the site classification, unless subsection (b)(6) or subsection (i) of this Section applies;
- 2) Groundwater monitoring wells shall be placed at the property line or 200 feet from the UST system, whichever is closer. The wells shall be placed in a configuration designed to provide the greatest likelihood of detecting migration of groundwater contamination. In the event that a groundwater monitoring well cannot physically be installed at the property line or 200 feet from the UST system, whichever is closer, in accordance with this subsection (b)(2), the owner or operator shall request approval from the Agency to place the well further out, but at the closest practical point to the compliance point. The owner or operator may elect to place a monitoring well in a location that is closer to the UST system than the rule requires. However, once the election is made the owner or operator may not withdraw the election at a later time;
- 3) Groundwater monitoring wells shall satisfy the requirements at Section 732.307(j)(3) and (4) of this Part;
- 4) During the first year of groundwater monitoring, samples from each well shall be collected and analyzed on a quarterly basis. During the second year of groundwater monitoring, samples from each well shall be collected and analyzed during the second and fourth quarters. During the third and final year of groundwater monitoring, at a minimum, samples from each well shall be collected and analyzed in the fourth quarter;
- 5) To determine whether groundwater remediation objectives have been exceeded, samples for groundwater monitoring shall be collected and analyzed in accordance with the procedures set forth in Section 732.307(j)(5) of this Part for the applicable indicator contaminants determined pursuant to Section 732.310 of this Part;
- 6) The owner or operator may use groundwater monitoring data that has been collected up to 3 years prior to the site being certified as Low Priority, if the data meets the requirements of subsections (b)(2) through (b)(5) of this Section. This data may be used to satisfy all or part of the three year period of groundwater monitoring required under this Section.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Low Priority GW Samples collection activities	0			732.403(b)
2	Documentation of Low Priority GW Samples collection and analysis	0			732.403(b)

**TASK LIST**

732 CA

**Task:** 404(e) - Perform Corrective Action Investigation Activities**Regulation**

e) Except where provided otherwise pursuant to Section 732.312 of this Part, in developing the corrective action plan, additional investigation activities beyond those required for the site evaluation and classification may be necessary to determine the full extent of soil or groundwater contamination and of threats to human health or the environment. Such activities may include, but are not limited to, additional soil borings with sampling and analysis or additional groundwater monitoring wells with sampling and analysis. Such activities as are technically necessary and consistent with generally accepted engineering practices may be performed without submitting a work plan or receiving prior approval from the Agency, and associated costs may be included in a High Priority corrective action budget plan. A description of these activities and the results shall be included as a part of the corrective action plan.

1) In addition to the potable water supply wells identified pursuant to Section 732.307(f) of this Part, the owner or operator must extend the water supply well survey if soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants extends beyond the site's property boundary, or, as part of a corrective action plan, the owner or operator proposes to leave in place soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants and contamination exceeding such objectives is modeled to migrate beyond the site's property boundary. At a minimum, the extended water supply well survey must identify the following:

A) All potable water supply wells located within 200 feet, and all community water supply wells located within 2,500 feet, of the current or modeled extent of soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

B) All regulated recharge areas and wellhead protection areas in which the current or modeled extent of soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants is located.

2) The Agency may require additional investigation of potable water supply wells, regulated recharge areas, or wellhead protection areas if site-specific circumstances warrant. Such circumstances must include, but is not limited to, the existence of one or more parcels of property within 200 feet of the current or modeled extent of soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants where potable water is likely to be used, but that is not served by a public water supply or a well identified pursuant to Section 732.307(f)(1) of this Part or subsection (e)(1) of this Section. The additional investigation may include, but is not limited to, physical well surveys (e.g., interviewing property owners, investigating individual properties for wellheads, distributing door hangers or other material that requests information about the existence of potable wells on the property, etc.).

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Corrective Action Investigation Activities	0			732.404(e)
2	Documentation of Corrective Action Investigation Activities	0			732.404(e)

**TASK LIST**

732 CA

**Task:** 404(a) - Perform High Priority Corrective Action**Regulation**

a) The owner or operator of a site classified as High Priority that has been certified by a Licensed Professional Engineer as a High Priority site and approved as such by the Agency shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) of this Section that caused the site to be classified as High Priority.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Corrective Action Activities	0			732.404(a)
2	Documentation of Corrective Action Activities	0			732.404(a)

**TASK LIST**

732 CA

**Task:** 404(a)1 - Perform ALT Corrective Action**Regulation**

a) The owner or operator of a site classified as High Priority that has been certified by a Licensed Professional Engineer as a High Priority site and approved as such by the Agency shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) of this Section that caused the site to be classified as High Priority.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Alternative Technology Corrective Action Activities	0			732.404(a)
2	Documentation of Alternative Technology Corrective Action Activities	0			732.404(a)

**TASK LIST**

734 FP

**Task:** 215(c) - Prepare & Submit Post 45 Day FP Removal Plan**Regulation**

c) If free product removal activities will be conducted more than 45 days after the confirmation of the presence of free product, the owner or operator must submit to the Agency for review a free product removal plan. The plan must be submitted with the free product removal report required under subsection (a)(4) of this Section. Free product removal activities conducted more than 45 days after the confirmation of the presence of free product must not be considered early action activities.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Free Product Removal Plan	1	each		734.215(c)

**TASK LIST**

734 FP

**Task:** 215(d) - Prepare & Submit Post 45 Day FP Removal Budget**Regulation**

d) Any owner or operator intending to seek payment from the Fund must, prior to conducting free product removal activities more than 45 days after the confirmation of the presence of free product, submit to the Agency a free product removal budget plan with the corresponding free product removal plan. The budget plan must include, but not be limited to, an estimate of all costs associated with the development, implementation, and completion of the free product removal plan, excluding handling charges. The budget plan should be consistent with the eligible and ineligible costs listed in Sections 732.605 and 732.606 of this Part and the maximum payment amounts set forth in Subpart H of this Part. As part of the budget plan the Agency may require a comparison between the costs of the proposed method of free product removal and other methods of free product removal.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Free Product Removal Budget Plan, corresponding to a Free Product Removal Work Plan	1	each		734.215(d)



**TASK LIST**

734 FP

**Task:** 215(a)(5) - Prepare & Submit FP Removal Quarterly Report**Regulation**

5) If free product removal activities are conducted more than 45 days after confirmation of the presence of free product, submit free product removal reports quarterly or in accordance with a schedule established by the Agency

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Quarterly Free Product Removal Report	1	each		734.215(a)(5)

**TASK LIST**

734 FP

**Task:** 215(g) - Prepare & Submit Amended FP Removal Plan & Budget**Regulation**

g) If, following approval of any free product removal plan or associated budget plan, an owner or operator determines that a revised removal plan or budget plan is necessary in order to complete free product removal, the owner or operator must submit, as applicable, an amended free product removal plan or associated budget plan to the Agency for review. The Agency must review and approve, reject, or require modification of the removal amended plan or budget plan in accordance with Subpart E of this Part.

BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all free product removal plans and associated budget plans submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a fully executed Amended Free Product removal Plan and corresponding Budget	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed.	734.215(g)

**TASK LIST**

734 FP

**Task:** 215(e) - Perform Free Product Removal**Regulation**

e) Upon the Agency's approval of a free product removal plan, or as otherwise directed by the Agency, the owner or operator must proceed with free product removal in accordance with the plan.

f) Notwithstanding any requirement under this Part for the submission of a free product removal plan or free product removal budget plan, an owner or operator may proceed with free product removal in accordance with this Section prior to the submittal or approval of an otherwise required free product removal plan or budget plan. However, any such removal plan and budget plan must be submitted to the Agency for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of this Part prior to payment for any related costs or the issuance of a No Further Remediation Letter.

BOARD NOTE: Owners or operators proceeding under subsection (f) of this Section are advised that they may not be entitled to full payment from the Fund. Furthermore, applications for payment must be submitted no later than one year after the date the Agency issues a No Further Remediation Letter. See Subpart F of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Free Product Removal activities	0			734.215(e)
2	Field documentation of Free Product Removal activities	0			734.215(e)

**TASK LIST**

734 EA

**Task:** 210(a,b) - Perform Initial Response & Abatement**Regulation**

Section 732.210 Early Action

a) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours after the release:

- 1) Report the release to IEMA (e.g., by telephone or electronic mail);
- 2) Take immediate action to prevent any further release of the regulated substance to the environment; and
- 3) Identify and mitigate fire, explosion and vapor hazards.

b) Within 20 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall perform the following initial abatement measures:

- 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
- 2) Visually inspect any aboveground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815;
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and
- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of initial response and abatement activities	0			734.210(a); 734.201(b)
2	Field documentation of initial response & abatement activities	0			734.210(a); 734.201(b)

**TASK LIST**

734 EA

**Task:** 210(c,d,e,g) - Prepare & Submit 20 & 45 Day Reporting**Regulation**

- c) Within 20 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) of this Section and any resulting information or data.
- d) Within 45 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections (a) and (b) of this Section. This information shall include, but is not limited to, the following:
- 1) Data on the nature and estimated quantity of release;
  - 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
  - 3) Results of the site check required at subsection (b)(5) of this Section; and
  - 4) Results of the free product investigations required at subsection (b)(6) of this Section, to be used by owners or operators to determine whether free product must be recovered under Section 732.203 of this Part.
- e) Within 45 days after initial notification to IEMA of a release plus 14 days, the owner or operator shall submit to the Agency the information collected in compliance with subsection (d) of this Section in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.
- f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank. [415 ILCS 5/57.6(b)].
- g) For purposes of payment from the Fund, the activities set forth in subsection (f) of this Section shall be performed within 45 days after initial notification to IEMA of a release plus 14 days, unless special circumstances, approved by the Agency in writing, warrant continuing such activities beyond 45 days plus 14 days. The owner or operator shall notify the Agency in writing of such circumstances within 45 days after initial notification to IEMA of a release plus 14 days. Costs incurred beyond 45 days plus 14 days shall be eligible if the Agency determines that they are consistent with early action.
- BOARD NOTE: Owners or operators seeking payment from the Fund are to first notify IEMA of a suspected release and then confirm the release within 14 days to IEMA pursuant to regulations promulgated by the OSFM. See 41 Ill. Adm. Code 170.560 and 170.580. The Board is setting the beginning of the payment period at subsection (g) to correspond to the notification and confirmation to IEMA.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed 20-day certification	1	each		734.210(c)
2	Submission to the Agency a complete and fully executed 45-day report	1	each		734.210(d); 734.210(e); 734.210(g)

**TASK LIST**

734 EA

**Task:** 210(f)1 - Perform Tank Removal**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank[415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of tank removal activities	0			734.210(f)
2	Field documentation of tank removal activities	0			734.210(f)

**TASK LIST**

734 EA

**Task:** 210(h)(3) - Prepare & Submit EA Closure Report**Regulation**

3) If the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants have been met, and if none of the criteria set forth in subsections (h)(4)(A) through (C) are met, within 30 days after the completion of early action the owner or operator shall submit a report demonstrating compliance with those remediation objectives. The report must include, but is not limited to, the following:

A) A characterization of the site that demonstrates compliance with the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

B) Supporting documentation, including, but not limited to, the following:

i) A site map meeting the requirements of Section 732.110(a)(1) of this Part that shows the locations of all samples collected pursuant to this subsection (h);

ii) Analytical results, chain of custody forms, and laboratory certifications for all samples collected pursuant to this subsection (h); and

iii) A table comparing the analytical results of all samples collected pursuant to this subsection (h) to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

C) A site map containing only the information required under Section 732.110(a)(1) of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Early Action Closure Report	1	Each		734.210(h)(3)

**TASK LIST**

734 EA

**Task:** 210(f)2 - Perform Tank Abandonment**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank[415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of tank abandonment activities	0			734.210(f)
2	Field documentation of tank abandonment activities	0			734.210(f)



**TASK LIST**

734 EA

**Task:** 215(a)(4) - Prepare & Submit 45 Day FP Removal Report**Regulation**

4) Within 45 days after the confirmation of presence of free product from a UST, prepare and submit to the Agency a free product removal report. The report must, at a minimum, provide the following:

A) The name of the persons responsible for implementing the free product removal measures;

B) The estimated quantity, type and thickness of free product observed or measured in wells, boreholes, and excavations;

C) The type of free product recovery system used;

D) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

E) The type of treatment applied to, and the effluent quality expected from, any discharge;

F) The steps that have been or are being taken to obtain necessary permits for any discharge;

G) The disposition of the recovered free product;

H) The steps taken to identify the source and extent of the free product; and

I) A schedule of future activities necessary to complete the recovery of free product still exceeding one-eighth of an inch in depth as measured in a groundwater monitoring well, or still present as a sheen on groundwater in the tank removal excavation or on surface water. The schedule must include, but not be limited to, the submission of plans and budgets required pursuant to subsections (c) and (d) of this Section; and

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Free Product Removal Report	1	each		734.215(a)(4)

**TASK LIST**

734 EA

**Task:** 210(f)3 - Perform EA ETD&B**Regulation**

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal (see 41 Ill. Adm. Code 160, 170, 180, 200). The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank. Early action may also include disposal in accordance with applicable regulations or ex situ treatment of contaminated fill material removed from within 4 feet from the outside dimensions of the tank[415 ILCS 5/57.6(b)].

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Early Action excavation activities	0			734.210(f)
2	Field documentation of early action excavation activities	0			734.210(f)

**TASK LIST**

734 EA

**Task:** 220 - Prepare & Submit EA Application For Payment**Regulation**

Section 734.220 Application for Payment of Early Action Costs

Owners or operators intending to seek payment for early action activities, excluding free product removal activities conducted more than 45 days after confirmation of the presence of free product, are not required to submit a corresponding budget plan. The application for payment may be submitted to the Agency upon completion of the early action activities in accordance with the requirements at Subpart F of this Part, excluding free product removal activities conducted more than 45 days after confirmation of the presence of free product. Applications for payment of free product removal activities conducted more than 45 days after confirmation of the presence of free product may be submitted upon completion of the free product removal activities.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Application for Payment	1	each		734.220

**TASK LIST**

734 EA

**Task:** 210(h) - Collect & Analyze Soil Samples**Regulation**

h) The owner or operator shall determine whether the areas or locations of soil contamination exposed as a result of early action excavation (e.g., excavation boundaries, piping runs) or surrounding USTs that remain in place meet the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants.

1) At a minimum, for each UST that is removed, the owner or operator shall collect and analyze soil samples as follows. The Agency must allow an alternate location for, or excuse the collection of, one or more samples if sample collection in the following locations is made impracticable by site-specific circumstances.

A) One sample must be collected from each UST excavation wall. The samples must be collected from locations representative of soil that is the most contaminated as a result of the release. If an area of contamination cannot be identified on a wall, the sample must be collected from the center of the wall length at a point located one-third of the distance from the excavation floor to the ground surface. For walls that exceed 20 feet in length, one sample must be collected for each 20 feet of wall length, or fraction thereof, and the samples must be evenly spaced along the length of the wall. For USTs abandoned in place, the samples must be collected via borings drilled as close as practicable to the UST backfill.

B) Two samples must be collected from the excavation floor below each UST with a volume of 1,000 gallons or more. One sample must be collected from the excavation floor below each UST with a volume of less than 1,000 gallons. The samples must be collected from locations representative of soil that is the most contaminated as a result of the release. If areas of contamination cannot be identified, the samples must be collected from below each end of the UST if its volume is 1,000 gallons or more, and from below the center of the UST if its volume is less than 1,000 gallons.

C) One sample must be collected from the floor of each 20 feet of UST piping run excavation, or fraction thereof. The samples must be collected from a location representative of soil that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a length of piping run excavation being sampled, the sample must be collected from the center of the length being sampled. For UST piping abandoned in place, the samples must be collected in accordance with subsection (h)(2)(B) of this Section.

D) If backfill is returned to the excavation, one representative sample of the backfill must be collected for each 100 cubic yards of backfill returned to the excavation.

E) The samples must be analyzed for the applicable indicator contaminants. In the case of a used oil UST, the sample that appears to be the most contaminated as a result of a release from the used oil UST must be analyzed in accordance with Section 732.310(g) of this Part to determine the indicator contaminants for used oil. The remaining samples collected pursuant to subsections (h)(1)(A) through (D) of this Section must then be analyzed for the applicable used oil indicator contaminants.

2) At a minimum, for each UST that remains in place, the owner or operator must collect and analyze soil samples as described in subsections (h)(2)(A) through (D). The Agency must allow an alternate location for, or excuse the drilling of, one or more borings if drilling in the following locations is made impracticable by site-specific circumstances.

A) One boring must be drilled at the center point along each side of each UST, or along each side of each cluster of multiple USTs, remaining in place. If a side exceeds 20 feet in length, one boring must be drilled for each 20 feet of side length, or fraction thereof, and the borings must be evenly spaced along the side. The borings must be drilled in the native soil surrounding the UST(s) and as close practicable to, but not more than five feet from, the backfill material surrounding the UST(s). Each boring must be drilled to a depth of 30 feet below grade, or until groundwater or bedrock is encountered, whichever is less. Borings may be drilled below the groundwater table if site specific conditions warrant, but no more than 30 feet below grade.

B) Two borings, one on each side of the piping, must be drilled for every 20 feet of UST piping, or fraction thereof, that remains in place. The borings must be drilled as close as practicable to, but not more than five feet from, the locations of suspected piping releases. If no release is suspected within a length of UST piping being sampled, the borings must be drilled in the center of the length being sampled. Each boring must be drilled to a depth of 15 feet below grade, or until groundwater or bedrock is encountered, whichever is less. Borings may be drilled below the groundwater table if site specific conditions warrant, but no more than 15 feet below grade. For UST piping that is removed, samples must be collected from the floor of the piping run in accordance with subsection (h)(1)(C) of this Section.

C) If auger refusal occurs during the drilling of a boring required under subsection (h)(2)(A) or (B) of this Section, the boring must be drilled in an alternate location that will allow the boring to be drilled to the required depth. The alternate location must not be more than five feet from the boring's original location. If auger refusal occurs during drilling of the boring in the alternate location, drilling of the boring must cease and the soil samples collected from the location in which the boring was drilled to the greatest depth must be analyzed for the applicable indicator contaminants.

D) One soil sample must be collected from each five-foot interval of each boring required under subsections (h)(2)(A) through (C) of this Section. Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval, provided, however, that soil samples must not be collected from soil below the groundwater table. All samples must be analyzed for the applicable indicator contaminants.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

#	Description	Qty.	UnitOfMeasure	Notes	Regulations
1	Oversight and direction of soil sampling activities	0			734.210(h)
2	Field documentation of soil sample collection and analysis	0			734.210(h)

**TASK LIST**

734 EA

**Task:** 215(a)(1) - Perform 45 day Free Product Removal**Regulation**

Section 732.203 Free Product Removal

a) Under any circumstance in which conditions at a site indicate the presence of free product, owners or operators shall remove, to the maximum extent practicable, free product exceeding one-eighth of an inch in depth as measured in a groundwater monitoring well, or present as a sheen on groundwater in the tank removal excavation or on surface water, while initiating or continuing any actions required pursuant to this Part or other applicable laws or regulations. In meeting the requirements of this Section, owners or operators shall:

- 1) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, State and federal regulations;
- 2) Use abatement of free product migration as a minimum objective for the design of the free product removal system;
- 3) Handle any flammable products in a safe and competent manner to prevent fires or explosions;

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Free Product Removal activities	0			734.215(a)(1)
2	Field documentation of Free Product Removal activities	0			734.215(a)(1)

**TASK LIST**

734

**Task:** 350 - Negotiate Off Site Access**Regulation**

Section 734.350 Off-site Access

a) An owner or operator seeking to comply with the best efforts requirements of

Section 734.345(b) of this Part must demonstrate compliance with the requirements of this Section.

b) In conducting best efforts to obtain off-site access, an owner or operator must, at a minimum, send a letter by certified mail to the owner of any off-site property to which access is required, stating:

1) Citation to Title XVI of the Act stating the legal responsibility of the owner or operator to remediate the contamination caused by the release;

2) That, if the property owner denies access to the owner or operator, the owner or operator may seek to gain entry by a court order pursuant to Section 22.2c of the Act;

3) That, in performing the requested investigation, the owner or operator will work so as to minimize any disruption on the property, will maintain, or its consultant will maintain, appropriate insurance and will repair any damage caused by the investigation;

4) If contamination results from a release by the owner or operator, the owner or operator will conduct all associated remediation at its own expense;

5) That threats to human health and the environment and diminished property value may result from failure to remediate contamination from the release; and

6) A reasonable time to respond to the letter, not less than 30 days.

c) An owner or operator, in demonstrating that the requirements of this Section have been met, must provide to the Agency, as part of the corrective action completion report, the following documentation:

1) A sworn affidavit, signed by the owner or operator, identifying the specific off-site property involved by address, the measures proposed in the corrective action plan that require off-site access, and the efforts taken to obtain access, and stating that the owner or operator has been unable to obtain access despite the use of best efforts; and 1) Citation to Title XVI of the Act stating the legal responsibility of the owner or operator to remediate the contamination caused by the release;

2) A copy of the certified letter sent to the owner of the off-site property pursuant to subsection (b) of this Section.

d) In determining whether the efforts an owner or operator has made constitute best efforts to obtain access, the Agency must consider the following factors:

1) The physical and chemical characteristics, including toxicity, persistence and potential for migration, of applicable indicator contaminants at the property boundary line;

2) The hydrogeological characteristics of the site and the surrounding area, including the attenuation capacity and saturation limits of the soil at the property boundary line;

3) The nature and extent of known contamination at the site, including the levels of applicable indicator contaminants at the property boundary line;

4) The potential effects of residual contamination on nearby surface water and groundwater;

5) The proximity, quality and current and future uses of nearby surface water and groundwater, including regulated recharge areas, wellhead protection areas, and setback zones of potable water supply wells;

6) Any known or suspected natural or man-made migration pathways existing in or near the suspected area of off-site contamination;

7) The nature and use of the part of the off-site property that is the suspected area of contamination;

8) Any existing on-site engineered barriers or institutional controls that might have an impact on the area of suspected off-site contamination, and the nature and extent of such impact; and

9) Any other applicable information assembled in compliance with this Part.

e) The Agency must issue a No Further Remediation Letter to an owner or operator subject to this Section and otherwise entitled to such issuance only if the owner or operator has, in accordance with this Section, either completed any requisite off-site corrective action or demonstrated to the Agency's satisfaction an inability to obtain off-site access despite best efforts.

f) The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the property boundary even where off-site access is denied.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Appropriate documentation of off-site access negotiations	0	each		734.350

**TASK LIST**

734

**Task:** 605 - Prepare & Submit Application for Payment**Regulation**

Section 734.605 Applications for Payment

- a) An owner or operator seeking payment from the Fund must submit to the Agency an application for payment on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. The owner or operator may submit an application for partial payment or final payment. Costs for which payment is sought must be approved in a budget, provided, however, that no budget must be required for early action activities conducted pursuant to Subpart B of this Part other than free product removal activities conducted more than 45 days after confirmation of the presence of free product.
- b) A complete application for payment must consist of the following elements:
- 1) A certification from a Licensed Professional Engineer or a Licensed Professional Geologist acknowledged by the owner or operator that the work performed has been in accordance with a technical plan approved by the Agency or, for early action activities, in accordance with Subpart B of this Part;
  - 2) A statement of the amounts approved in the corresponding budget and the amounts actually sought for payment along with a certified statement by the owner or operator that the amounts so sought have been expended in conformance with the elements of a budget approved by the Agency;
  - 3) A copy of the OSFM or Agency eligibility and deductibility determination;
  - 4) Proof that approval of the payment requested will not exceed the limitations set forth in the Act and Section 734.620 of this Part;
  - 5) A federal taxpayer identification number and legal status disclosure certification;
  - 6) Private insurance coverage form(s);
  - 7) A minority/women's business form;
  - 8) Designation of the address to which payment and notice of final action on the application for payment are to be sent;
  - 9) An accounting of all costs, including but not limited to, invoices, receipts, and supporting documentation showing the dates and descriptions of the work performed; and
  - 10) Proof of payment of subcontractor costs for which handling charges are requested. Proof of payment may include cancelled checks, lien waivers, or affidavits from the subcontractor.
- c) The address designated on the application for payment may be changed only by subsequent notification to the Agency, on a form provided by the Agency, of a change in address. d) Applications for payment and change of address forms must be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt must be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail. g) In no case must the Agency authorize payment to an owner or operator in amounts greater than the amounts approved by the Agency in a corresponding budget. Revised cost estimates or increased costs resulting from revised procedures must be submitted to the Agency for review in accordance with Subpart E of this Part using amended budgets plans as required under this Part.
- e) Applications for partial or final payment may be submitted no more frequently than once every 90 days.
- f) Except for applications for payment for costs of early action conducted pursuant to Subpart B of this Part, other than costs associated with free product removal activities conducted more than 45 days after confirmation of the presence of free product, in no case must the Agency review an application for payment unless there is an approved budget on file corresponding to the application for payment.
- h) Applications for payment of costs associated with a Stage 1, Stage 2, or Stage 3 site investigation may not be submitted prior to the approval or modification of a site investigation plan for the next stage of the site investigation or the site investigation completion report, whichever is applicable.
- i) Applications for payment of costs associated with site investigation or corrective action that was deferred pursuant to Section 734.450 of this Part may not be submitted prior to approval or modification of the corresponding site investigation plan, site investigation completion report, or corrective action completion report.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency complete and fully executed Applications for Payment	1	each	The quantity of deliverables required for this task is dependent on the schedule and duration of the clean-up activities performed.	734.605

**TASK LIST**

734

**Task:** 445(c) - Agency Req Additional Water Supply Well Survey**Regulation**

c) The Agency may require additional investigation of potable water supply wells, regulated recharge areas, or wellhead protection areas if site-specific circumstances warrant. Such circumstances must include, but not be limited to, the existence of one or more parcels of property within 200 feet of the current or modeled extent of soil or groundwater contamination exceeding the Tier 1 groundwater ingestion exposure route remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants where potable water is likely to be used, but that is not served by a public water supply or a well identified pursuant to subsections (a) or (b) of this Section. The additional investigation may include, but is not limited to, physical well surveys (e.g., interviewing property owners, investigating individual properties for wellheads, distributing door hangers or other material that requests information about the existence of potable wells on the property, etc.).

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Additional Water Supply Well Survey Information as required by the Agency	0			734.445(c)



**TASK LIST**

734 SI

**Task:** 315(b) - Prepare & Submit Stage 1 Work Plan**Regulation**

b) The Stage 1 site investigation plan must consist of a certification signed by the owner or operator, and by a Licensed Professional Engineer or Licensed Professional Geologist, that the Stage 1 site investigation will be conducted in accordance with this Section.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Stage 1 Work Plan	1	each		734.315(b)

**TASK LIST**

734 SI

**Task:** 310(b)1 - Prepare & Submit Stage 1 Work Plan Budget**Regulation**

b) Any owner or operator intending to seek payment from the Fund must, prior to conducting any site investigation activities, submit to the Agency a site investigation budget with the corresponding site investigation plan. The budget must include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation, and completion of the site investigation plan, excluding handling charges and costs associated with monitoring well abandonment. Costs associated with monitoring well abandonment must be included in the corrective action budget. Site investigation budgets should be consistent with the eligible and ineligible costs listed at Sections 734.625 and 734.630 of this Part and the maximum payment amounts set forth in Subpart H of this Part. A budget for a Stage 1 site investigation must consist of a certification signed by the owner or operator, and by a Licensed Professional Engineer or Licensed Professional Geologist, that the costs of the Stage 1 site investigation will not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Stage 1 Budget Plan, corresponding to a Stage 1 Work Plan.	1	each		734.310(b)

**TASK LIST**

734 SI

**Task:** 320(b) - Prepare & Submit Stage 2 Work Plan**Regulation**

b) The Stage 2 site investigation plan must include, but not be limited to, the following:

- 1) An executive summary of Stage 1 site investigation activities and actions proposed in the Stage 2 site investigation plan to complete the identification of the extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
- 2) A characterization of the site and surrounding area, including, but not limited to, the following:
  - A) The current and projected post-remediation uses of the site and surrounding properties; and
  - B) The physical setting of the site and surrounding area including, but not limited to, features relevant to environmental, geographic, geologic, hydrologic, hydrogeologic, and topographic conditions;
- 3) The results of the Stage 1 site investigation, including but not limited to the following:
  - A) One or more site maps meeting the requirements of Section 734.440 that show the locations of all borings and groundwater monitoring wells completed to date, and the groundwater flow direction;
  - B) One or more site maps meeting the requirements of Section 734.440 that show the locations of all samples collected to date and analyzed for the applicable indicator contaminants;
  - C) One or more site maps meeting the requirements of Section 734.440 that show the extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
  - D) One or more cross-sections of the site that show the geology of the site and the horizontal and vertical extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
  - E) Analytical results, chain of custody forms, and laboratory certifications for all samples analyzed for the applicable indicator contaminants as part of the Stage 1 site investigation;
  - F) One or more tables comparing the analytical results of the samples collected to date to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;
  - G) Water supply well survey documentation required pursuant to Section 734.445(d) of this Part for water supply well survey activities conducted as part of the Stage 1 site investigation; and
  - H) For soil borings and groundwater monitoring wells installed as part of the Stage 1 site investigation, soil boring logs and monitoring well construction diagrams meeting the requirements of Sections 734.425 and 734.430 of this Part; and
- 4) A Stage 2 sampling plan that includes, but is not limited to, the following:
  - A) A narrative justifying the activities proposed as part of the Stage 2 site investigation;
  - B) A map depicting the location of additional soil borings and groundwater monitoring wells proposed to complete the identification of the extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and
  - C) The depth and construction details of the proposed soil borings and groundwater monitoring wells.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Stage 2 Work Plan	1	each		734.320(b)

**TASK LIST**

734 SI

**Task:** 310(b)2 - Prepare & Submit Stage 2 Work Plan Budget**Regulation**

b) Any owner or operator intending to seek payment from the Fund must, prior to conducting any site investigation activities, submit to the Agency a site investigation budget with the corresponding site investigation plan. The budget must include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation, and completion of the site investigation plan, excluding handling charges and costs associated with monitoring well abandonment. Costs associated with monitoring well abandonment must be included in the corrective action budget. Site investigation budgets should be consistent with the eligible and ineligible costs listed at Sections 734.625 and 734.630 of this Part and the maximum payment amounts set forth in Subpart H of this Part. A budget for a Stage 1 site investigation must consist of a certification signed by the owner or operator, and by a Licensed Professional Engineer or Licensed Professional Geologist, that the costs of the Stage 1 site investigation will not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Stage 2 Budget Plan, corresponding to a Stage 2 Work Plan	1	each		734.310(b)

**TASK LIST**

734 SI

**Task:** 325(b) - Prepare & Submit Stage 3 Work Plan**Regulation**

b) The Stage 3 site investigation plan must include, but is not limited to, the following:

1) An executive summary of Stage 2 site investigation activities and actions proposed in the Stage 3 site investigation plan to identify the extent of soil and groundwater contamination beyond the site's property boundaries that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

2) The results of the Stage 2 site investigation, including but not limited to the following:

A) One or more site maps meeting the requirements of Section 734.440 that show the locations of all borings and groundwater monitoring wells completed as part of the Stage 2 site investigation;

B) One or more site maps meeting the requirements of Section 734.440 that show the locations of all groundwater monitoring wells completed to date, and the groundwater flow direction;

C) One or more site maps meeting the requirements of Section 734.440 that show the extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

D) One or more cross-sections of the site that show the geology of the site and the horizontal and vertical extent of soil and groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

E) Analytical results, chain of custody forms, and laboratory certifications for all samples analyzed for the applicable indicator contaminants as part of the Stage 2 site investigation;

F) One or more tables comparing the analytical results of the samples collected to date to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

G) For soil borings and groundwater monitoring wells installed as part of the Stage 2 site investigation, soil boring logs and monitoring well construction diagrams meeting the requirements of Sections 734.425 and 734.430 of this Part; and

3) A Stage 3 sampling plan that includes, but is not limited to, the following:

A) A narrative justifying the activities proposed as part of the Stage 3 site investigation;

B) A map depicting the location of soil borings and groundwater monitoring wells proposed to identify the extent of soil and groundwater contamination beyond the site's property boundaries that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

C) The depth and construction details of the proposed soil borings and groundwater monitoring wells.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Stage 3 Work Plan	1	each		734.325(b)

**TASK LIST**

734 SI

**Task:** 310(b)3 - Prepare & Submit Stage 3 Work Plan Budget**Regulation**

b) Any owner or operator intending to seek payment from the Fund must, prior to conducting any site investigation activities, submit to the Agency a site investigation budget with the corresponding site investigation plan. The budget must include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation, and completion of the site investigation plan, excluding handling charges and costs associated with monitoring well abandonment. Costs associated with monitoring well abandonment must be included in the corrective action budget. Site investigation budgets should be consistent with the eligible and ineligible costs listed at Sections 734.625 and 734.630 of this Part and the maximum payment amounts set forth in Subpart H of this Part. A budget for a Stage 1 site investigation must consist of a certification signed by the owner or operator, and by a Licensed Professional Engineer or Licensed Professional Geologist, that the costs of the Stage 1 site investigation will not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a fully executed Stage 3 Budget Plan, corresponding to a Stage 3 Work Plan	1	each		734.310(b)

**TASK LIST**

734 SI

**Task:** 310(d) - Prepare & Submit Amended SI Work Plan & Budget**Regulation**

d) If, following the approval of any site investigation plan or associated budget, an owner or operator determines that a revised plan or budget is necessary in order to determine, within the area addressed in the applicable stage of the investigation, the nature, concentration, direction of movement, rate of movement, and extent of the contamination, or the significant physical features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment, the owner or operator must submit, as applicable, an amended site investigation plan or associated budget to the Agency for review. The Agency must review and approve, reject, or require modification of the amended plan or budget in accordance with Subpart E of this Part. BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all site investigation plans and associated budgets submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a fully executed Amended Site Investigation Work Plan and corresponding Budget	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed.	734.310(d)

**TASK LIST**

734 SI

**Task:** 330 - Prepare & Submit SI Completion Report**Regulation**

Section 734.330 Site Investigation Completion Report

Within 30 days after completing the site investigation, the owner or operator shall submit to the Agency for approval a site investigation completion report [415 ILCS 5/57.7(a)(5)]. At a minimum, a site investigation completion report must contain the following:

a) A history of the site with respect to the release;

b) A description of the site, including but not limited to the following:

1) General site information, including but not limited to the site's and surrounding area's regional location; geography, hydrology, geology, hydrogeology, and topography; existing and potential migration pathways and exposure routes; and current and projected post-remediation uses;

2) One or more maps meeting the requirements of Section 734.440 that show the locations of all borings and groundwater monitoring wells completed as part of site investigation, and the groundwater flow direction;

3) One or more maps showing the horizontal extent of soil and groundwater contamination exceeding the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

4) One or more map cross-sections showing the horizontal and vertical extent of soil and groundwater contamination exceeding the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

5) Soil boring logs and monitoring well construction diagrams meeting the requirements of Sections 734.425 and 734.430 of this Part for all borings drilled and all groundwater monitoring wells installed as part of site investigation;

6) Analytical results, chain of custody forms, and laboratory certifications for all samples analyzed for the applicable indicator contaminants as part of site investigation;

7) A table comparing the analytical results of samples collected as part of site investigation to the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; and

8) The water supply well survey documentation required pursuant to Section 734.445(d) of this Part for water supply well survey activities conducted as part of site investigation; and

c) A conclusion that includes, but is not limited to, an assessment of the sufficiency of the data in the report.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Site Investigation Completion Report.	1	each		734.330



**TASK LIST**

734 SI

**Task:** 315(a) - Perform Stage 1 Investigation**Regulation**

Section 734.315 Stage 1 Site Investigation The Stage 1 site investigation must be designed to gather initial information regarding the extent of on-site soil and groundwater contamination that, as a result of the release, exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. a) The Stage 1 site investigation must consist of the following:

1) Soil investigation. A) Up to four borings must be drilled around each independent UST field where one or more UST excavation samples collected pursuant to 734.210(h), excluding backfill samples, exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. One additional boring must be drilled as close as practicable to each UST field if a 248 groundwater investigation is not required under subsection (a)(2) of this Section. The borings must be advanced through the entire vertical extent of contamination, based upon field observations and field screening for organic vapors, provided that borings must be drilled below the groundwater table only if site-specific conditions warrant. B) Up to two borings must be drilled around each UST piping run where one or more piping run samples collected pursuant to Section 734.210(h) exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. One additional boring must be drilled as a close as practicable to each UST piping run if a groundwater investigation is not required under subsection (a)(2) of this Section. The borings must be advanced through the entire vertical extent of contamination, based upon field observations and field screening for organic vapors, provided that borings must be drilled below the groundwater table only if site-specific conditions warrant. C) One soil sample must be collected from each five-foot interval of each boring drilled pursuant to subsections (a)(1)(A) and (B) of this Section. Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval. All samples must be analyzed for the applicable indicator contaminants. 2) Groundwater investigation. A) A groundwater investigation is required under the following circumstances: i) There is evidence that groundwater wells have been impacted by the release above the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants; ii) Free product that may impact groundwater is found to need recovery in compliance with Section 734.215 of this Part; or iii) There is evidence that contaminated soils may be or may have been in contact with groundwater, except that, if the owner or operator pumps the excavation or tank cavity dry, properly disposes of all contaminated water, and 249 demonstrates to the Agency that no recharge is evident during the 24 hours following pumping, the owner or operator does not have to complete a groundwater investigation, unless the Agency's review reveals that further groundwater investigation is necessary. B) If a groundwater investigation is required, the owner or operator must install five groundwater monitoring wells. One monitoring well must be installed in the location where groundwater contamination is most likely to be present. The four remaining wells must be installed at the property boundary line or 200 feet from the UST system, whichever is less, in opposite directions from each other. The wells must be installed in locations where they are most likely to detect groundwater contamination resulting from the release and provide information regarding the groundwater gradient and direction of flow. C) One soil sample must be collected from each five-foot interval of each monitoring well installation boring drilled pursuant to subsection (a)(2)(B) of this Section. Each sample must be collected from the location within the five-foot interval that is the most contaminated as a result of the release. If an area of contamination cannot be identified within a five-foot interval, the sample must be collected from the center of the five-foot interval. All soil samples exhibiting signs of contamination must be analyzed for the applicable indicator contaminants. For borings that do not exhibit any signs of soil contamination, samples from the following intervals must be analyzed for the applicable indicator contaminants, provided that the samples must not be analyzed if other soil sampling conducted to date indicates that soil contamination does not extend to the location of the monitoring well installation boring: i) The five-foot intervals intersecting the elevations of soil samples collected pursuant to Section 734.210(h), excluding backfill samples, that exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. ii) The five-foot interval immediately above each five-foot interval identified in subsection (a)(2)(C)(i) of this Section; and iii) The five-foot interval immediately below each five-foot interval identified in subsection (a)(2)(C)(i) of this Section.

D) Following the installation of the groundwater monitoring wells, groundwater samples must be collected from each well and analyzed for the applicable indicator contaminants.

E) As a part of the groundwater investigation an in-situ hydraulic conductivity test must be performed in the first fully saturated layer below the water table. If multiple water bearing units are encountered, an in-situ hydraulic conductivity test must be performed on each such unit.

i) Wells used for hydraulic conductivity testing must be constructed in a manner that ensures the most accurate results.

ii) The screen must be contained within the saturated zone.

3) An initial water supply well survey in accordance with Section 734.445(a) of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Stage 1 Investigation activities	0			734.315(a)
2	Field Documentation of Stage 1 Investigation activities	0			734.315(a)

**TASK LIST**

734 SI

**Task:** 320(a) - Perform Stage 2 Investigation**Regulation**

Section 734.320 Stage 2 Site Investigation

The Stage 2 site investigation must be designed to complete the identification of the extent of soil and groundwater contamination at the site that, as a result of the release, exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. The investigation of any off-site contamination must be conducted as part of the Stage 3 site investigation.

a) The Stage 2 site investigation must consist of the following:

1) The additional drilling of soil borings and collection of soil samples necessary to identify the extent of soil contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. Soil samples must be collected in appropriate locations and at appropriate depths, based upon the results of the soil sampling and other investigation activities conducted to date, provided, however, that soil samples must not be collected below the groundwater table. All samples must be analyzed for the applicable indicator contaminants; and

2) The additional installation of groundwater monitoring wells and collection of groundwater samples necessary to identify the extent of groundwater contamination at the site that exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants. If soil samples are collected from a monitoring well boring, the samples must be collected in appropriate locations and at appropriate depths, based upon the results of the soil sampling and other investigation activities conducted to date, provided, however, that soil samples must not be collected below the groundwater table. All samples must be analyzed for the applicable indicator contaminants.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Stage 2 Investigation activities	0			734.320(a)
2	Field documentation of Stage 2 Investigation activities	0			734.320(a)

**TASK LIST**

734 SI

**Task:** 325(a) - Perform Stage 3 Investigation**Regulation**

Section 734.325 Stage 3 Site Investigation

The Stage 3 site investigation must be designed to identify the extent of off-site soil and groundwater contamination that, as a result of the release, exceeds the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants.

a) The Stage 3 site investigation must consist of the following:

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

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Stage 3 Investigation activities	0			743.325(a)
2	Field documentation of Stage 3 Investigation activities	0			734.325(a)

**TASK LIST**

734 CA

**Task:** 335(a) - Prepare & Submit CT Corrective Action Work Plan**Regulation**

Section 734.335 Corrective Action Plan

a) If any of the applicable indicator contaminants exceed the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants, within 30 days after the Agency approves the site investigation completion report, the owner or operator shall submit to the Agency for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. [415 ILCS 5/57.7(b)(2)]. The corrective action plan must address all media impacted by the UST release and must contain, at a minimum, the following information:

1) An executive summary that identifies the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives. At a minimum, the summary must include the following information:

A) The major components (e.g., treatment, containment, removal) of the corrective action plan;

B) The scope of the problems to be addressed by the proposed corrective action, including but not limited to the specific indicator contaminants and the physical area; and

C) A schedule for implementation and completion of the plan;

2) A statement of the remediation objectives proposed for the site;

3) A description of the remedial technologies selected and how each fits into the overall corrective action strategy, including but not limited to the following:

A) The feasibility of implementing the remedial technologies;

B) Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved;

C) A schedule of when the remedial technologies are expected to achieve the applicable remediation objectives and a rationale for the schedule; and

D) For alternative technologies, the information required under Section 734.340 of this Part;

4) A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored or measured during their implementation and after their completion;

5) A description of the current and projected future uses of the site;

6) A description of any engineered barriers or institutional controls proposed for the site that will be relied upon to achieve remediation objectives. The description must include, but not be limited to, an assessment of their long-term reliability and operating and maintenance plans;

7) A description of water supply well survey activities required pursuant to Sections 734.445(b) and (c) of this Part that were conducted as part of site investigation; and

8) Appendices containing references and data sources relied upon in the report that are organized and presented logically, including but not limited to field logs, well logs, and reports of laboratory analyses.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of one (1) complete and fully executed Conventional Technology Corrective Action Work Plan	1	each		734.335(a)

**TASK LIST**

734 CA

**Task:** 335(b) - Prepare & Submit CT Corrective Action Budget**Regulation**

b) Any owner or operator intending to seek payment from the Fund must, prior to conducting any corrective action activities beyond site investigation, submit to the Agency a corrective action budget with the corresponding corrective action plan. The budget must include, but is not limited to, a copy of the eligibility and deductibility determination of the OSFM and an estimate of all costs associated with the development, implementation, and completion of the corrective action plan, excluding handling charges. The budget should be consistent with the eligible and ineligible costs listed at Sections 734.625 and 734.630 of this Part and the maximum payment amounts set forth in Subpart H of this Part. As part of the budget the Agency may require a comparison between the costs of the proposed method of remediation and other methods of remediation.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Conventional Technology Corrective Action Budget Plan, corresponding to a Conventional Technology Corrective Action Work Plan	1	each		734.335(b)

**TASK LIST**

734 CA

**Task:** 335(e) - Prepare & Submit Amended CAP & Budget**Regulation**

e) If, following approval of any corrective action plan or associated budget, an owner or operator determines that a revised plan or budget is necessary in order to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release, the owner or operator must submit, as applicable, an amended corrective action plan or associated budget to the Agency for review. The Agency must review and approve, reject, or require modification of the amended plan or budget in accordance with Subpart E of this Part.

BOARD NOTE: Owners and operators are advised that the total payment from the Fund for all corrective action plans and associated budgets submitted by an owner or operator must not exceed the amounts set forth in Subpart H of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a fully executed Amended Corrective Action Work Plan and corresponding Budget	0	each	The quantity of deliverables required for this task is dependent on the characteristics of the site and the success of the previous activities performed.	734.335(e)

**TASK LIST**

734 CA

**Task:** 340(a) - Prepare & Submit ALT Corrective Action Plan**Regulation**

Section 734.340 Alternative Technologies

a) An owner or operator may choose to use an alternative technology for corrective action in response to a release. Corrective action plans proposing the use of alternative technologies must be submitted to the Agency in accordance with Section 734.335 of this Part. In addition to the requirements for corrective action plans contained in Section 734.335, the owner or operator who seeks approval of an alternative technology must submit documentation along with the corrective action plan demonstrating that:

- 1) The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives necessary to comply with the Act and regulations and to protect human health and safety and the environment;
- 2) The proposed alternative technology will not adversely affect human health and safety or the environment;
- 3) The owner or operator will obtain all Agency permits necessary to legally authorize use of the alternative technology;
- 4) The owner or operator will implement a program to monitor whether the requirements of subsection (a)(1) of this Section have been met; and
- 5) Within one year from the date of Agency approval the owner or operator will provide to the Agency monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (a)(1) of this Section and any other applicable regulations. The Agency may require interim reports as necessary to track the progress of the alternative technology. The Agency will specify in the approval when those interim reports must be submitted to the Agency.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Alternative Technology Corrective Action Work Plan	1	each		734.340(a)

**TASK LIST**

734 CA

**Task:** 340(b) - Prepare & Submit ALT Corrective Action Budget**Regulation**

b) An owner or operator intending to seek payment for costs associated with the use of an alternative technology must submit a corresponding budget in accordance with Section 734.335 of this Part. In addition to the requirements for a corrective action budget at Section 734.335 of this Part, the budget must demonstrate that 260 the cost of the alternative technology will not exceed the cost of conventional technology and is not substantially higher than other available alternative technologies. The budget plan must compare the costs of at least two other available alternative technologies to the costs of the proposed alternative technology, if other alternative technologies are available and are technically feasible.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Alternative Technology Corrective Action Budget Plan, corresponding to an Alternative Technology Corrective Action Work Plan	1	each		734.340(b)



**TASK LIST**

734 CA

**Task:** 340(d) - Perform Agency Required Remote Monitoring**Regulation**

d) The Agency may require remote monitoring of an alternative technology. The monitoring may include, but is not limited to, monitoring the alternative technology's operation and progress in achieving the applicable remediation objectives.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Documentation of Agency Required Remote Monitoring	0			734.340(d)

**TASK LIST**

734 CA

**Task:** 355 - Prepare & Submit Corrective Action Status Report**Regulation**

Section 734.355 Status Report

- a) If within 4 years after the approval of any corrective action plan the applicable remediation objectives have not been achieved and the owner or operator has not submitted a corrective action completion report, the owner or operator shall submit a status report for Agency review. The status report shall include, but is not limited to, a description of the remediation activities taken to date, the effectiveness of the method of remediation being used, the likelihood of meeting the applicable remediation objectives using the current method of remediation, and the date the applicable remediation objectives are expected to be achieved [415 ILCS 5/57.7(b)(6)].
- b) If the Agency determines any approved corrective action plan will not achieve applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit to the Agency for approval a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator shall also submit a revised budget [415 ILCS 5/57.7(b)(7)]. The revised corrective action plan and any associated budget must be submitted in accordance with Section 734.335 of this Part.
- c) Any action by the Agency to require a revised corrective action plan pursuant to subsection (b) of this Section must be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency a complete and fully executed Corrective Action Status Report	1	each	The quantity of deliverables required for this task is dependent on the schedule and duration of the clean-up activities performed.	734.355

**TASK LIST**

734 CA

**Task:** 345(a)(1-2,4-8) - Prepare & Submit CACR**Regulation**

Section 734.345 Corrective Action Completion Report

a) Within 30 days after the completion of a corrective action plan that achieves applicable remediation objectives the owner or operator shall submit to the Agency for approval a corrective action completion report. The report shall demonstrate whether corrective action was completed in accordance with the approved corrective action plan and whether the remediation objectives approved for the site, as well as any other requirements of the plan, have been achieved [415 ILCS 5/ 57.7(b)(5)]. At a minimum, the report must contain the following information:

1) An executive summary that identifies the overall objectives of the corrective action and the technical approach utilized to meet those objectives. At a minimum, the summary must contain the following information:

A) A brief description of the site, including but not limited to a description of the release, the applicable indicator contaminants, the contaminated media, and the extent of soil and groundwater contamination that exceeded the most stringent Tier 1 remediation objectives of 35 Ill. Adm. Code 742 for the applicable indicator contaminants;

B) The major components (e.g., treatment, containment, removal) of the corrective action; C) The scope of the problems corrected or mitigated by the corrective action; and D) The anticipated post-corrective action uses of the site and areas immediately adjacent to the site; 2) A description of the corrective action activities conducted, including but not limited to the following: ii) Sample preservation and shipment information, including but not limited to field quality control; iii) Analytical procedure information, including but not limited to the method detection limits and the practical quantitation limits; iv) Chain of custody and control; and v) Field and lab blanks; and D) Soil boring logs and monitoring well construction diagrams meeting the requirements of Sections 734.425 and 734.430 of this Part for all borings drilled and all groundwater monitoring wells installed as part of corrective action; 3) A narrative description of any special conditions relied upon as part of corrective action, including but not limited to information regarding the following:

A) A narrative description of the field activities conducted as part of corrective action;

B) A narrative description of the remedial actions implemented at the site and the performance of each remedial technology utilized;

C) Documentation of sampling activities conducted as part of corrective action, including but not limited to the following:

i) Sample collection information, including but not limited to the sample collector's name, the date and time of sample collection, the collection method, and the sample location;

262 A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives; B) Institutional controls utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives, including but not limited to a legible copy of any such controls; C) Other conditions, if any, necessary for protection of human health and safety and the environment that are related to the issuance of a No Further Remediation Letter; and D) Any information required pursuant to Section 734.350 of this Part regarding off-site access; 4) An analysis of the effectiveness of the corrective action that compares the confirmation sampling results to the remediation objectives approved for the site. The analysis must present the remediation objectives in an appropriate format (e.g., tabular and graphical displays) such that the information is organized and presented logically and the relationships between the different investigations for each medium are apparent; 5) A conclusion that identifies the success in meeting the remediation objectives approved for the site, including but not limited to an assessment of the accuracy and completeness of the data in the report; 6) Appendices containing references and data sources relied upon in the report that are organized and presented logically, including but not limited to field logs, well logs, and reports of laboratory analyses; 7) The water supply well survey documentation required pursuant to Section 734.445(d) of this Part for water supply well survey activities conducted as part of corrective action; and 8) A site map containing only the information required under Section 734.440 of this Part. The site map must also show any engineered barriers utilized to achieve remediation objectives.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Submission to the Agency of a complete and fully executed Corrective Action Completion Report	1	each		734.345(a)

**TASK LIST**

734 CA

**Task:** 345(a)(3) - Document Engineered Barriers and Controls**Regulation**

3) A narrative description of any special conditions relied upon as part of corrective action, including but not limited to information regarding the following:

- A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives;
- B) Institutional controls utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives, including but not limited to a legible copy of any such controls;
- C) Other conditions, if any, necessary for protection of human health and safety and the environment that are related to the issuance of a No Further Remediation Letter; and
- D) Any information required pursuant to Section 734.350 of this Part regarding off-site access;

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Appropriate documentation of Engineered Barriers and Institutional Controls	1			734.345(a)(3)

**TASK LIST**

734 CA

**Task:** 335(c) - Perform CT Corrective Action**Regulation**

c) Upon the Agency's approval of a corrective action plan, or as otherwise directed by the Agency, the owner or operator shall proceed with corrective action in accordance with the plan [415 ILCS 5/57.7(b)(4)].

d) Notwithstanding any requirement under this Part for the submission of a corrective action plan or corrective action budget, except as provided at Section 734.340 of this Part, an owner or operator may proceed to conduct corrective action activities in accordance with this Subpart C prior to the submittal or approval of an otherwise required corrective action plan or budget. However, any such plan and budget must be submitted to the Agency for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of this Part prior to payment for any related costs or the issuance of a No Further Remediation Letter.

BOARD NOTE: Owners or operators proceeding under subsection (d) of this Section are advised that they may not be entitled to full payment from the Fund. Furthermore, applications for payment must be submitted no later than one year after the date the Agency issues a No Further Remediation Letter. See Subpart F of this Part.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Conventional Technology Corrective Action activities	0			734.335(c )
2	Field documentation of Conventional Technology Corrective Action activities	0			734.335(c )

**TASK LIST**

734 CA

**Task:** 340(c) - Perform ALT Corrective Action**Regulation**

c) If an owner or operator has received approval of a corrective action plan and associated budget from the Agency prior to implementing the plan and the alternative technology fails to satisfy the requirements of subsection (a)(1) or (a)(2) of this Section, such failure must not make the owner or operator ineligible to seek payment for the activities associated with the subsequent performance of a corrective action using conventional technology. However, in no case must the total payment for the site exceed the statutory maximums. Owners or operators implementing alternative technologies without obtaining pre-approval must be ineligible to seek payment for the subsequent performance of a corrective action using conventional technology.

**Scope of Work**

Includes all labor, equipment, materials, supplies and subcontractors necessary to complete the deliverables listed below in accordance with the regulatory requirements set forth in association with each deliverable.

**Deliverable(s)**

<u>#</u>	<u>Description</u>	<u>Qty.</u>	<u>UnitOfMeasure</u>	<u>Notes</u>	<u>Regulations</u>
1	Oversight and direction of Alternative Technology Corrective Action activities	0			734.340(c )
2	Field documentation of Alternative Technology Corrective Action activities	0			734.340(c )