

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DAVE McGHEE,)	
)	
Petitioner,)	
)	PCB No. 07-
vs.)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. Greg Richardson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62764-9276

PLEASE TAKE NOTICE that on December 4, 2007 I electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the Petitioner's Brief, a copy of which is herewith served upon you.

Respectfully Submitted

DAVE McGHEE,
Petitioner

BY: _____
Jeffrey W. Tock

Dated: December 5, 2007

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DAVE McGHEE,)	
)	
Petitioner,)	
)	PCB No. 2008-36
vs.)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ENTRY OF APPEARANCE OF JEFFREY W. TOCK

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

Respectfully Submitted

DAVE McGHEE,
Petitioner,

By: /S/
Jeffrey W. Tock

Dated: December 5, 2007

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Harrington & Tock
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DAVE McGHEE,)	
)	
Petitioner,)	
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vs.)	PCB No. 07-
)	(UST Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**PETITION FOR REVIEW OF ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY'S DECISION TO DENY
PETITIONER'S HIGH PRIORITY CORRECTIVE ACTION PLAN BUDGET**

NOW COMES the Petitioner, DAVE McGHEE (hereinafter "Petitioner"), by and through its attorneys, Harrington & Tock, and, pursuant to Sections 40 and 57.7 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40, 5/57.7), and 35 Ill. Admin. Code Part 105, hereby requests review of the decision by the Respondent, Illinois Environmental Protection Agency ("Agency"), to modify the Petitioner's Corrective Action Budget Proposal. In support of this Petition, the Petitioner states as follows:

1. Petitioner is the owner of certain real property located at 112 N. Sycamore Street, Villa Grove, Illinois, hereinafter referred to as the "Site".
2. Petitioner was the owner of underground storage tanks ("USTs") formerly located at the Site.
3. Petitioner submitted to the Agency its Corrective Action Plan and Budget for the Site on July 10, 2007. A copy of the Corrective Action Budget Proposal as submitted to Respondent is attached hereto as Exhibit "A".
4. The Agency approved the Corrective Action Plan ("CAP") on November 1, 2007. No appeal is being taken as to the approval of the CAP.

5. By the same letter dated November 1, 2007, the Agency modified the proposed Budget for the reasons listed in Attachment A to that letter. A true and accurate copy of that letter, with attachments, is attached hereto and made a part hereof as Exhibit "B".
6. Also attached to the Agency's November 1, 2007 letter was a page captioned "Appeal Rights" which stated that "An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board... within 35 days after the date of issuance of the final decision".
7. This Petition to review the Agency's rejection of the proposed Budget is filed within 35 days from November 1, 2007.
8. Section 1 of Attachment A to the Agency's letter of September 12, 2006 states as follows:

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

\$4,390.05	Drilling and Monitoring Well Costs
\$3,149.60	Analytical Costs
\$73,536.25	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$11,270.80	Paving, Demolition and Well Abandonment Costs
\$0.00	Consulting Personnel Costs
\$2,312.63	Consultant's Materials Costs

9. Petitioner appeals the Agency's rejection of all Consulting Personnel Costs.
10. The Agency stated in 2 of Attachment A to the November 1, 2007 letter as follows:

"2. The Agency is requesting a more detailed breakdown of costs per individual in the personnel portion of the budget. Based upon this request, all of the consulting personnel costs were deducted from the budget."

11. 35 Ill.Adm.Code 732.606(hh) states as follows:

“Costs ineligible for payment from the Fund include but are not limited to: ... (hh) Costs proposed as part of a budget plan that are unreasonable; ...”

12. The proposed Budget submitted by Petitioner to the Agency on July 10, 2007 contained the proposed Consulting Personnel Costs on the new budget forms required by IEPA, copies of the Consulting Personnel Costs Forms are attached hereto as group Exhibit “C”. The forms show twenty-five (25) line entries that describe the Remediation Category, the title of the person performing the work, the number of hours allocated to perform the work, the hourly rate for each person performing the work, the total cost for each line item and a description of each task within the Remediation Category.

13. This level of detailed breakdown of the costs/hours/persons associated with the CAP is a method that was approved by the Illinois Pollution Control Board (IPCB) in February of this year in *Webb & Sons, Inc. vs. IEPA*, PCB 07-24 (February 15, 2007). The issues in *Webb* were nearly identical to the issues here. In *Webb*, the IEPA, by Harry A. Chappel as Unit Manager, rejected all Personnel Costs and requested “an hourly breakdown of each task performed by each job title in order to make a more thorough review of the proposed personnel costs.” At hearing, Mr. John Malcom of the EPA testified that he knew the acceptable range for personnel costs for each part of the project and each personnel title. Mr. Malcom is now the project manager on this case and is knowledgeable of what is a reasonable cost for each task.

14. The PCB agreed with petitioner that IEPA could make a determination of whether or not the Consulting Personnel Costs submitted by Petitioner were reasonable without having the Petitioner submit an additional hourly breakdown of each task performed by each job title.
15. It was bad faith, arbitrary and capricious of the Agency to reject Petitioner's Budget proposal based upon an alleged lack of a detailed breakdown of all hours associated with each task, given the level of detail stated in the proposed Budget.
16. It was bad faith, arbitrary and capricious of the Agency to reject Petitioner's Budget proposal based upon the Agency's objection to an alleged lack of detail when the Agency has approved this same level of hourly breakdown of tasks for other projects.
17. Petitioner seeks review of the Agency's November 1, 2007 rejection of the Consulting Personnel Costs set forth in Petitioner's Budget proposal.

WHEREFORE, Petitioner, DAVE McGHEE, respectfully requests that the Illinois Pollution Control Board grant the following relief:

1. Find that the Agency's November 1, 2007 rejection of the Consulting Personnel Costs section of the Petitioner's Budget proposal was in bad faith, arbitrary, capricious and without statutory authority;
2. Reverse the Agency's decision to reject the Consulting Personnel Costs section of the Petitioner's Budget proposal;
3. Remand this matter to the Agency with instructions to approve the Petitioner's Budget proposal as submitted;

4. Award the Petitioner his attorney's fees and expenses incurred in bringing this action; and,
5. Award such further relief as deemed just and equitable in these premises.

DAVE McGHEE,
Petitioner,

By: /S/
Jeffrey W. Tock

Dated: [December 5, 2007](#)

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

LPC #: 0410355014 County: Douglas

City: Villa Grove Site Name: Dave's Conoco

Site Address: 112 North Sycamore

IEMA Incident No.: 20010679

IEMA Notification Date.: Apr 19, 2001

Date this form was prepared: Jul 10, 2007

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

- Budget Proposal
- Budget Amendment (Budget amendments must include only the costs over the previous budget.)
- Billing Package

Please provide the name(s) and date(s) of report(s) documenting the costs requested:

Name(s): _____

Date(s): _____

This package is being submitted for the site activities indicated below :

35 III. Adm. Code 734:

- Early Action
- Free Product Removal after Early Action
- Site Investigation Stage 1: Stage 2: Stage 3:
- Corrective Action

35 III. Adm. Code 732:

- Early Action
- Free Product Removal after Early Action
- Site Classification
- Low Priority Corrective Action
- High Priority Corrective Action

35 III. Adm. Code 731:

- Site Investigation
- Corrective Action

General Information for the Budget and Billing Forms

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

Pay to the order of: Dave McGhee

Send in care of: HDC Engineering

Address: 201 W. Springfield Avenue, Suite 300

City: Champaign

State: Illinois

Zip: 61824

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

Dave McGhee

Signature of the owner or operator of the UST(s) (required)

If you have a change of address, [click here](#) to print off a W-9 Form.

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

Fewer than 101: 101 or more:

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

Number of incidents reported to IEMA for this site: 1

Incident Numbers assigned to the site due to releases from USTs: 20010679

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

Product Stored in UST	Size (gallons)	Did UST have a release?	Incident No.	Type of Release Tank Leak / Overfill / Piping Leak
gasoline	6,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20010679	Tank Leak
gasoline	6,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20010679	Tank Leak
diesel	6,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20010679	Tank Leak
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		

Add More Rows Undo Last Add

Budget Summary

Choose the applicable regulation: 734 732

732	Free Product	Site Classification	Low Priority Corrective Action	High Priority Corrective Action to Define the Extent of Contamination	High Priority Corrective Action
Drilling and Monitoring Well Costs Form	\$	\$	\$	\$	\$ 4,390.05
Analytical Costs Form	\$	\$	\$	\$	\$ 3,149.60
Remediation and Disposal Costs Form	\$	\$	\$	\$	\$ 73,536.25
UST Removal and Abandonment Costs Form	\$	\$	\$	\$	\$.00
Paving, Demolition, and Well Abandonment Costs Form	\$	\$	\$	\$	\$ 11,270.80
Consulting Personnel Costs Form	\$	\$	\$	\$	\$ 95,587.00
Consultant's Materials Costs Form	\$	\$	\$	\$	\$ 2,312.63
Handling Charges Form	Handling charges will be determined at the time a billing package is submitted to the Illinois EPA. The amount of allowable handling charges will be determined in accordance with the Handling Charges Form.				
Total	\$	\$	\$	\$	\$ 190,246.33

Drilling and Monitoring Well Costs Form

1. Drilling

Number of Borings to Be Drilled	Type HSA/PUSH/ Injection	Depth (feet) of Each Boring	Total Feet Drilled	Reason for Drilling
1	PUSH	1.00	1.00	Lump sum drill cost (1 boring (8 ft) for TACO sample)
1	PUSH	1.00	1.00	Lump sum drill cost (landfill parameter sample (8 ft))
1	HSA	1.00	1.00	Lump sum drill cost (replace MW3, if needed (15 ft))

	Total Feet	Rate per Foot (\$)	Total Cost
Total Feet via HSA:	1.00	1,588.00	\$1,588.00
Total Feet via PUSH:	2.00	1,270.00	\$2,540.00
Total Feet for Injection via PUSH:			
Total Drilling Costs:			\$4,128.00

2. Monitoring / Recovery Wells

Number of Wells	Type of Well HSA / PUSH / 4" or 6" Recovery / 8" Recovery	Diameter of Well (inches)	Depth of Well (feet)	Total Feet of Wells to Be Installed
1	HSA	2.00	15.00	15.00

Well Installation	Total Feet	Rate per Foot (\$)	Total Cost
Total Feet via HSA:	15.00	17.47	\$262.05
Total Feet via PUSH:			
Total Feet of 4" or 6" Recovery:			
Total Feet of 8" or Greater Recovery:			
Total Well Costs:			\$262.05

Total Drilling and Monitoring Well Costs:	\$4,390.05
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Analytical Costs Form

Laboratory Analysis	Number of Samples		Cost (\$) per Analysis		Total per Parameter
Chemical Analysis					
BETX Soil with MTBE EPA 8260	27	X	89.00	=	\$2,403.00
BETX Water with MTBE EPA 8260	2	X	85.00	=	\$170.00
COD (Chemical Oxygen Demand)		X		=	
Corrosivity		X		=	
Flash Point or Ignitability Analysis EPA 1010	1	X	34.00	=	\$34.00
Fraction Organic Carbon Content (f_{OC}) ASTM-D 2974-00	1	X	40.00	=	\$40.00
Fat, Oil, & Grease (FOG)		X		=	
LUST Pollutants Soil - analysis must include volatile, base/neutral, polynuclear aromatics and metals list in Section 732. Appendix B and 734. Appendix B		X		=	
Dissolved Oxygen (DO)		X		=	
Paint Filter (Free Liquids)	1	X	14.00	=	\$14.00
PCB / Pesticides (combination)		X		=	
PCBs		X		=	
Pesticides		X		=	
pH		X		=	
Phenol		X		=	
Polynuclear Aromatics PNA, or PAH SOIL EPA 8270		X		=	
Polynuclear Aromatics PNA, or PAH WATER EPA 8270		X		=	
Reactivity		X		=	
SVOC - Soil (Semi-Volatile Organic Compounds)		X		=	
SVOC - Water (Semi-Volatile Organic Compounds)		X		=	
TKN (Total Kjeldahl) "nitrogen"		X		=	
TPH (Total Petroleum Hydrocarbons)		X		=	
VOC (Volatile Organic Compounds) - Soil (Non-Aqueous)		X		=	
VOC (Volatile Organic Compounds) - Water		X		=	
		X		=	
		X		=	
		X		=	
		X		=	
		X		=	
Geo-Technical Analysis					
Soil Bulk Density (ρ_b) ASTM D2937-94	1	X	23.00	=	\$23.00
Ex-situ Hydraulic Conductivity / Permeability		X		=	
Moisture Content (w) ASTM D2216-92 / D4643-93	1	X	12.70	=	\$12.70
Porosity		X		=	
Rock Hydraulic Conductivity Ex-situ		X		=	
Sieve / Particle Size Analysis ASTM D422-63 / D1140-54	1	X	153.00	=	\$153.00
Soil Classification ASTM D2488-90 / D2487-90		X		=	
Soil Particle Density (ρ_s) ASTM D854-92		X		=	
		X		=	
		X		=	
		X		=	

Analytical Costs Form

Metals Analysis					
Soil preparation fee for Metals TCLP Soil (one fee per soil sample)	1	X	83.00	=	\$83.00
Soil preparation fee for Metals Total Soil (one fee per soil sample)		X		=	
Water preparation fee for Metals Water (one fee per water sample)		X		=	
Arsenic TCLP Soil		X		=	
Arsenic Total Soil		X		=	
Arsenic Water		X		=	
Barium TCLP Soil		X		=	
Barium Total Soil		X		=	
Barium Water		X		=	
Cadmium TCLP Soil		X		=	
Cadmium Total Soil		X		=	
Cadmium Water		X		=	
Chromium TCLP Soil		X		=	
Chromium Total Soil		X		=	
Chromium Water		X		=	
Cyanide TCLP Soil		X		=	
Cyanide Total Soil		X		=	
Cyanide Water		X		=	
Iron TCLP Soil		X		=	
Iron Total Soil		X		=	
Iron Water		X		=	
Lead TCLP Soil	1	X	16.90	=	\$16.90
Lead Total Soil		X		=	
Lead Water		X		=	
Mercury TCLP Soil		X		=	
Mercury Total Soil		X		=	
Mercury Water		X		=	
Selenium TCLP Soil		X		=	
Selenium Total Soil		X		=	
Selenium Water		X		=	
Silver TCLP Soil		X		=	
Silver Total Soil		X		=	
Silver Water		X		=	
Metals TCLP Soil (a combination of all metals) RCRA		X		=	
Metals Total Soil (a combination of all metals) RCRA		X		=	
Metals Water (a combination of all metals) RCRA		X		=	
		X		=	
		X		=	
		X		=	
		X		=	
Other					
EnCore® Sampler, purge-and-trap sampler, or equivalent sampling device		X		=	
Sample Shipping per sampling event ¹	4	X	50.00	=	\$200.00

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

Total Analytical Costs: \$ 3,149.60

Remediation and Disposal Costs Form

A. Conventional Technology

Excavation, Transportation, and Disposal of contaminated soil and/or the 4-foot backfill material removal during early action activities:

Number of Cubic Yards	Cost per Cubic Yard (\$)	Total Cost
848.00	60.35	\$51,176.80

Backfilling the Excavation:

Number of Cubic Yards	Cost per Cubic Yard (\$)	Total Cost
848.00	21.17	\$17,952.16

Overburden Removal and Return:

Number of Cubic Yards	Cost per Cubic Yard (\$)	Total Cost

B. Alternative Technology

Alternative Technology Selected:	
Number of Cubic Yards of Soil to Be Remediated	
Total Non-Consulting Personnel Costs Summary Sheet (\$)	
Total Remediation Materials Costs Summary Sheet (\$)	
Total Cost of the System	

Remediation and Disposal Costs Form

C. Groundwater Remediation and/or Free Product Removal System

Total Non-Consulting Personnel Costs Summary Sheet (\$)	
Total Remediation Materials Costs Summary Sheet (\$)	
Total Cost of the System	

D. Groundwater and/or Free Product Removal and Disposal

Number of Gallons	Cost per Gallon (\$)	Total Cost
5,386	.72	\$3,877.92

E. Drum Disposal

Number of Drums of Solid Waste	Cost per Drum (\$)	Total Cost
1	264.68	\$264.68
Number of Drums of Liquid Waste	Cost per Drum (\$)	Total Cost
1	264.69	\$264.69
Total Drum Disposal Costs		\$529.37

Total Remediation and Disposal Costs:	\$73,536.25
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Paving, Demolition, and Well Abandonment Costs Form

A. Concrete and Asphalt Placement/Replacement

Number of Square Feet	Asphalt or Concrete	Thickness (inches)	Cost (\$) per Square Foot	Replacement or Placement for an Engineered Barrier	Total Cost
		.00			

Total Concrete and Asphalt Placement/Replacement Costs:	
--	--

B. Building Destruction or Dismantling and Canopy Removal

Item to Be Destroyed, Dismantled, or Removed	Unit Cost (\$)	Total Cost (\$)
Site building	10,000.00	10,000.00

Total Building Destruction or Dismantling and Canopy Removal Costs:	\$10,000.00
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Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Professional Engineer	28.00	105.00	\$2,940.00
CCAP	Review CA plan				
		Professional Engineer	19.00	105.00	\$1,995.00
CCAP-Budget	Review and certify CA budget				
		Professional Engineer	24.00	105.00	\$2,520.00
CCAP-Field	Monitor CA field activities				
		Professional Engineer	28.00	105.00	\$2,940.00
CACR	Review and certify CA completion report				
		Professional Engineer	28.00	105.00	\$2,940.00
CA-Pay	Review and certify CAP preparation and CA completion reimbursements				
		Senior Project Manager	157.00	100.00	\$15,700.00
CCAP	Project management, IEPA and client correspondence, scheduling, CA plan preparation				
		Senior Project Manager	80.00	100.00	\$8,000.00
CCAP-Budget	CA budget preparation, IEPA correspondence, subcontractor setup				
		Geologist III	80.00	92.00	\$7,360.00
TACO 2 or 3	Conduct Tier 2 soil assessments, compile SSL & RBCA Equation spreadsheets				
		Geologist III	52.00	92.00	\$4,784.00
CCAP-Budget	CA budget preparation				

Consulting Personnel Costs Form

Employee Name	Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task			
	Geologist III	8.00	92.00	\$736.00
CCAP-Field	Confirmation soil sampling, packaging, shipping			
	Geologist III	40.00	92.00	\$3,680.00
CACR	Compile CA soil and groundwater analytical results, prepare completion report			
	Geologist III	36.00	92.00	\$3,312.00
CA-Pay	Prepare two CA reimbursement packages			
	Senior Scientist	82.00	89.00	\$7,298.00
CCAP	Compile data to evaluate CA plan, revise CA plan, conduct groundwater modeling			
	Senior Scientist	36.00	89.00	\$3,204.00
TACO 2 or 3	Compile site specific parameters, incorporate into TACO analysis			
	Senior Scientist	12.00	89.00	\$1,068.00
CCAP-Field	Health and safety plan, excavation and backfill supervision			
	Senior Scientist	32.00	89.00	\$2,848.00
CA-Pay	Prepare CA planning and completion reimbursements			
	Senior Scientist	24.00	89.00	\$2,136.00
CACR	Gather field data for completion report			
	Senior Scientist	40.00	89.00	\$3,560.00
CCAP-Budget	Estimate costs for CA completion and fill out CA budget forms			

Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Scientist III	60.00	74.00	\$4,440.00
CCAP	Subcontractor coordination, IEPA correspondence, drum disposal coordination, CAP preparation				
		Scientist III	57.00	74.00	\$4,218.00
CCAP-Budget	CA budget preparation, IEPA and landfill correspondence				
		Scientist III	48.00	74.00	\$3,552.00
CCAP-Field	Excavation and backfilling supervision, landfill parameter and confirmation soil sampling, well surveying				
		Technician 1	8.00	47.00	\$376.00
CCAP	Collect field data for CAP				
		Technician 1	68.00	47.00	\$3,196.00
CCAP-Field	Demolition, excavation and backfilling supervision, manifest/weight ticket collection, confirmation soil sampling, groundwater monitoring, well surveying				
		Drafter IV	24.00	58.00	\$1,392.00
CCAP	Site maps and drawings for corrective action plan				
		Drafter IV	24.00	58.00	\$1,392.00
CACR	Site maps and drawings for completion report				

*Refer to the applicable Maximum Payment Amounts document.

Total of Consulting Personnel Costs	\$95,587.00
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Consultant's Materials Costs Form

Materials, Equipment, or Field Purchase		Time or Amount Used	Rate (\$)	Unit	Total Cost
Remediation Category	Description/Justification				
Photoionization Detector (PID)		4.00	50.00	day	\$200.00
CCA-Field	Screen soil samples				
Environmental Support Vehicle		10.00	50.00	day	\$500.00
CCA-Field	Demolition, Excavation, Backfill oversight, soil/groundwater sampling				
Sampling Supplies		5.00	50.00	day	\$250.00
CCA-Field	Landfill profile and excavation sampling				
Water Level Meter		1.00	50.00	day	\$50.00
CCA-Field	One round of groundwater sampling				
Pump		1.00	50.00	day	\$50.00
CCA-Field	One round of groundwater sampling				
Mileage		510.00	.48	mile	\$247.35
CCA-Field	Trips to site (TACO sample, excavation/backfill, groundwater sampling)				
Terra Core Samplers		27.00	3.00	each	\$81.00
CCA-Field	Confirmation soil samples				
Bailers		1.00	10.28	each	\$10.28
CCA-Field	Groundwater monitoring				
Prints		1.00	9.00	each	\$9.00
CCAP	Site maps/plans				

Materials, Equipment, or Field Purchase		Time or Amount Used	Rate (\$)	Unit	Total Cost
Remediation Category	Description/Justification				
Rental Toilet		1.00	65.00	month	\$65.00
CCA-Field	During excavation and backfill activities				
Fencing/Signs		6.00	100.00	day	\$600.00
CCA-Field	Fencing/caution tape around excavation				
Survey Equipment		1.00	50.00	day	\$50.00
CCA-Field	Survey new well (MW3 replacement)				
Certified Mail		1.00	100.00	each	\$100.00
CACR	Postage fees				
NFR/ELUC Recording Fees		2.00	50.00	each	\$100.00
CACR	Recording fees				

Total of Consultant Materials Costs	\$2,312.63
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Owner/Operator and Licensed Professional Engineer/Geologist Budget Certification Form

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 20010679. I further certify that the costs set forth in this budget are for necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57, no costs are included in this budget that are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

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

Owner/Operator: Dave McGhee

Authorized Representative: _____

Title: _____

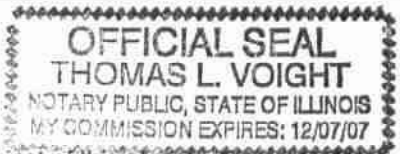
Signature: *Paul W. Gilbert*

Date: 6-29-07

Subscribed and sworn to before me the 29th day of June, 2007

Thomas L. Voight
(Notary Public)

Seal:



In addition, I certify under penalty of law that all activities that are the subject of this plan, budget, or report were conducted under my supervision or were conducted under the supervision of another Licensed Professional Engineer or Licensed Professional Geologist and reviewed by me; that this plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in the plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 732 or 734, and generally accepted standards and practices of my profession; and that the information presented is accurate and complete. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA, including but not limited to fines, imprisonment, or both as provided in Sections 4B and 4.57-17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

L.P.E./L.P.G.: Kevin R. Saylor

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

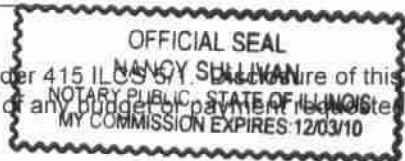
L.P.E./L.P.G. Signature: *Kevin R. Saylor*

Date: 6/29/07

Subscribed and sworn to before me the 29th day of June, 2007

Nancy Sullivan
(Notary Public)

Seal:



The Illinois EPA is authorized to require this information under 415 ILCS 5/57. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment hereunder.



State Fire Marshal



General Office

217-785-0969

FAX

217-782-1062

Divisions

ARSON INVESTIGATION

217-782-9116

BOILER and PRESSURE

VESSEL SAFETY

217-782-2696

FIRE PREVENTION

217-785-4714

MANAGEMENT SERVICES

217-782-9889

INFIRS

217-785-5826

HUMAN RESOURCES

217-785-1026

PERSONNEL STANDARDS

and EDUCATION

217-782-4542

PETROLEUM and

CHEMICAL SAFETY

217-785-5878

PUBLIC INFORMATION

217-785-1021

WEB SITE

www.state.il.us/osfr

CERTIFIED MAIL - RECEIPT REQUESTED #7000 1670 0009 0626 5434

July 2, 2001

Dave's Conoco
112 N. Sycamore
Villa Grove, IL 61956

In Re:

Facility No. 4-014428
IEMA Incident No. 01-0679
Dave's Conoco
112 N. Sycamore
Villa Grove, Douglas Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on June 21, 2001 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

- Tank 1 6,000-gallon Gasoline
- Tank 2 6,000-gallon Gasoline
- Tank 3 6,000-gallon Diesel

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

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

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

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

Aviation fuel

Heating oil

Kerosene

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

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

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

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

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

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

Sincerely,



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

MHS/dl

cc: IEPA
Facility File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

NOV 01 2007

7007 0220 0000 0039 1676

Mr. Dave McGhee
903 South Spruce Street
Villa Grove, Illinois 61956

RECEIVED

NOV 05 2007

HDC ENGINEERING

Re: LPC #0410355014 -- Douglas County
Villa Grove/ McGhee, Dave
112 North Sycamore Street
Leaking UST Incident No. 20010679
Leaking UST Technical File

Dear Mr. McGhee,

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated July 10, 2007 was received by the Illinois EPA on July 11, 2007 Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the plan is approved. The activities proposed in the plan are appropriate to demonstrate compliance with Title XVI of the Act. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

Further, pursuant to 35 Ill. Adm. Code 734.145, it is required that the Illinois EPA be notified of field activities prior to the date the field activities take place. This notice must include a description of the field activities to be conducted; the name of the person conducting the activities; and the date, time, and place the activities will be conducted. This notification of field activities may be done by telephone, facsimile, or electronic mail.

Page 2

Pursuant to Sections 57.7(b)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires that a Corrective Action Completion Report that achieves compliance with applicable remediation objectives be submitted within 30 days after completion of the plan to:

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

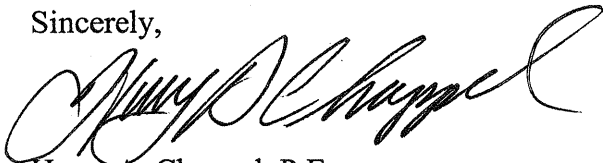
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Please note that, if within four years after the approval of this plan, compliance with the applicable remediation objectives has not been achieved and a Corrective Action Completion Report has not been submitted, the Illinois EPA requires the submission of a status report pursuant to Section 57.7(b)(6) of the Act.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

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

Sincerely,



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

HAC:JRM

Attachment: Budget Modification

cc: HDC
BOL File

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

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

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

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

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

Attachment «Attachment»

Re: LPC #0410355014 -- Douglas County
Villa Grove/ McGhee, Dave
112 North Sycamore Street
Leaking UST Incident No. 20010679
Leaking UST Technical File

SECTION 1

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

\$4,390.05	Drilling and Monitoring Well Costs
\$3,149.60	Analytical Costs
\$73,536.25	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$11,270.80	Paving, Demolition, and Well Abandonment Costs
\$0.00	Consulting Personnel Costs
\$2,312.63	Consultant's Materials Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

SECTION 2

The Agency is requesting a more detailed breakdown of costs per individual in the personnel portion of the budget. Based on this request all of the consulting personnel costs were deducted from the budget.

JRM

Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Professional Engineer	28.00	105.00	\$2,940.00
CCAP	Review CA plan				
		Professional Engineer	19.00	105.00	\$1,995.00
CCAP-Budget	Review and certify CA budget				
		Professional Engineer	24.00	105.00	\$2,520.00
CCAP-Field	Monitor CA field activities				
		Professional Engineer	28.00	105.00	\$2,940.00
CACR	Review and certify CA completion report				
		Professional Engineer	28.00	105.00	\$2,940.00
CA-Pay	Review and certify CAP preparation and CA completion reimbursements				
		Senior Project Manager	157.00	100.00	\$15,700.00
CCAP	Project management, IEPA and client correspondence, scheduling, CA plan preparation				
		Senior Project Manager	80.00	100.00	\$8,000.00
CCAP-Budget	CA budget preparation, IEPA correspondence, subcontractor setup				
		Geologist III	80.00	92.00	\$7,360.00
TACO 2 or 3	Conduct Tier 2 soil assessments, compile SSL & RBCA Equation spreadsheets				
		Geologist III	52.00	92.00	\$4,784.00
CCAP-Budget	CA budget preparation				

Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Geologist III	8.00	92.00	\$736.00
CCAP-Field	Confirmation soil sampling, packaging, shipping				
		Geologist III	40.00	92.00	\$3,680.00
CACR	Compile CA soil and groundwater analytical results, prepare completion report				
		Geologist III	36.00	92.00	\$3,312.00
CA-Pay	Prepare two CA reimbursement packages				
		Senior Scientist	82.00	89.00	\$7,298.00
CCAP	Compile data to evaluate CA plan, revise CA plan, conduct groundwater modeling				
		Senior Scientist	36.00	89.00	\$3,204.00
TACO 2 or 3	Compile site specific parameters, incorporate into TACO analysis				
		Senior Scientist	12.00	89.00	\$1,068.00
CCAP-Field	Health and safety plan, excavation and backfill supervision				
		Senior Scientist	32.00	89.00	\$2,848.00
CA-Pay	Prepare CA planning and completion reimbursements				
		Senior Scientist	24.00	89.00	\$2,136.00
CACR	Gather field data for completion report				
		Senior Scientist	40.00	89.00	\$3,560.00
CCAP-Budget	Estimate costs for CA completion and fill out CA budget forms				

Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Scientist III	60.00	74.00	\$4,440.00
CCAP	Subcontractor coordination, IEPA correspondence, drum disposal coordination, CAP preparation				
		Scientist III	57.00	74.00	\$4,218.00
CCAP-Budget	CA budget preparation, IEPA and landfill correspondence				
		Scientist III	48.00	74.00	\$3,552.00
CCAP-Field	Excavation and backfilling supervision, landfill parameter and confirmation soil sampling, well surveying				
		Technician 1	8.00	47.00	\$376.00
CCAP	Collect field data for CAP				
		Technician 1	68.00	47.00	\$3,196.00
CCAP-Field	Demolition, excavation and backfilling supervision, manifest/weight ticket collection, confirmation soil sampling, groundwater monitoring, well surveying				
		Drafter IV	24.00	58.00	\$1,392.00
CCAP	Site maps and drawings for corrective action plan				
		Drafter IV	24.00	58.00	\$1,392.00
CACR	Site maps and drawings for completion report				

*Refer to the applicable Maximum Payment Amounts document.

Total of Consulting Personnel Costs	\$95,587.00
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