



April 29, 2010

Attn: Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

RECEIVED  
CLERK'S OFFICE  
APR 29 2010  
STATE OF ILLINOIS  
Pollution Control Board

**RE: Request for 90-Day Extension of Appeal Period**  
**LPC# 0314400032 – Cook County**  
**Elk Grove Village/Former Penske Truck Leasing Facility**  
**2100 Busse Road**  
**Elk Grove Village, Cook County, Illinois**  
**Incident-Claim No.: 20081536 – 58303**

PCB 10-93

To Whom It May Concern:

On behalf of our client, Penske Truck Leasing, LP (Penske), Terracon Consultants, Inc. (Terracon) requests a 90-day extension of the 35-day appeal period, as allowed under Section 40(a)(1) of the Act, in response to the Illinois Environmental Protection Agency's (IEPA's) decision to reject the reimbursement packet for the above-referenced site. The IEPA's decision, dated March 22, 2010, was received by Penske and Terracon on March 26, 2010.

On May 14, 2009, Terracon submitted an initial reimbursement packet to the IEPA LUST Fund for \$124,919.39. Terracon received a letter from the IEPA dated September 14, 2009 which outlined the IEPA's rejection of the requested reimbursement amount due to a lack of supporting documentation with the exception of \$2,143.82. In response to the September 14, 2009 response from IEPA, Terracon developed an amended reimbursement packet that included the requested supplemental supporting documentation. The amended reimbursement packet was submitted to IEPA on March 15, 2010. Terracon notes that the costs included in the amended packet dated March 3, 2010 (received by the IEPA on March 17, 2010) were included in the initial packet with the difference in the two submittals being the additional documentation requested by IEPA and reduction in the total costs requested. Terracon received a letter from the IEPA dated March 22, 2010 rejecting the supplemental reimbursement packet. The rejection letter indicated that the reimbursement packet was received more than one year after the issuance of the No Further Remediation (NFR) letter which was dated January 27, 2009.

It is Terracon's position that the requested reimbursable costs were included in the original reimbursement packet that was submitted within one year of issuance of the NFR. Furthermore, Terracon contends that the original submittal documentation was consistent with IEPA approved reimbursement requests from other projects.



Terracon Consultants, Inc. 135 Ambassador Drive Naperville, Illinois 60540  
P [630] 717 4263 F [630] 357 9489 terracon.com

A copy of the original decision letter dated September 14, 2009 and recent decision letter dated March 22, 2010, from the IEPA is attached to this 90-Day Extension of Appeal Period letter.

Terracon is requesting a 90-Day extension to allow additional time for discussion with our client and preparation of a formal appeal of this matter to the Illinois Pollution Control Board.

Please contact the undersigned if you have any questions at [630] 717-4263.

Sincerely,

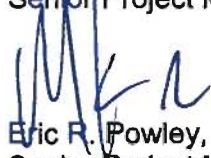
**Terracon Consultants, Inc.**



Scott A. Dawson, P.G.  
Project Manager



Matthew K. Otto, CHMM  
Senior Project Manager



Eric R. Powley, CHMM  
Senior Project Manager

Attachments



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

SEP 14 2009

CERTIFIED MAIL #

7008 1830 0001 4718 9768

Penske Truck Leasing, LP  
Attention: Michael Costanza  
Route 10, Green Hills, PO Box 7635  
Reading, PA 19603

Re: LPC 0314400032 -- Cook County  
Elk Grove Village Former Penske Truck Leasing Facility  
2100 Busse Road  
Incident-Claim No.: 20081536 -- 56785  
Queue Date: 5/18/09  
Leaking UST Fiscal File

Dear Mr. Costanza:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated May 14, 2009 and was received by the Illinois EPA on May 18, 2009. The application for payment covers the period from September 1, 2008 to November 15, 2008. The amount requested is \$124,919.39.

On May 18, 2009, the Illinois EPA received your application for payment for this claim. As a result of the Illinois EPA's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

A portion of the deductible, \$2,143.82, was withheld from your payment, leaving a balance of \$12,856.18 to be met from future submittals. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 967-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 600-3131

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Collinsville • 2009 Main Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

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Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5600

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Page 2

There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

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 require further assistance, please contact Niki Weller of my staff at 217/782-6762.

Sincerely,



John Sherrill, Manager  
Financial Management Unit  
Bureau of Land

JS:NW

ATTACHMENT

c: ~~Terracon Consultants, Inc.~~  
Leaking UST Claims Unit  
Niki Weller

Attachment  
Accounting Deductions

Re: LPC 0314400032 -- Cook County  
Elk Grove Village/Former Penske Truck Leasing  
2100 Busse Road  
Incident-Claim No.: 20081536 -- 56785  
Queue Date: May 18, 2009  
Leaking UST FISCAL FILE

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$82,470.18, deduction for costs for excavation, transportation and disposal, backfilling and excavation, liquid disposal, drum disposal, liquid pump and transport, backfill stone, personnel costs, and mileage, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

*An accounting of all costs must be provided, including but not limited to, invoices, receipts, and supporting documentation showing the dates and descriptions of the work performed. Invoices need to be provided for all subcontractors performing the work.*

*In order to calculate the actual cost per cubic yard for excavation, transportation, disposal and Backfilling, a time and material breakdown is needed.*

\$43,561.73 deduction is being made for the excavation, transportation and disposal costs.

No time and material breakdown of excavation, transportation and disposal costs.

No invoices or manifests provided from the disposal facility.

No invoices provided from the trucking companies for hauling.

No dates when the actual work was done.

All invoices must have dates when the work was done, cubic yards/tons and amount paid.

Invoices must be provided from all companies providing transportation and excavation, if Tecnica Environmental Services Inc. did the excavation and hauling please explain with a breakdown of the costs with dates.

Also, it appears the quantities (requested) for disposal and hauling is over the 4' amount allowed under early action.

\$14,612.70 deduction is being made for the backfilling and placement costs.

No invoices provided from where the backfill was purchased indicating the quantities and dates purchased.

No documentation indicating the hauler, with dates.

Also, it appears the quantities (requested) for the purchase of backfill and hauling are over the amount allowed under early action.

\$9,810.00 deduction is being made for the liquid disposal costs.

No invoice from the disposal facility with the gallons disposed of, dates and amount paid.

\$185.00 deduction is being made for the drum disposal costs.

No invoice from the disposal facility with dates and amount paid.

\$1,750.00 deduction is being made for liquid pump and transport costs. If Tecnica Environmental Services provided the services a breakdown of the costs is necessary with dates. Also, the costs are part of the subpart H rate and should be figured accordingly.

\$300.00 deduction is being made for the backfill stone. No invoice for the purchase of the backfill, with cubic yards/tons, dates and amount paid. Also, the costs are part of the subpart H rate and should be figured accordingly.

\$11,852.10 deduction is being made for the personnel costs.

No dates provided when the work was done.

No breakdown provided for the Scientist IV, 55 hours for \$4,498.45 with dates.

\$398.65 deduction is being made for mileage.

No dates provided.

2. \$56.00, deduction for costs for analytical discount, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Deduction for site investigation or corrective action costs for analytical discount that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

A deduction is being made in the amount of \$56.00 from the analytical costs. There was a 35% discount given and was not deducted from the amount requested.

3. \$24,025.60, deduction for costs for concrete and scaffolding for canopy and replacement of footing and re-install 4 posts, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Deduction for costs, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

A deduction is being made in the amount of \$15,580.60 for concrete costs. No invoice provided with dates quantity and amount paid from the company the concrete was purchased. The costs exceed the minimum requirements necessary to comply with the Act.

Deductions are being made in the amount of \$8,445.00 for scaffolding for canopy, replacement of footing and re-install 4 posts. The costs exceed the minimum requirements necessary to comply with the Act.

4. \$20.30, none of the costs incurred from December 14, 2008 to January 15, 2009 are eligible for reimbursement. To be considered for reimbursement, early action activities must be performed within 45 days after initial notification to the Illinois Emergency Management Agency of a release plus 14 days. The costs in question were not incurred within the time allowed for reimbursement. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.210(g). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not site investigation or corrective action costs.

Based upon the above deduction, a deduction of \$20.30 was made. The costs were made from the shipping costs. The shipping dates are January 15, 2009 and December 23, 2008.

5. \$9,200.00, deduction for costs for removal, disposal, or abandonment of UST if the tank was removed or abandoned, or permitted for removal or abandonment, by the Office of the State Fire Marshal before the owner or operator provided notice to Illinois Emergency Management Agency of a release of petroleum. Such costs are ineligible for payment from the Fund pursuant to Section 57.8(k) of the Act and 35 Ill. Adm. Code 734.630(k).

A deduction is being made in the amount of \$9,200.00 for the tank pull costs. The tank pull is a planned tank pull and the costs are not eligible.  
IEMA notified October 15, 2008  
OSFM notified September 29, 2008.

6. \$7,003.49

Adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

Deduction for handling charges for subcontractor costs when the contractor has not submitted proof of payment for subcontractor costs. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630 (ii). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Note: Upon re-submitting please remove all ineligible costs and please have the Owner/Operator sign the General Information page. The required signature is missing.





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

**MAR 22 2010**

CERTIFIED MAIL #

7007 2560 0003 2090 4562

Penske Truck Leasing, LP  
Attn: Michael Costanza  
Route 10, Green Hills, P. O. Box 7635  
Reading, Pennsylvania 19603

Re: LPC #0314400032 -- Cook County  
Elk Grove Village/ Former Penske Truck Leasing Facility  
2100 Busse Road  
Incident-Claim No.: 20081536 -- 58303  
Leaking UST Fiscal File

Dear Mr. Costanza:

The Illinois Environmental Protection Agency (Illinois EPA) has rejected your request for partial or final payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.6(a) of 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) 734.Subpart F.

The No Further Remediation Letter for the above-referenced incident was issued on January 27, 2009. The application for payment for \$62,699.26 was received by the Illinois EPA on March 17, 2010, more than one year after said date. It covers the billing period from September 1, 2008 to November 15, 2008.

Pursuant to 35 Ill. Adm. Code 734.605(j), all applications for payment of corrective action costs must be submitted no later than one year after the date the Illinois EPA issues a No Further Remediation Letter pursuant to Subpart G of 35 Ill. Adm. Code 734. For releases for which the Illinois EPA issued a No Further Remediation Letter prior to March 1, 2006, all applications for payment must be submitted no later than March 1, 2007. Pursuant to 35 Ill. Adm. Code 734.630(nn), these costs are ineligible for payment from the UST Fund.

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

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

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Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

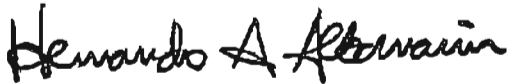
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Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Page 2

If you have any questions or require further assistance, please contact Brian Bauer of my staff at 217/ 7826762.

Sincerely,



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

  
HAA::MC

c: Terracon Consulting Engineers & Scientists  
Leaking UST Claims Unit

## 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