

CUSTOMER USE ONLY
 FROM: (PLEASE PRINT) PHONE: (630) 272-9294
 James B. Williams
 Law Office of James B. Williams
 705 S Cottage Grove Avenue
 Chicago, IL 60619
 Atty. NO. 44243



EK 601934748 US



UNITED STATES
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TO: (PLEASE PRINT) PHONE ()
 John Therriault
 Clerk
 Illinois Pollution Control Board
 James B. Thompson Center
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 60601-3218

ORIGIN (POSTAL SERVICE USE ONLY)

<input type="checkbox"/> 1-Day		<input type="checkbox"/> 2-Day		<input type="checkbox"/> Military		<input type="checkbox"/> DPO	
PO ZIP Code 60619	Scheduled Delivery Date (MM/DD/YY) 12/19/14	Postage \$ 20.05					
Date Accepted (MM/DD/YY) 12/17/14	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee \$	COD Fee \$				
Time Accepted 5:11	10:30 AM Delivery Fee \$	Return Receipt Fee \$	Live Animal Transportation Fee \$				
Weight 2.130 lbs.	<input type="checkbox"/> Flat Rate	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 20.05				
		Acceptance Employee Initials					

IP - 4® (U.S. ADDRESSES ONLY)
 60601-3218

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

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 \$100.00 Insurance included.

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EK 601934751 US



UNITED STATES
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DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's receptacle or other secure location without attempting to obtain the addressee's signature on delivery.
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 10:30 AM Delivery Required (additional fee, where available*)
 *Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT) PHONE ()
 James G. Richardson
 Deputy General Counsel
 Illinois Environmental Protection Agency
 321 North Grand Avenue East
 Chicago, IL 60611
 60611-9276

ORIGIN (POSTAL SERVICE USE ONLY)

<input type="checkbox"/> 1-Day		<input type="checkbox"/> 2-Day		<input type="checkbox"/> Military		<input type="checkbox"/> DPO	
PO ZIP Code 60619	Scheduled Delivery Date (MM/DD/YY) 12/19/14	Postage \$ 19.99					
Date Accepted (MM/DD/YY) 12/17/14	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee \$	COD Fee \$				
Time Accepted 12:15:13	10:30 AM Delivery Fee \$	Return Receipt Fee \$	Live Animal Transportation Fee \$				
Weight 5.30 lbs.	<input type="checkbox"/> Flat Rate	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 19.99				
		Acceptance Employee Initials					

IP - 4® (U.S. ADDRESSES ONLY)
 60611-9276

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

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 \$100.00 Insurance included.

paid by: Cash \$40.10
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YOUR OPINION COUNTS

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GRAND CROSSING FINANCE STA
CHICAGO, Illinois
606199398
1615420131-0097
12/17/2014 (773)783-8751 05:15:33 PM
=====

===== Sales Receipt =====

Product Description	Sale Unit Qty	Price	Final Price
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~ CHICAGO IL 60601-3218			\$20.05
Zone-0			
Priority Mail Express 2-Day			
2 lb. 11.30 oz.			
USPS Tracking #:			
EK601934748US			
Scheduled Delivery Day: Fri			
12/19/14 12:00PM - Money Back			
Guarantee			
Includes \$100 insurance			

Signature Waived

Issue Postage: \$20.05

~ SPRINGFIELD IL 62794-9276 \$19.99

Zone-3

Priority Mail Express 2-Day

Flat Rate Env

5.30 oz.

USPS Tracking #:

EK601934751US

Scheduled Delivery Day: Fri

12/19/14 12:00PM - Money Back

Guarantee

Includes \$100 insurance

Signature Waived

Issue Postage: \$19.99

=====
Total: \$40.04

paid by: Cash \$40.10
Change Due: -\$0.06

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HAMILTON & GROVE PROPERTIES, INC.,)	
Petitioner,)	
)	PCB 15-
)	(Site Remediation Program -
ILLINOIS ENVIROMENTAL PROTECTION AGENCY,)	Contesting Fees for 9942 S. Walden
Respondent.)	Parkway, Chicago, IL 60643)
)	
)	

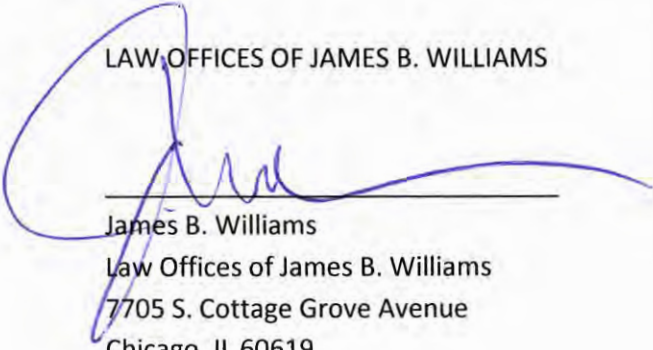
NOTICE

John Therriault
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

James G. Richardson
Deputy General Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that I have today caused to be filed a PETITION FOR HEARING BEFORE THE ILLINOIS POLLUTION CONTROL BOARD TO CONTEST SITE (9942 S. WALDEN PARKWAY) REMEDIATION PROGRAM FEES, copies of which are served upon you.

LAW OFFICES OF JAMES B. WILLIAMS



James B. Williams
Law Offices of James B. Williams
7705 S. Cottage Grove Avenue
Chicago, IL 60619
(630) 272-9294
Atty. No. 44243

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HAMILTON & GROVE PROPERTIES, INC.,)	
Petitioner,)	
)	PCB 15-
)	(Site Remediation Program -
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	Contesting Fees for 9942 S. Walden
Respondent.)	Parkway, Chicago, IL 60643)
)	
)	

PETITION FOR HEARING TO CONTEST ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S FEES FOR
SITE REMEDIATION PROGRAM WORK AT 9942 S. WALDEN PARKWAY, CHICAGO, IL 60643

NOW COMES the Petitioner, HAMILTON & GROVE PROPERTIES, INC. (Hamilton & Grove), by its attorney, James Williams, Law Offices of James B. Williams, and pursuant to Section 40(a) of the Illinois Environmental Protection Act (415 ILCS 5/40) and 35 Ill. Adm. Code Section 740.310 (c), hereby requests that the Illinois Pollution Control Board ("Board") grant a hearing to allow Hamilton & Grove to contest the fees invoiced by the Illinois Environmental Protection Agency ("IEPA") for work performed pursuant to the Site Remediation Program at **9942 S. Walden Parkway, Chicago, IL 60643** (the "subject property"). In support thereof, Hamilton & Grove respectfully states as follows:

CORRECT ADDRESS

1. Please note that in the Illinois Pollution Control Board's order of October 2, 2014 granting Petitioner a 90-day extension to file this petition, the site address was erroneously listed as 7705 S. Cottage Grove Avenue, Chicago, IL. Please note that the 7705 S. Cottage Grove address is Petitioner's legal counsel's address. Please note that the correct site address is **9942 S. Walden Parkway, Chicago, IL 60643**.

BACKGROUND

2. In September of 2013, Hamilton & Grove retained the services of Environmental Protection Industries ("Third-Party Consultant") to participate in the IEPA's Site Remediation Program and to obtain a No Further Remediation Letter ("NFR Letter") for the subject property. On December 10, 2013, Petitioner received correspondence from the IEPA noting receipt of Petitioner's Site Remediation Program Application and Services Agreement. (EXHIBIT A). The IEPA's letter correctly noted that, as part of the application, and in accordance with 35 Illinois Administrative Code Part 740, Section 740.210(c)(4), Petitioner "agreed to pay any reasonable costs incurred and documented by the Agency." (emphasis added).

3. The subject property is a six-unit, red brick, residential apartment building built in the 1950s. There is no commercial space in, or adjacent to, the property. The property is adjacent to the same type of residential apartment building on both the north and south property lines.

4. The issue addressed via the Site Remediation Program was that a heating oil tank was removed from the site in the 1990s, and the tank was rusted. The only chemicals of concern were components of fuel oil. The Third-Party-Consultant completed a Phase I Environmental Site Assessment; completed and submitted the application paperwork to the IEPA Site Remediation Program; completed multiple site investigations and drilling for the purposes of soil sampling and testing; installed groundwater monitoring wells for sampling and testing; performed soil and gas sampling and testing within the site building; performed proper closure of the groundwater monitoring wells; found no issues; and prepared the Focused Site Investigation Report, the Remedial Objectives Report, and the Remedial Action Completion Report for submittal to the IEPA Site Remediation Program. For these professional services, the Third-Party-Consultant charged Petitioner \$20,095.00

5. After reviewing the Third-Party Consultant reports, the IEPA asked for confirmation that there was no sump pump on the property. Petitioner provided a letter confirming this fact. The IEPA then drafted a four page NFR Letter, composed primarily of boilerplate language, and sent the NFR Letter to Petitioner on April 24, 2014. Petitioner recorded the NFR Letter on May 2, 2014. (EXHIBIT B).

6. The IEPA reviewed Petitioner's application, reviewed the Third-Party-Consultant's reports, and drafted a four page NFR letter. For these services, the IEPA is charging \$10,006.93, which is half of the Third-Party-Consultant fees.

7. On May 30, 2014, the IEPA sent Petitioner an invoice for \$6,237.39 in fees. (EXHIBIT C). The only explanation for said fees was the following text: "**PERSONAL SERVICES, FRINGE BENEFITS AND INDIRECT.**" As noted on the invoice, there were no travel costs, no contractual professional services, no contractual laboratory services, and no other costs. The second page of the invoice listed one IEPA employee's name, Andrew Catlin, and 39 hours. The first 10.5 hours were billed at \$65.92 per hour; the remaining 28.5 hours were billed at \$79.10 per hour. These billable hours totaled \$2,946.74 in fees. Added to the invoice were "Allocated Direct Program Costs" of \$1,798.69 with no explanation and "Indirect Costs" of \$1,491.96 with no explanation. No additional information regarding the actual work performed was provided. Further, no statement that additional fees would be charged was provided.

8. On June 30, 2014, Petitioner sent correspondence to the IEPA objecting to the fees and the absence of any description of work performed. (EXHIBIT D).

9. On July 17, 2014, the IEPA's Chief Financial Officer responded to Petitioner's correspondence confirming that the IEPA work consisted of reviewing the Third-Party-Consultant reports and drafting the NFR Letter. The IEPA's CFO's letter stated further that, not only were the \$6,237.39 in fees

reasonable for reviewing reports and writing the NFR Letter, but that additional fees were going to be charged to Petitioner, and a follow-up invoice would be sent. (EXHIBIT E).

10. On August 11, 2014, the IEPA sent Petitioner a second invoice with an additional \$2,500.00 flat fee for writing the NFR Letter and another \$1,269.54 in billable hour fees for a total of \$3,769.54 in fees. (EXHIBIT F). Again, the only explanation for this additional \$3,769.54 in fees was the following text **"PERSONAL SERVICES, FRINGE BENEFITS AND INDIRECT."** As noted on the invoice, there were no travel costs, no contractual professional services, no contractual laboratory services, and no other costs. The second page of the invoice listed seven additional hours for IEPA employee Andrew Catlin at a rate of \$71.91 per hour and one hour for IEPA employee Gregory Dunn at a rate of \$96.36 per hour. These billable hours totaled \$599.77. Added to the invoice were "Allocated Direct Program Costs" of \$366.10 with no explanation and "Indirect Costs" of \$303.67 with no explanation. No additional information regarding the actual work performed was provided.

11. From September of 2014 to present, Petitioner has attempted to resolve this issue with the IEPA via phone calls, letters, and email with IEPA Deputy General Counsel James G. Richardson. Mr. Richardson was cordial and helpful with the appeal process. Mr. Richardson communicated Petitioner's concerns to the IEPA employees responsible for the subject billing, but the IEPA was unwilling to provide additional detail regarding the work performed or justification for the fees.

THE IEPA FEES ARE UNDOCUMENTED AND UNREASONABLE

12. **FEE REQUIREMENTS.** As the IEPA noted in its correspondence of December 10, 2013, in accordance with 35 Illinois Administrative Code Part 740, Section 740.210(c)(4), Petitioner "agreed to pay any reasonable costs incurred and documented by the Agency." (emphasis added).

13. **UNDOCUMENTED.** The IEPA costs are not documented or defined. As noted above, there is no explanation of the services performed by the IEPA in either of the two invoices. **"PERSONAL SERVICES, FRINGE BENEFITS AND INDIRECT"** should not pass as an explanation of services, fees, or costs. The only cursory explanation provided came from the IEPA CFO in her letter, in response to Petitioner's objection to the fees, stating that the IEPA employees reviewed the third-party reports and wrote a four page letter. Further, the hourly rate in the invoices is not consistent. The rate for the same employee changes three different times. In addition, both the IEPA "Allocated Direct Program Costs" and "Indirect Costs" are undefined, undocumented, and not itemized. Based upon the IEPA's failure to document the services provided, there is no way to determine if the costs were actually incurred. The IEPA should not be permitted to arbitrarily assess fees without documenting the work performed.

14. **UNREASONABLE.** Further, by any objective standard, it is unreasonable to charge over \$10,000.00 for reviewing third-party reports and writing a four page letter. There must be a reasonable relationship (a reasonable connection) between the fee and the work performed. The Third-Party Consultant that prepared the application did over ninety percent of the work. The Third-Party-Consultant met with the Petitioner to explain the process, completed a Phase I Environmental Site

Assessment; completed and submitted the application paperwork to the IEPA Site Remediation Program; completed multiple site investigations and drilling for the purposes of soil sampling and testing; installed groundwater monitoring wells for sampling and testing; performed soil and gas sampling and testing within the site building; performed proper closure of the groundwater monitoring wells; and prepared the Focused Site Investigation Report, the Remedial Objectives Report, and the Remedial Action Completion. The IEPA read the reports, drafted a four page letter, and billed half of what the Third-Party-Consultant billed.

15. **NO ATTEMPT TO RESOLVE.** When questioned about the fees, rather than providing a detailed explanation of work performed in order to attempt to resolve the matter, the IEPA responded with another invoice charging additional fees. This response, without any documentation regarding additional work performed since the initial invoice, can arguably be interpreted as retaliatory in response to Petitioners questioning the original invoice. If the IEPA provided detailed documentation regarding work performed, perhaps said information would help avoid this type of interpretation of governmental action.

WHEREFORE, HAMILTON & GROVE PROPERTIES, INC., submits that the IEPA fees are undefined, undocumented, arbitrary, excessive, and unreasonable and requests that the Illinois Pollution Control Board:

- (a) Direct the IEPA to provide detailed documentation that explains all work performed and all costs incurred;
- (b) Reduce the fees to the \$2,500.00 minimum;
- (c) Provide such other relief as may be deemed appropriate and reasonable under the circumstances by this Board.

Respectfully submitted,
HAMILTON & GROVE PROPERTIES, INC.

By: _____

Law Offices of James B. Williams

James B. Williams
Law Offices of James B. Williams
7705 S. Cottage Grove Avenue
Chicago, IL 60619
(630) 272-9294
Atty. No. 44243

EXHIBIT A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-5533

EX A.

December 10, 2013

CERTIFIED MAIL

7012 0470 0001 2973 2362

James Williams
Hamilton & Grove Partners
7705 South Cottage Grove Avenue
Chicago, IL 60619-

Re: 0316755103 -- Cook County
Chicago/Burdiak, Barry
Site Remediation/Technical Reports

Dear Mr. Williams:

On December 9, 2013, your completed Site Remediation Program Application and Services Agreement was received by the Illinois Environmental Protection Agency ("Illinois EPA"), together with an advance partial payment in the amount of \$500. The Illinois EPA project manager assigned to provide review and evaluation services for this project is Andrew Catlin. All routine project communications, correspondence and documents should be directed to the project manager to ensure the quickest possible response. Mr. Catlin is available at (217) 524-3290 or by e-mail at Andrew.Catlin@illinois.gov. Enrollment information on this site and all others entered in the Site Remediation Program is available at <http://epadata.epa.state.il.us/land/srp>.

In accordance with 35 Illinois Administrative Code Part 740, Section 740.210(c)(4), the Remediation Applicant has agreed to pay any reasonable costs incurred and documented by the Agency in providing review and evaluation services. If you prefer to remit these payments by electronic funds transfer, please complete the attached Electronic Funds Transfer Request Form and submit it to the address listed on the form. Once the information on the form is reviewed and approved by the State of Illinois Comptroller's Office, a confirmation will be returned to you.

Welcome to the Illinois EPA's Site Remediation Program. We look forward to completing this project with you and extend our full cooperation and assistance. Please visit our web page at www.epa.state.il.us/land/cleanup-programs for additional information concerning the Site Remediation Program.

Sincerely,



Robert E. O'Hara
Site Remediation Program
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

cc: Division File
Andrew Catlin

Austin List
Environmental Protection Industries
16650 South Canal Street
South Holland, IL 60473-

EXHIBIT B



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

EXB

April 24, 2014

CERTIFIED MAIL

7012 0470 0001 3000 2072

Jim Williams
Hamilton & Grove Partners
7705 South Cottage Grove Avenue
Chicago, IL 60619

Re: LPC# 0316755103 - Cook County
Chicago/Burdiak, Barry
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Williams:

The *Remedial Action Completion Report* (received December 17, 2013/Log No. 13-55537), as prepared by Environmental Protection Industries for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received December 17, 2013/Log No. 13-55537) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.15 acres, is located at 9942 Walden Parkway, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (December 9, 2013/Log No. 13-55522), is Hamilton & Grove Partners.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 3) The land use specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Institutional Controls:

- 4) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.

Other Terms

- 5) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 991672.
- 6) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 7) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 8) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Division of Records Management #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

- 9) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
- a) Any violation of institutional controls or the designated land use restrictions;
 - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - d) The failure to comply with the recording requirements for this Letter;
 - e) Obtaining the Letter by fraud or misrepresentation;
 - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
 - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
 - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Hamilton & Grove Partners;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;

- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;
 - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
 - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 11) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Burdiak, Barry property.
- 12) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

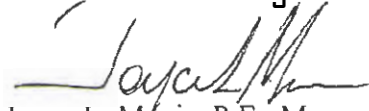
Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

13) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the Burdiak, Barry property, you may contact the Illinois EPA project manager, Andrew Catlin at 217-524-3290.

Sincerely,





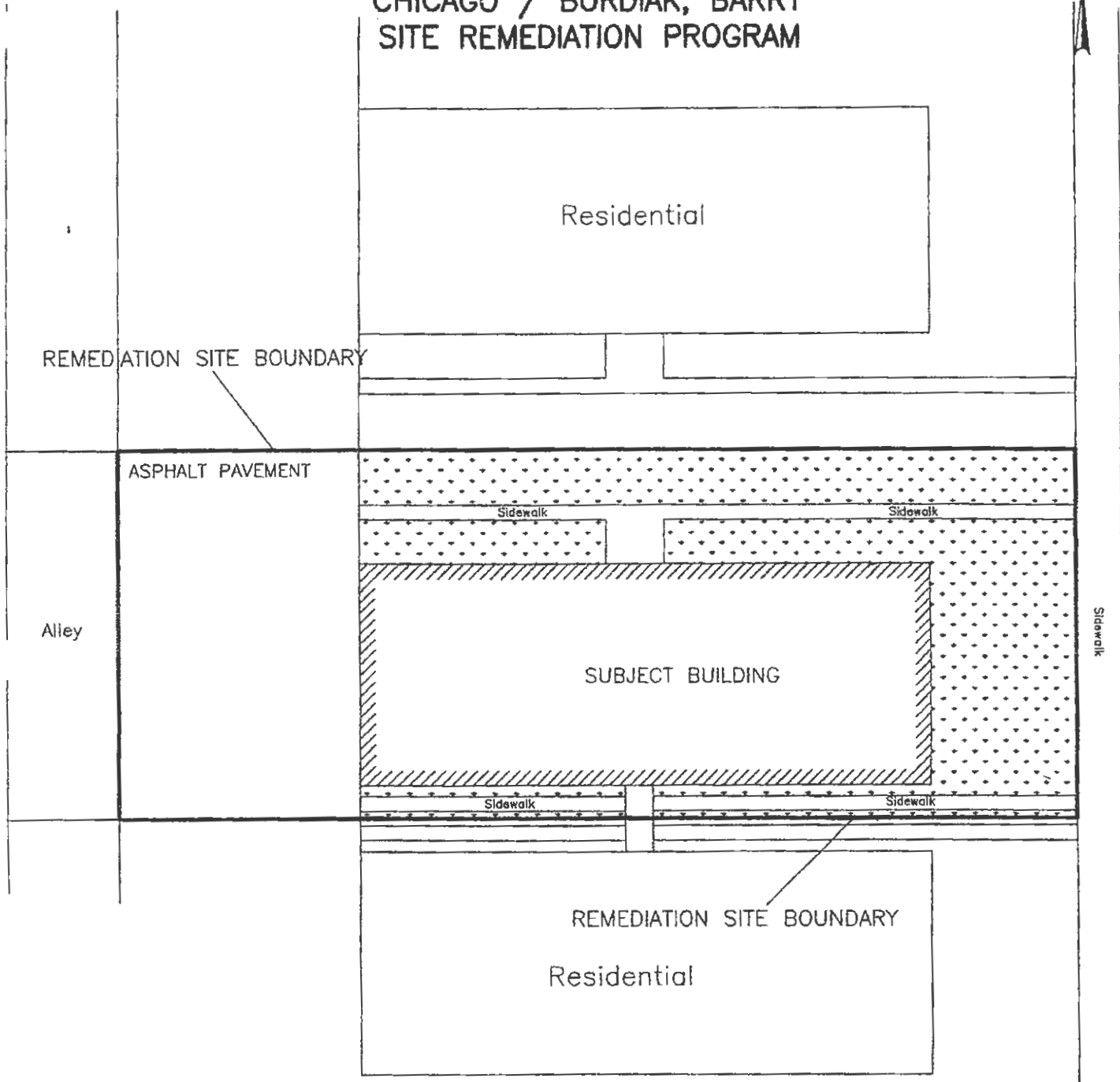
Joyce L. Munie, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

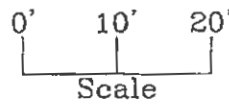
cc: Austin List
Environmental Protection Industries
16650 South Canal Street
South Holland, IL 60473

Bureau of Land File
Mr. Robert O'Hara

SITE BASE MAP -- COOK COUNTY,
 LPC #0316755103
 CHICAGO / BURDIAK, BARRY
 SITE REMEDIATION PROGRAM



Township 37 North
 Range 14 East
 Section 7
 PIN # 25-07-402-020



ENVIRONMENTAL PROTECTION INDUSTRIES 16650 SOUTH CANAL, SOUTH HOLLAND, IL 60473					JOB LOC. 9942 South Walden Parkway, Chicago, Illinois			
TITLE: Site Base Map								
DATE	DESIGNED	CAD	CHECKED	APP'D	DWG NO.	JOB NO.	SCALE:	FIG.
11/25/13	J.W.	J.W.	J.B.	R.M.	131175	131175	1" = 20'	3

TABLE A: Regulated Substances of Concern

Site ID 0316755103 -- Cook County
Chicago/Burdiak, Barry
Site Remediation Program

BTEX	
CAS No.	Compound Name
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

Polynuclear Aromatic Compounds (PNAs)	
CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene

EXHIBIT C

SUMMARY OF IEPA COSTS INCURRED AND PAID

INVOICE DATE: May 30, 2014
 INVOICE # 150694
 INVOICE PERIOD: October 2013 Through March 2014
 SITE NAME: Burdiak, Barry
 LPC # 0316755103 Project Code: LP 52 3M2

EXC

PERSONAL SERVICES, FRINGE BENEFITS AND INDIRECT	\$6,237.39
TRAVEL	\$0.00
CONTRACTUAL PROFESSIONAL SERVICES	\$0.00
LABORATORY SERVICES	\$0.00
OTHER	\$0.00
SUPPLIES	\$0.00
Total Adjustments	\$0.00
	SUBTOTAL <u>\$6,237.39</u>
LESS PREPAYMENT	(\$500.00)
	** INVOICE TOTAL - PAYMENT DUE IN 45 DAYS: <u>\$5,737.39</u>
	Previous Balance \$0.00
	BALANCE DUE <u>\$5,737.39</u>
	PAYMENT DUE DATE: July 14, 2014

TECHNICAL QUESTIONS SHOULD BE DIRECTED TO:

ANDREW CATLIN, PROJECT MANAGER
 VOLUNTARY SITE REMEDIATION UNIT
 REMEDIAL PROJECT MANAGEMENT SECTION
 DIVISION OF REMEDIATION MANAGEMENT
 BUREAU OF LAND
 PHONE # 217/524-3290

CHECKS SHOULD BE MADE PAYABLE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 FOR DEPOSIT INTO THE HAZARDOUS WASTE FUND

PLEASE INCLUDE YOUR FEIN / SSN AND YOUR 10-DIGIT LPC NUMBER ON YOUR CHECK

MAIL YOUR REMITTANCE, ALONG WITH A COPY OF THIS INVOICE TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF ADMINISTRATION, FISCAL SERVICES SECTION
 1021 NORTH GRAND AVENUE EAST - P.O. BOX 19276
 SPRINGFIELD, IL 62794-9276

BURDIAK, BARRY

LP 52 3M2 1319 - 1406

Assgn Div.	Unit Code	Pay Period	Employee	Total Hours	Amount Total	Allocated Direct Program Costs	Indirect Costs	Total Cost
LP	W	1402	CATLIN ANDREW	10.50	\$692.19	305.2		
LP	W	1403	CATLIN ANDREW	6.50	\$514.19	277.15		
LP	W	1404	CATLIN ANDREW	6.00	\$474.64	279.10		
LP	W	1405	CATLIN ANDREW	16.00	\$1,265.72	379.10		
Fiscal Year: 2014					\$2,946.74	\$1,798.69	\$1,491.96	\$6,237.39
Assigned Division: LP					\$2,946.74	\$1,798.69	\$1,491.96	\$6,237.39
Grand Total:					\$2,946.74	\$1,798.69	\$1,491.96	\$6,237.39

EXHIBIT D

LAW OFFICES OF JAMES B. WILLIAMS
7705 S. COTTAGE GROVE AVE
CHICAGO, IL 60619
(630) 272-9294

EX D

June 30, 2014

Bob Thompson
Cost Recovery Unit, Fiscal Services Section
Division of Administration
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

RE: LPC # 0316755103 – Cook County
Burdiak, Barry / Chicago
Cost Recovery

Dear Mr. Thompson.

I am writing on behalf of my client, Hamilton & Grove Properties, Inc. in regard to the above-referenced invoice in the amount of \$6,237.39.

My client has informed me that the charges are excessive. In addition, your letter directs the reader to an itemized invoice. The invoice has no description of work performed or materials procured and merely states: "PERSONAL SERVICES, FRINGE BENEFITS AND INDIRECT." The supporting document states the employee's name and hours allegedly worked and, again, no description of work performed or materials procured.

The site is a 6-unit residential apartment building. The issue was a previously removed heating oil tank. The private consultant did the bulk of the work in this case, and the private consultant fees were substantially less than the amount listed in the IEPA invoice.

Please re-evaluate your charges in this matter. With a substantial reduction in fees and an actual itemized description of work performed, my client will reconsider paying the Illinois EPA for this project.

Sincerely,


James B. Williams

EXHIBIT E



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217-524-3300

July 17, 2014

James B. Williams
Attorney at Law
7705 S Cottage Grove Avenue
Chicago, IL 60619

Re: 0316755103 – Cook County
Burdiak, Barry/Chicago
Cost Recovery

Dear Mr. Williams,

The Illinois Environmental Protection Agency (Illinois EPA) received your letter dated June 30, 2014 in regards to an Illinois EPA invoice dated May 30, 2014 for review and evaluation services by the Site Remediation Program (SRP) for the Barry Burdiak site located at 9942 South Walden Parkway in Chicago.

The invoice issued to your client is the standard invoice Illinois EPA sends to Remedial Applicants. The SRP Project Manager has spent a total of 39 hours reviewing documents submitted to the Illinois EPA for the Barry Burdiak site. Though bundled together for submission, these documents consisted of the Focused Site Investigation Report/Remedial Objectives Report and the Remedial Action Plan/Remedial Action Completion Report. Additionally, the SRP Project Manager prepared conditional approval of the reports including the Draft No Further Remediation (NFR) letter and appropriate notes.

The total number of hours incurred by the SRP Project Manager for this site is within the range deemed acceptable in bringing a site to completion.

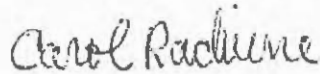
On April 24, 2014, Illinois EPA issued the final NFR letter to the Remedial Applicant. The approximately eight hours incurred by the SRP Project Manager and the NFR letter assessment fee are not contained in the May 30 invoice. This means that your client will be receiving a second, separate bill for these services.

The regulations by which the SRP operates (35 Ill. Adm. Code Part 740) are intended to give Remedial Applicants a clear and predictable path to achieving an NFR letter. Included in those regulations are requirements specific to billing and payment.

Illinois EPA stands by the fees attributed to this project. If the charges are not paid, the NFR letter, which has not yet been recorded by your client, will be voided in accordance with 35 Ill. Adm. Code 740.625.

Please feel free to direct any further questions or correspondence to Greg Dunn, SRP Unit Manager, at 217-785-2359 or greg.dunn@illinois.gov

Sincerely,



Carol Radwine
Chief Financial Officer

cc: Greg Dunn, Illinois EPA SRP
Andrew Catlin, Illinois EPA, SRP
Keith Dickerson, Illinois EPA, Fiscal

EXHIBIT F

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 COST RECOVERY INVOICE
 DIVISION OF LAND POLLUTION CONTROL

RECEIVED
 8/15/14
 FRIDAY

August 11, 2014

Hamilton & Grove Avenue
 Jim Williams
 7705 South Cottage Grove Avenue

 Chicago, IL 60619

LPC # : 0316755103
 Burdiak, Barry / Chicago
 Project Code: LP52 3M2
 Invoice #: 166249
 Invoice Date: August 11, 2014

Invoice Reference Period: April 2014 through June 2014

Signed Service Agreement Date: 12/9/2013

Personal Services, Fringe Benefits and Indirect	\$1,269.54
Travel	\$0.00
Contractual - Professional Services	\$0.00
Laboratory Services	\$0.00
Other	\$0.00
Supplies	\$0.00
NFR Assessment Letter Dated 4/24/2014	\$2,500.00
Adjustments	\$0.00
Subtotal	\$3,769.54
Less Prepayment	\$0.00
Invoice Total - Due in 45 DAYS:	\$3,769.54
Previous Balance	\$5,737.39
Balance as of June 2014	\$9,506.93

This invoice may be referred to the State Comptroller's Offset system if more than 45 days past due per 15ILCS 405/10.05. Debt more than 90 days past due may be referred to the Department of Revenue's Debt Collection Bureau per P.A. 90-0570. The Remedial Applicant may appeal this invoice to the Illinois Pollution Control Board within 35 days of receipt as provided in 415 ILCS 5/40. Included in this invoice is the No Further Remediation Assessment amount, which is due for the above named site. This amount is pursuant to Title 17 of the Act (415 ILCS 5/58.10) (g).

Please note that all of the Agency's oversight costs for this site may not have been compiled at the billing date. Because the necessary billing information is developed on a quarterly basis by the Agency's computer system, all costs related to the project have only been compiled through June 2014. Any remaining costs after June 2014 will be in the next quarter's invoice. If applicable, you will be invoiced within four months.

Technical questions: Andrew Catlin 217/524-3290 Billing questions: Keith Dickerson 217/558-0084

Return this Payment Remittance Stub with Check Payable to Illinois EPA Hazardous Waste Fund

Remit to: Illinois EPA
 Fiscal Services #2
 P.O. Box 19276
 Springfield, IL 62794-9276



LPC Number : 03167551
 Project Code: LP52 3M2



Due Date: September 25, 2014
 Amount Due: \$9,506.93

BURDIAK, BARRY

LP 52 3M2 1407 - 1412

Assgn Div.	Unit Code	Pay Period	Employee	Total Hours	Amount Total	Allocated Direct Program Costs	Indirect Costs	Total Cost
LP	W	1408	DUNN GREGORY W	1.00	\$96.36			
LP	W	1408	CATLIN ANDREW	7.00	\$503.41			
Fiscal Year: 2014					\$599.77	\$366.10	\$303.67	\$1,269.54
Assigned Division: LP					\$599.77	\$366.10	\$303.67	\$1,269.54
Grand Total:					\$599.77	\$366.10	\$303.67	\$1,269.54