

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NORM CREVELING,)	
)	
Petitioner,)	
)	
v.)	PCB 15-169
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	James G. Richardson, Esq.
Clerk of the Board	Division of Legal Counsel
Illinois Pollution Control Board	Illinois Environmental Protection Agency
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	Post Office Box 19276
Chicago, Illinois 60601	Springfield, Illinois 62794-9276
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **ENTRY OF APPEARANCE OF JENNIFER M. MARTIN, ENTRY OF APPEARANCE OF EDWARD W. DWYER and PETITION FOR REVIEW OF AGENCY DETERMINATION**, copies of which are herewith served upon you.

Respectfully submitted,

NORM CREVELING,
Petitioner,

DATE: June 19, 2015

By: /s/ Jennifer M. Martin
 One of Its Attorneys

Edward W. Dwyer
Jennifer M. Martin
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
(217) 523-4900

CERTIFICATE OF SERVICE

I, Jennifer M. Martin, the undersigned, hereby certify that I have served the attached
ENTRY OF APPEARANCE OF JENNIFER M. MARTIN, ENTRY OF APPEARANCE OF
EDWARD W. DWYER and PETITION FOR REVIEW OF AGENCY DETERMINATION
upon:

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

via electronic mail, on June 19, 2015; and upon:

James G. Richardson, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois
on June 19, 2015.

/s/ Jennifer M. Martin
Jennifer M. Martin

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NORM CREVELING,)	
)	
Petitioner,)	
)	
v.)	PCB 15-169
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ENTRY OF APPEARANCE OF JENNIFER M. MARTIN

NOW COMES Jennifer M. Martin, of the law firm HODGE DWYER & DRIVER, and hereby enters her appearance in this matter on behalf of Petitioner, Norm Creveling.

Respectfully submitted,

DATE: June 19, 2015

By: /s/ Jennifer M. Martin
Jennifer M. Martin

Jennifer M. Martin
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
(217) 523-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NORM CREVELING,)	
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Petitioner,)	
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v.)	PCB 15-169
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ENTRY OF APPEARANCE OF EDWARD W. DWYER

NOW COMES Edward W. Dwyer, of the law firm HODGE DWYER & DRIVER, and hereby enters his appearance in this matter on behalf of Petitioner, Norm Creveling.

Respectfully submitted,

DATE: June 19, 2015

By: /s/ Edward W. Dwyer
Edward W. Dwyer

Edward W. Dwyer
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
(217) 523-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NORM CREVELING,)	
)	
Petitioner,)	
)	
v.)	PCB 15-169
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**PETITION FOR REVIEW OF
AGENCY DETERMINATION**

NOW COMES Petitioner, NORM CREVELING, by and through his attorneys, HODGE DWYER & DRIVER, and, pursuant to Section 40(a) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/40(a), and Part 105 of Title 35 of the Illinois Administrative Code, 35 Ill. Admin. Code Part 105, hereby petitions the Illinois Pollution Control Board ("Board") for review of the Illinois Environmental Protection Agency's ("IEPA" or "Agency") February 11, 2015 decision regarding Petitioner's Corrective Action Plan and Corrective Action Plan Budget and the requirements of the Leaking Underground Storage Tanks ("LUST") Program. In support of its Petition, Petitioner states as follows:

1. Petitioner was the owner of a 2,000 gallon gasoline underground storage tank ("UST"), 3,000 gallon gasoline UST, 2,000 gallon diesel UST, and 4,000 gallon waste oil UST formerly located at 302 South Railroad Avenue, Buckley, Illinois. The site has been assigned IEPA Bureau of Land Identification Number 0750155001. The USTs were removed on January 8, 2001.

2. A notification of release from the above-listed USTs was made to the Illinois Emergency Management Agency ("IEMA") on November 20, 2000 (Incident No. 00-2212).

The Office of the Illinois State Fire Marshal ("OSFM") issued an Eligibility and Deductibility Determination on July 24, 2001, that the incident was eligible for reimbursement from the LUST Fund with a \$15,000 deductible.

3. Petitioner submitted a Corrective Action Plan and Corrective Action Plan Budget, dated October 8, 2014, to the Agency for approval. According to the Agency, this submittal was received on October 14, 2014.

4. By letter dated February 11, 2015, the Agency issued its decision on the October 8, 2014 submittal. *See* Exhibit A, Letter from Michael T. Lowder to Norm Creveling, dated February 11, 2015. The Agency's decision approved the October 8, 2014 Corrective Action Plan ("2014 CAP"), and modified the October 8, 2014 Corrective Action Plan Budget ("2014 CAP Budget").

5. On March 13, 2015, Petitioner and the Agency timely filed a joint notice to extend the 35-day period for Petitioner to appeal the Agency's February 11, 2015 decision until June 19, 2015. By Order dated March 19, 2015, the Board granted the Parties' request and extended the appeal period to June 19, 2015. *See* Exhibit B, Board Order dated March 19, 2015.

6. This Petition for Review is filed within the extended appeal period pursuant to the Board's March 19, 2015 Order, and is timely in accordance with Section 40 of the Act and 35 Ill. Admin. Code § 105.406.

7. Section 2, paragraph 3 of the Agency's February 11, 2015 decision sets forth the following basis for the Agency's denial of all personnel costs sought in the 2014 CAP Budget:

Costs that lack supporting documentation are ineligible for payment from the Fund (35 Ill. Adm. Code 734.630(cc)). Because there is no supporting documentation, the Illinois EPA cannot determine whether the costs will be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Costs that will 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 are not approved pursuant to Section 57.7(c)(3) of the Act.

Exhibit A, Att. B, Section 2, ¶3.

8. Section 2, paragraph 3 of the Agency's February 11, 2015 decision then lists twelve (12) categories of Consulting Personnel Costs from the 2014 CAP Budget which were denied.

9. The Agency's February 11, 2015 decision acknowledges that the 2014 CAP Budget includes costs that were likely incurred during early action and site classification. *See* Exhibit A, ¶3 (a), (c), (d), (e), (f). The 2014 CAP Budget includes supporting documentation and sufficient justification for such early action and site classification costs.

10. Some of the Consulting Personnel Costs included in the 2014 CAP Budget were included in budgets that were previously submitted to the Agency in September 2003. None of the Consulting Personnel Costs included in the 2014 CAP Budget were approved in prior budget submittals.

11. The 2014 CAP Budget includes supporting documentation and sufficient justification for the Consulting Personnel Costs that were included in prior budget submittals and denied by the Agency.

12. The 2014 CAP Budget also includes supporting documentation and sufficient justification for the costs of work performed by Petitioner at the direction of the Agency project Manager, Trent Benanti, for corrective action, modeling, etc.

13. In 2013, Petitioner's consultant, MSA Professional Services, was told by the IEPA Project Manager, Trent Benanti, to resubmit previous CAP preparation costs, including personnel costs associated with CAP preparation incurred prior to 2009, in the next budget submittal for this LUST incident.

14. The supporting documentation and justification included in the 2014 CAP Budget demonstrate that the Consulting Personnel Costs identified in the 2014 CAP Budget were essential to completion of the minimum corrective requirements of the Act and 35 Ill. Admin. Code Part 734.

WHEREFORE, for the above reasons, Petitioner, NORM CREVELING, respectfully requests that the Illinois Pollution Control Board grant the following:

- a. Find that the Agency's February 11, 2015 final decision is arbitrary, capricious and not supported by statutory or regulatory authority;
- b. Reverse the Agency's rejection of all Consulting Personnel Costs sought in the 2014 CAP Budget and approve Petitioner's budget for Consulting Personnel Costs;
- c. Award Petitioner reasonable attorney's fees and expenses incurred in bringing this action; and
- d. Award such other relief as the Board deems appropriate.

Respectfully submitted,

NORM CREVELING,
Petitioner,

DATE: June 19, 2015

By: /s/Jennifer M. Martin
One of Its Attorneys

Edward W. Dwyer
Jennifer M. Martin
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705
(217) 523-4900



Electronic Filing - Received Clerk's Office : 06/19/2015
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

(217) 524-3300

CERTIFIED MAIL

FEB 11 2015

7009 3410 0002 3750 9295

Norm Creveling
302 S. Railroad Ave.
Buckley, IL 60918

Re: LPC #0750155001 – Iroquois County
Buckley/Norm Creveling
302 S. Railroad Ave.
Leaking UST Incident #20002212
Leaking UST Technical File



Dear Mr. Creveling:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan and Corrective Action Plan Budget submitted for the above-referenced incident. The Corrective Action Plan, dated 10/08/2014, was received by the Illinois EPA on 10/14/2014. The Corrective Action Plan Budget is located in Appendix I of the Corrective Action Plan.

The Illinois EPA has determined that the activities proposed in the Corrective Action Plan are appropriate to demonstrate compliance with Title XVI of the Environmental Protection Act (Act). Therefore, pursuant to Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.505(b) and 734.510(a), the Corrective Action Plan is approved. All activities associated with the remediation of this release proposed in the Corrective Action Plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

As set forth in Attachment A of this letter, the Illinois EPA has determined that the use of a project labor agreement (PLA) is required. A *Standard Project Labor Agreement for UST Fund Corrective Action Work* (model PLA) is available on the Illinois EPA's Leaking Underground Storage Tank Program website. This model PLA has been reviewed and approved by the AFL-CIO Statewide PLA Committee (PLA Committee), which is the central committee authorized by all respective crafts to negotiate and sign PLAs on behalf of the crafts. You must submit a signed copy of the model PLA to the PLA Committee at the following address for the PLA Committee's execution:

Michael T. Carrigan, President
Illinois AFL-CIO
534 South Second St., Suite 200
Springfield, IL 62701-1764

Once the PLA has been fully executed, a copy will be returned to the environmental consultant

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 814-6026

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retained by the underground storage tank (UST) owner or operator so the environmental consultant will know when work conducted under the PLA may begin.

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), the Corrective Action Plan Budget is modified. Based on the modification listed in Section 2 of Attachment B of this letter, the amounts listed in Section 1 of Attachment B of this letter have been approved. However, it should be noted that the amount of payment from the Underground Storage Tank Fund may be limited by Sections 57.7(c), 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.

If the use of a PLA will impact the project costs, a revised Corrective Action Plan Budget may be submitted for Illinois EPA review. Pursuant to 35 Ill. Adm. Code 734.800(a)(2), if the project costs exceed the maximum payment amounts set forth in 35 Ill. Adm. Code 734.Subpart H, one or more maximum payment amounts may be determined via bidding in accordance with 35 Ill. Adm. Code 734.855. The requirement for a PLA must be part of the invitation for bid.

As more fully set forth in Attachment A of this letter, applications for payment from the UST Fund must include a certification signed by the UST owner or operator stating that work for which a PLA is required was performed under a PLA. The environmental consultant should provide a copy of the fully executed PLA to the UST owner or operator so the UST owner or operator will be able to make the certification.

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

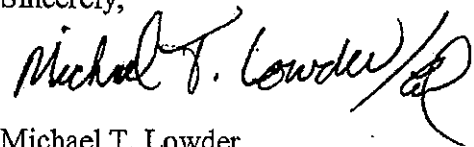
If within four years after the approval of this Corrective Action Plan, compliance with the applicable remediation objectives has not been achieved and a Corrective Action Completion Report has not been submitted, the Illinois EPA requires the submission of a status report pursuant to Section 57.7(b)(6) 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 assistance, please contact Trent Benanti at (217) 524-4649.

Page 3

Sincerely,

A handwritten signature in black ink that reads "Michael T. Lowder" followed by a stylized flourish or initial.

Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments: Attachment A
Attachment B
Appeal Rights

c: Antonia Laros (MSA Professional Services)
BOL File

Attachment A

Re: LPC #0750155001 – Iroquois County
Buckley/Norm Creveling
302 S. Railroad Ave.
Leaking UST Incident #20002212
Leaking UST Technical File

NOTICE OF PROJECT LABOR AGREEMENT REQUIREMENT

Please be advised that, pursuant to Section 57.7(c)(3) of the Environmental Protection Act (415 ILCS 5/57.7(c)(3)), the Illinois EPA has determined that a project labor agreement (PLA) is required for the work included in the Corrective Action Plan for which the UST owner or operator is seeking payment from the Underground Storage Tank (UST) Fund. The basis for the Illinois EPA's determination that a PLA is required for the project is set forth, as follows:

1. Use of a PLA will advance the State's interest in labor continuity and stability in completing the project work in accordance with the plan approved by the Illinois EPA.
2. Use of a PLA will advance the State's interest in performance of the project work by a skilled labor force, thereby achieving the remediation objectives of the project.
3. Use of a PLA will advance the State's interest of advancing minority-owned and women-owned business and minority and female employment.

A PLA is not required for project work for which no payment from the UST Fund is being requested.

Pursuant to Section 57.8 of the Environmental Protection Act (415 ILCS 5/57.8), applications for payment from the UST Fund must include a certification signed by the UST owner or operator stating that the work was (i) performed under a PLA that meets the requirements of Section 25 of the Project Labor Agreements Act and (ii) implemented in a manner consistent with the terms and conditions of the Project Labor Agreements Act and in full compliance with all statutes, regulations, and Executive Orders as required under that Act and the Prevailing Wage Act (820 ILCS 130).

Attachment B

Re: LPC #0750155001 – Iroquois County
 Buckley/Norm Creveling
 302 S. Railroad Ave.
 Leaking UST Incident #20002212
 Leaking UST Technical File

Section 1

The Corrective Action Plan Budget was previously approved for:

\$ 0.00	Drilling and Monitoring Well Costs
\$ 0.00	Analytical Costs
\$ 0.00	Remediation and Disposal Costs
\$ 0.00	UST Removal and Abandonment Costs
\$ 0.00	Paving, Demolition, and Well Abandonment Costs
\$31,099.00	Consulting Personnel Costs
\$ 0.00	Consultant's Materials Costs

Based on the modifications listed in Section 2 of this Attachment B the following amounts are approved:

\$ 5,495.90	Drilling and Monitoring Well Costs
\$ 801.49	Analytical Costs
\$ 567.28	Remediation and Disposal Costs
\$ 0.00	UST Removal and Abandonment Costs
\$14,831.25	Paving, Demolition, and Well Abandonment Costs
\$ 0.00	Consulting Personnel Costs
\$ 3,583.68	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 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

Therefore, the total cumulative Corrective Action Plan Budget is approved for:

\$ 5,495.90	Drilling and Monitoring Well Costs
\$ 801.49	Analytical Costs
\$ 567.28	Remediation and Disposal Costs
\$ 0.00	UST Removal and Abandonment Costs
\$14,831.25	Paving, Demolition, and Well Abandonment Costs
\$31,099.00	Consulting Personnel Costs
\$ 3,583.68	Consultant's Materials Costs

Section 2

1. For costs not approved by the Illinois EPA in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the costs were incurred (35 Ill. Adm. Code 734.870(d)(2)).
 - (a) HDC Engineering, Inc. used a direct push drilling machine to drill one soil boring (RBCA 1) on 07/06/2006. The minimum payment amount for the time period between 07/01/2006 and 06/30/2007 is \$1,233.48. The Drilling and Monitoring Well Costs Form lists a minimum payment amount of \$1,457.81. Therefore, the Illinois EPA deducted \$224.33 from the Drilling and Monitoring Well Costs.
 - (b) MSA Professional Services used a direct push drilling machine to drill one soil boring (B45) on 01/23/2013. The minimum payment amount for the time period between 07/01/2012 and 06/30/2013 is \$1,403.96. The Drilling and Monitoring Well Costs Form lists a minimum payment amount of \$1,457.81. Therefore, the Illinois EPA deducted \$53.85 from the Drilling and Monitoring Well Costs.
 - (c) MSA Professional Services use a direct push drilling machine to drill two soil borings (B46 and B47) on 01/16/2014. The minimum payment amount for the time period between 07/01/2013 and 06/30/2014 is \$1,429.23. The Drilling and Monitoring Well Costs Form lists a minimum payment amount of \$1,457.81. Therefore, the Illinois EPA deducted \$28.58 from the Drilling and Monitoring Well Costs.
 - (d) MSA Professional Services used a direct push drilling machine to drill one soil boring (B48) on 05/23/2014. The minimum payment amount for the time period between 07/01/2013 and 06/30/2014 is \$1,429.23. The Drilling and Monitoring Well Costs Form lists a minimum payment amount of \$1,457.81. Therefore, the Illinois EPA deducted \$28.58 from the Drilling and Monitoring Well Costs.
 - (e) MSA Professional Services submitted one soil sample from soil boring B46 and one soil sample from soil boring B47 to Prairie Analytical Systems, Inc. Prairie Analytical Systems, Inc. analyzed both soil samples for benzene, toluene, ethylbenzene, and total xylenes (collectively referred to as BTEX) in accordance with SW-846 8260B. The maximum payment amounts for BTEX soil analysis and sample shipping for the time period between 07/01/2013 and 06/30/2014 are \$101.24 and \$59.55. Therefore, the Illinois EPA deducted \$5.23 from the Analytical Costs.
 - (f) MSA Professional Services submitted one soil sample from soil boring B48 to Prairie Analytical Systems, Inc. Prairie Analytical Systems, Inc. analyzed the soil sample for benzene, toluene, ethylbenzene, and total xylenes (collectively referred to as BTEX) in accordance with SW-846 8260B. The maximum payment amounts for BTEX soil analysis and sample shipping for the time period between 07/01/2013 and 06/30/2014 are \$101.24 and \$59.55. Therefore, the Illinois EPA deducted \$3.21 from the Analytical Costs.

- (g) HDC Engineering, Inc. submitted one soil sample from soil boring RBCA 1 to Great Lakes Analytical. TestAmerica Analytical Testing Corporation determined the fraction organic carbon (0.0155 g/g) in accordance with American Society for Testing and Materials (ASTM) D2974-87. STS Consultants Ltd. determined the moisture content in accordance with ASTM D2216, dry soil bulk density in accordance with ASTM D2937, and specific gravity in accordance with ASTM D854. The maximum payment amounts for fraction organic carbon, moisture content, dry soil bulk density, and sample shipping for the time period between 07/01/2006 and 06/30/2007 are \$39.06, \$12.33, \$22.61, and \$51.40. Therefore, the Illinois EPA deducted \$22.80 from the Analytical Costs.
- (h) MSA Professional Services collected two groundwater samples (MW2-F and MW2-T) from groundwater monitoring well MW2 on 01/23/2013. Prairie Analytical Systems, Inc. filtered groundwater sample MW2-F and analyzed both groundwater samples for lead in accordance with SW-846 Method 6010B. The maximum payment amounts for water preparation, lead water analysis, and sample shipping for the time period between 07/01/2012 and 06/30/2013 are \$12.86, \$21.06 and \$58.50. Therefore, the Illinois EPA deducted \$4.84 from the Analytical Costs.
- (i) MSA Professional Services submitted one soil sample from soil boring B45 to Prairie Analytical Systems, Inc. Prairie Analytical Systems, Inc. determined the pH in accordance with SW-846 Method 9045C and analyzed soil sample B45-4 for total lead in accordance with SW-846 Method 6020A. The maximum payment amounts for pH, soil preparation, and total lead soil analysis for the time period between 07/01/2012 and 06/30/2013 are \$16.38, \$18.71, and \$18.71. Therefore, the Illinois EPA deducted \$2.06 from the Analytical Costs.
- FYI – The maximum payment amount for sample shipping includes all samples (soil and groundwater) collected in a calendar day. Soil sample B45-4 was collected on the same day as groundwater samples MW2-F and MW2-T.
- (j) One drum of solid waste was disposed in 06/2011. The minimum payment amount for the time period between 07/01/2010 and 06/30/2011 is \$567.28. The Corrective Action Plan Budget lists a minimum payment amount of \$607.42. Therefore, the Illinois EPA deducted \$40.14 from the Remediation and Disposal Costs.
- (k) The maximum hourly rate for a Professional Engineer for the time period between 03/01/2006 and 06/30/2006 is \$110.00. The Consulting Personnel Costs Form lists an hourly rate of \$115.00 for a Professional Engineer for the time period between 01/01/2003 and 12/31/2003.
- (l) The maximum hourly rate for a Scientist III for the time period between 03/01/2006 and 06/30/2006 is \$70.00. The Consulting Personnel Costs Form lists an hourly rate of \$72.00 for a Scientist III for the time period between 01/01/2004 and 12/31/2004.

- (m) The maximum hourly rate for a Scientist II for the time period between 03/01/2006 and 06/30/2006 is \$65.00. The Consulting Personnel Costs Form lists an hourly rate of \$70.00 for a Scientist II for the time period between 01/01/2005 and 12/31/2005.
 - (n) The maximum hourly rate for a Scientist IV for the time period between 03/01/2006 and 06/30/2006 is \$75.00. The maximum hourly rate for a Scientist IV for the time period between 07/01/2006 and 06/30/2007 is \$77.09. The Consulting Personnel Costs Form lists an hourly rate of \$84.00 for a Scientist IV for the time period between 01/01/2006 and 12/31/2006.
 - (o) The maximum hourly rate for a Scientist III for the time period between 03/01/2006 and 06/30/2006 is \$70.00. The maximum hourly rate for a Scientist III for the time period between 07/01/2006 and 06/30/2007 is \$71.95. The Consulting Personnel Costs Form lists an hourly rate of \$78.00 for a Scientist III for the time period between 01/01/2006 and 12/31/2006.
 - (p) The maximum hourly rate for a Scientist II for the time period between 03/01/2006 and 06/30/2006 is \$65.00. The maximum hourly rate for a Scientist II for the time period between 07/01/2006 and 06/30/2007 is \$66.81. The Consulting Personnel Costs Form lists an hourly rate of \$70.00 for a Scientist II for the time period between 01/01/2006 and 12/31/2006.
2. The Consulting Personnel Costs Form contains a title (Project Engineer) that is not listed in 35 Ill. Adm. Code 734.Appendix E. Therefore, the Illinois EPA cannot determine the appropriate maximum hourly rate.
 3. Costs that lack supporting documentation are ineligible for payment from the Fund (35 Ill. Adm. Code 734.630(cc)). Because there is no supporting documentation, the Illinois EPA cannot determine whether the costs will be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Costs that will 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 are not approved pursuant to Section 57.7(c)(3) of the Act.
 - (a) The Consulting Personnel Costs Form contains Senior Project Manager costs for site visits for the time period between 01/01/2001 and 12/31/2002.

Received	Item Description	Item Date
NA	Early Action Extension Approval Letter	01/17/2001
01/18/2001	45-Day Report	01/17/2001
NA	Illinois EPA Letter	02/13/2001
03/23/2001	45-Day Report	03/19/2001
NA	Illinois EPA Letter	04/20/2001
05/30/2001	Site Classification Work Plan	04/02/2001
	Site Classification Work Plan Budget	03/30/2001

Received	Item Description	Item Date
NA	Illinois EPA Letter	09/27/2001
10/25/2001	Site Classification Work Plan Budget	10/12/2001
NA	Illinois EPA Letter	02/22/2002
08/19/2002	Site Classification Completion Report	08/08/2002
08/20/2002	Site Classification Work Plan Budget	08/08/2002
NA	Illinois EPA Letter	12/17/2002
NA	Illinois EPA Letter	12/18/2002
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003

The site visits were likely conducted during early action and site classification. However, site visits conducted in late 2002 may have been conducted during preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, dated 08/20/2003. In a letter, dated 01/09/2004, the Illinois EPA approved sufficient Personnel Costs (\$9,900.00) for preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, oversight of the twenty-three proposed soil borings, collection of forty-six soil samples, collection of four groundwater samples, and preparation of a billing package.

- (b) The Consulting Personnel Costs Form contains Senior Project Manager and Scientist III costs for preparation of an off-site access plan, off-site access coordination, and off-site access planning for the time period between 01/01/2001 and 12/31/2002. Considering that the High Priority Corrective Action Plan, dated 08/20/2003, was the first plan (site classification or corrective action) to propose off-site investigation activities, the Senior Project Manager and Scientist III costs were likely incurred during preparation of the High Priority Corrective Action Plan, dated 08/20/2003. In a letter, dated 01/09/2004, the Illinois EPA approved sufficient Personnel Costs (\$9,900.00) for preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, oversight of the twenty-three proposed soil borings, collection of forty-six soil samples, collection of four groundwater samples, and preparation of a billing package.
- (c) The Consulting Personnel Costs Form contains Senior Project Manager costs for project management, preparation of a Corrective Action Plan Budget, project oversight, scheduling, corrective action design and planning, and client meetings and correspondence for the time period between 01/01/2001 and 12/31/2002.

Received	Item Description	Item Date
NA	Early Action Extension Approval Letter	01/17/2001
01/18/2001	45-Day Report	01/17/2001

Received	Item Description	Item Date
NA	Illinois EPA Letter	02/13/2001
03/23/2001	45-Day Report	03/19/2001
NA	Illinois EPA Letter	04/20/2001
05/30/2001	Site Classification Work Plan	04/02/2001
	Site Classification Work Plan Budget	03/30/2001
NA	Illinois EPA Letter	09/27/2001
10/25/2001	Site Classification Work Plan Budget	10/12/2001
NA	Illinois EPA Letter	02/22/2002
08/19/2002	Site Classification Completion Report	08/08/2002
08/20/2002	Site Classification Work Plan Budget	08/08/2002
NA	Illinois EPA Letter	12/17/2002
NA	Illinois EPA Letter	12/18/2002
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003

The Senior Project Manager costs were likely incurred during early action and site classification. However, some of the Senior Project Manager Costs may have been incurred during preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, dated 08/20/2003. In a letter, dated 01/09/2004, the Illinois EPA approved sufficient Personnel Costs (\$9,900.00) for preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, oversight of the twenty-three proposed soil borings, collection of forty-six soil samples, collection of four groundwater samples, and preparation of a billing package.

- (d) The Consulting Personnel Costs Form contains Project Engineer, Scientist IV, and Scientist III costs for report certification, report preparation, analytical data review, and site mapping for the time period between 01/01/2001 and 12/31/2002.

Received	Item Description	Item Date
NA	Early Action Extension Approval Letter	01/17/2001
01/18/2001	45-Day Report	01/17/2001
NA	Illinois EPA Letter	02/13/2001
03/23/2001	45-Day Report	03/19/2001
NA	Illinois EPA Letter	04/20/2001
05/30/2001	Site Classification Work Plan	04/02/2001
	Site Classification Work Plan Budget	03/30/2001
NA	Illinois EPA Letter	09/27/2001
10/25/2001	Site Classification Work Plan Budget	10/12/2001

Received	Item Description	Item Date
NA	Illinois EPA Letter	02/22/2002
08/19/2002	Site Classification Completion Report	08/08/2002
08/20/2002	Site Classification Work Plan Budget	08/08/2002
NA	Illinois EPA Letter	12/17/2002
NA	Illinois EPA Letter	12/18/2002
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003

The Project Engineer, Scientist IV, and Scientist III costs were likely incurred during early action and site classification.

- (e) The Consulting Personnel Costs Form contains Scientist III costs for reimbursement preparation for the time period between 01/01/2001 and 12/31/2002.

Received	Item Description	Item Date
NA	Early Action Extension Approval Letter	01/17/2001
01/18/2001	45-Day Report	01/17/2001
NA	Illinois EPA Letter	02/13/2001
03/23/2001	45-Day Report	03/19/2001
NA	Illinois EPA Letter	04/20/2001
05/30/2001	Site Classification Work Plan Site Classification Work Plan Budget	04/02/2001 03/30/2001
08/27/2001	Billing Package	NA
NA	Illinois EPA Letter	09/27/2001
10/25/2001	Site Classification Work Plan Budget	10/12/2001
NA	Illinois EPA Letter	02/22/2002
08/19/2002	Site Classification Completion Report	08/08/2002
08/20/2002	Site Classification Work Plan Budget	08/08/2002
12/02/2002	Billing Package	NA
NA	Illinois EPA Letter	12/17/2002
NA	Illinois EPA Letter	12/18/2002
01/22/2003	Billing Package	NA
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
06/23/2003	Billing Package	NA
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003

The Scientist III costs were likely incurred during early action and site classification.

- (f) The Consulting Personnel Costs Form contains Professional Engineer costs for billing certifications and Project Engineer costs for reimbursement package review for the time period between 01/01/2003 and 12/31/2003.

Received	Item Description	Item Date
01/22/2003	Billing Package	NA
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
06/23/2003	Billing Package	NA
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003
09/15/2003	High Priority Corrective Action Plan High Priority Corrective Action Plan Budget	08/20/2003
NA	Illinois EPA Letter	01/09/2004

The Professional Engineer and Project Engineer costs are likely associated with site classification billing packages.

- (g) The Consulting Personnel Costs Form contains Senior Project Manager costs for water sampling for the time period between 01/01/2003 and 12/31/2003. The Illinois EPA does not have documentation that groundwater samples were collected in 2003.
- (h) The Consulting Personnel Costs Form contains Senior Project Manager, Project Manager, Project Engineer, Scientist IV, Scientist II, and Draftsperson/CAD III costs for site work planning, report preparation, overall supervision, corrective action planning, project management, correspondence, data review, Corrective Action Plan design, reporting, preparation of a Corrective Action Plan, boring logs, Illinois EPA correspondence, subcontractor liaison, off-site access letters, field schedule estimation, preparation of a Corrective Action Plan Budget, lab results review, compilation of corrective action field data, waste profiling, mapping, and preparation of drawings for the time period between 01/01/2003 and 12/31/2003.

Received	Item Description	Item Date
01/22/2003	Billing Package	NA
04/11/2003	Miscellaneous Correspondence (SC-Pay)	04/03/2003
04/18/2003	Miscellaneous Correspondence (SC-Pay)	04/17/2003
05/02/2003	Miscellaneous Correspondence (SC-Pay)	05/01/2003
06/23/2003	Billing Package	NA
NA	Illinois EPA Letter	07/30/2003
08/08/2003	Miscellaneous Correspondence (SC-Pay)	08/07/2003

Received	Item Description	Item Date
09/15/2003	High Priority Corrective Action Plan High Priority Corrective Action Plan Budget	08/20/2003
NA	Illinois EPA Letter	01/09/2004

Some of the costs are likely associated with site classification billing packages and some of the costs were likely incurred during preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, dated 08/20/2003. In a letter, dated 01/09/2004, the Illinois EPA approved sufficient Personnel Costs (\$9,900.00) for preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, oversight of the twenty-three proposed soil borings, collection of forty-six soil samples, collection of four groundwater samples, and preparation of a billing package.

- (i) The Consulting Personnel Costs for the time period between 01/01/2004 and 12/31/2005 are likely associated with the following:

Received	Item Description	Item Date
09/15/2003	High Priority Corrective Action Plan High Priority Corrective Action Plan Budget	08/20/2003
NA	Illinois EPA Letter	01/09/2004
01/16/2004	High Priority Corrective Action Plan Budget	01/14/2004
01/15/2004	Facsimile	01/15/2004
NA	Illinois EPA Letter	04/16/2004
04/21/2004	Miscellaneous Correspondence	04/20/2004
NA	Illinois EPA Letter	06/18/2004
09/30/2004	High Priority Corrective Action Plan	09/2004
NA	Illinois EPA Letter	01/13/2005
02/16/2005	High Priority Corrective Action Plan Budget	02/2005
01/26/2005	Billing Package	NA
NA	Illinois EPA Letter	05/02/2005
05/03/2006	Status Report	04/2006
05/12/2006	Billing Package	NA

In a letter dated, 01/09/2004, the Illinois EPA approved sufficient Personnel Costs (\$9,900.00) for preparation of the High Priority Corrective Action Plan and High Priority Corrective Action Plan Budget, dated 08/20/2003; oversight of the twenty-three proposed soil borings; collection of forty-six soil samples; collection of four groundwater samples; and preparation of a billing package.

In a letter, dated 05/02/2005, the Illinois EPA approved sufficient Personnel Costs (\$15,570.00) for preparation of the High Priority Corrective Action Plan, dated 09/2004; preparation of the High Priority Corrective Action Plan Budget, dated

02/2005; execution of the field work; preparation of the Status Report, dated 04/2006; and preparation and review of a billing package.

- (j) Some of the Consulting Personnel Costs for the time period between 01/01/2006 and 12/31/2006 are associated with the following:

Received	Item Description	Item Date
09/30/2004	High Priority Corrective Action Plan	09/2004
NA	Illinois EPA Letter	01/13/2005
02/16/2005	High Priority Corrective Action Plan Budget	02/2005
01/26/2005	Billing Package	NA
NA	Illinois EPA Letter	05/02/2005
05/03/2006	Status Report	04/2006
05/12/2006	Billing Package	NA

In a letter, dated 05/02/2005, the Illinois EPA approved sufficient Personnel Costs (\$15,570.00) for preparation of the High Priority Corrective Action Plan, dated 09/2004; preparation of the High Priority Corrective Action Plan Budget, dated 02/2005; execution of the field work; preparation of the Status Report, dated 04/2006; and preparation and review of a billing package.

- (k) Some of the Consulting Personnel Costs for the time period between 07/01/2009 and 06/2014 are associated with the following:

Received	Item Description	Item Date
11/24/2010	Corrective Action Plan Corrective Action Plan Budget	11/22/2010
NA	Illinois EPA Letter	01/03/2011
05/31/2011	Corrective Action Plan Corrective Action Plan Budget	05/24/2011
NA	Illinois EPA Letter	09/14/2011
12/16/2011	Corrective Action Plan Corrective Action Plan Budget	12/13/2011
04/12/2012	Fax	04/12/2012
NA	Illinois EPA Letter	04/30/2012
01/07/2014	Billing Package	NA

In a letter, dated 01/03/2011, the Illinois EPA approved sufficient Consulting Personnel Costs (\$5,782.00) for preparation, review, and certification of the Corrective Action Plan and Corrective Action Plan Budget, dated 11/22/2010, and preparation, review, and certification of the Corrective Action Plan and Corrective Action Plan Budget, dated 05/24/2011.

In a letter, dated 04/30/2012, the Illinois EPA approved sufficient Consulting Personnel Costs (\$26,837.00) for preparation, review, and certification of the Corrective Action Plan and Corrective Action Plan Budget, dated 05/24/2011, and preparation, review, and certification of the Corrective Action Plan and Corrective Action Plan Budget, dated 12/13/2011.

At a minimum, the billing package is associated with the Corrective Action Plan and Corrective Action Plan Budget, dated 12/13/2011.

- (1) Some of the Consulting Personnel Costs for the time period between 05/01/2011 and 06/30/2011 are associated with disposal of drums that contained solid waste generated while drilling soil borings B33 through B44. In a letter, dated 05/02/2005, the Illinois EPA approved sufficient Personnel Costs for execution of the field work.

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

EXHIBIT B

ILLINOIS POLLUTION CONTROL BOARD

March 19, 2015

NORM CREVELING,)	
)	
Petitioner,)	
)	
v.)	PCB 15-169
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. GLOSSER):

On March 13, 2015, the parties timely filed a joint notice to extend the 35-day period within which Norm Creveling (petitioner) may appeal a February 11, 2015, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.206(c), 105.208(a), (c). In the determination, the Agency approved the Corrective Action Plan, however determined that the use of a project labor agreement (PLA) is required for petitioner's facility located at 302 S. Railroad Ave., Buckley, Iroquois County.

The Board extends the appeal period until June 19, 2015, as the parties request. *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 105.208(a). If petitioner fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

Board Member G.M. Keenan voted present.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 19, 2015, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board