

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLICO INDEPENDENT OIL CO.,)	
)	
Petitioner,)	
)	
vs.)	PCB 17-84
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

TRANSCRIPT FROM THE PROCEEDINGS taken
before HEARING OFFICER CAROL WEBB, by LISA HAHN
PETERMAN, CSR, RMR, a notary public within and for
the County of Macon and State of Illinois, at the
Illinois Pollution Control Board, 1021 North Grand
Avenue East, Springfield, Illinois, on the 19th day
of September, 2018, at 10:00 a.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A P P E A R A N C E S:
ILLINOIS POLLUTION CONTROL BOARD.

September 19, 2018

Page 3

I N D E X

PAGES

Opening Remarks by the Hearing Officer...	4
Closing Remarks by the Hearing Officer...	73

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JEFF WIENHOFF	6	20	29/31	30/31
TRENT BENANTI	36	53	59	63
JEFF WIENHOFF	67	68	70/71	71/72

E X H I B I T S

NUMBER	IDENTIFIED	ADMITTED
Petitioner's 1	13	35
IEPA Exhibit 1	36	66
IEPA Exhibit 2	49	66

September 19, 2018

Page 4

1 HEARING OFFICER WEBB: Good morning.
2 My name is Carol Webb, and this is a hearing for
3 PCB 17-84, Illico Independent Oil Company vs IEPA.
4 It is September 19th, and we are beginning at 10:00
5 a.m.

6 For the record, although this facility
7 is located in Peoria County, there was no known
8 public interest in this case, so I granted the
9 parties' request to hold the hearing in
10 Springfield.

11 There are no members of the public
12 present to comment, but written public comment may
13 be filed with the Clerk by October 3rd.

14 In this case, the Agency modified the
15 Corrective Action Plan and budget for Petitioner's
16 site, located at 3712 North University Street in
17 Peoria.

18 The Pollution Control Board members
19 will make the final decision in this case.

20 My purpose is to conduct the hearing in
21 a neutral and orderly manner so that we have a
22 clear record of the proceedings. The decision
23 deadline is December 20th.

24 This hearing was noticed pursuant to

1 the Act and the Board's rules and will be conducted
2 pursuant to Sections 101.600 through 101.632 of the
3 Board's Procedural Rules.

4 At this time I will ask the parties to
5 please make their appearances on the record.

6 MR. SHAW: Patrick Shaw on behalf of
7 Illico Independent Oil Company.

8 MS. JARVIS: Melanie Jarvis, Special
9 Assistant Attorney General, on behalf of the
10 Illinois Environmental Protection Agency.

11 HEARING OFFICER WEBB: Thank you.

12 Are there any preliminary matters you
13 would like to discuss on the record?

14 MR. SHAW: Not me.

15 MS. JARVIS: No.

16 HEARING OFFICER WEBB: Would the
17 Petitioner like to give an opening state?

18 MR. SHAW: We'll waive opening
19 statement.

20 MS. JARVIS: We will also waive opening
21 statement.

22 HEARING OFFICER WEBB: Okay.

23 Mr. Shaw, you may call your first
24 witness.

1 And would the court reporter please
2 swear in the witness?

3 (Witness sworn.)
4

5 JEFF WIENHOFF
6 called as a witness on behalf of the Petitioner,
7 being first duly sworn, was examined and testified
8 as follows:

9 DIRECT EXAMINATION

10 BY MR. SHAW:

11 **Q. Will the witness please state his name?**

12 A. Jeff Wienhoff.

13 **Q. Good morning, Mr. Wienhoff. Could you**
14 **state your highest attained educational background?**

15 A. I have a Bachelor's degree from Tulane
16 University in Chemical Engineering with
17 departmental honors.

18 **Q. And what year did you receive that?**

19 A. 1999.

20 **Q. After graduating, did you work?**

21 A. Yeah, I did. I went to grad school for
22 a year and then I started employment in 2000.

23 **Q. Okay. And what was your occupation and**
24 **background?**

1 A. I was employed in environmental
2 engineering for CW3M Company.

3 **Q. Do you have any license relating to**
4 **your occupation?**

5 A. I am an Illinois Licensed Professional
6 Engineer since 2005.

7 **Q. And what was the nature of the work**
8 **that you did for CW3M?**

9 A. I was primarily working on underground
10 storage tank sites dealing with environmental
11 issues.

12 **Q. And I assume that you've left CW3M at**
13 **some point in time. Where did you go to work from**
14 **there?**

15 A. I was there almost ten years, and then
16 I went from there to Marlin Environmental, doing
17 the same kind of work, for close to six years, and
18 then for the last two and a half years, I've worked
19 for Green Wave Consulting, continuing to primarily
20 focus on environmental issues at underground
21 storage tank sites.

22 **Q. So since you started working after**
23 **school, about what percentage of your work is**
24 **involved in underground storage tanks?**

1 A. Probably 95 percent.

2 Q. Are you familiar with Illico

3 Independent Oil?

4 A. Yes.

5 Q. When did you first become familiar with
6 them?

7 A. The company?

8 Q. Yeah.

9 A. Probably about 2013, I believe, we
10 started with Marlin. They signed a contract with
11 Marlin to work on their open LUST incidents.

12 Q. So you worked with them on several
13 sites?

14 A. Yeah, about 10 to 12.

15 Q. When did you first become familiar with
16 the -- I guess it's called the -- maybe the
17 University service station in Peoria?

18 A. Yeah. We were brought in sometime in
19 the summer of 2015, as they were undergoing a
20 lawsuit with their tenant at the time, to review
21 the site and give our opinions with regards to its
22 status and where it stood.

23 Q. Do you recall what the status of the
24 site in terms of the LUST program was?

1 A. It had been through a number of
2 different, kind of, consultants and things
3 throughout the years and stages of investigation.
4 At the time, the current consultant that was
5 dealing with it had just -- had completed a Stage
6 II site investigation but had not yet submitted the
7 results.

8 **Q. The submittals are in the record, so I**
9 **don't want to spend too much time on them, but,**
10 **essentially, what is the purpose of a Stage II site**
11 **investigation?**

12 A. To complete the delineation of the
13 contamination on the gas station property itself.

14 **Q. Okay. Did Marlin do that work or was**
15 **that done --**

16 A. That was done by a prior company.

17 **Q. Okay. What was the first work Marlin**
18 **did on the site?**

19 A. Marlin submitted a Stage III Site
20 Investigation Plan.

21 **Q. Okay. Now, what is the purpose of a**
22 **Stage III site investigation?**

23 A. To finish the delineation of the
24 contamination on to neighboring properties.

1 **Q. So the point Marlin or you entered into**
2 **working on the project, I take it, that the extent**
3 **of contamination onsite had been delineated?**

4 A. Yes.

5 **Q. What did the results of the Stage III**
6 **site investigation show?**

7 A. Some of it was denied for access at the
8 time, and others of it we had to clean borings, I
9 believe, offsite in another direction to finish the
10 site investigation.

11 **Q. Okay. And which direction was the**
12 **contamination flowing on the site?**

13 A. North by northwest primarily. To the
14 west, yeah.

15 **Q. After the Stage III site investigation**
16 **work -- well, let me back up.**

17 **Was the Stage III investigation site**
18 **work ever approved by the Agency?**

19 A. Yes.

20 **Q. Following the Stage III Site**
21 **Investigation Plan, what is usually the next step**
22 **in a LUST -- for LUST cleanups?**

23 A. A Site Investigation Completion Report,
24 which documents the Stage III work done and

1 demonstrates the extent of contamination that have
2 been defined.

3 **Q. Was that performed?**

4 A. Yes.

5 **Q. Are there situations where Stage III**
6 **site -- well, let me back up. Strike that.**

7 **And was that work -- was that work**
8 **approved, the report?**

9 A. Yes.

10 **Q. Did the Site Investigation Report**
11 **conclude that additional corrective action was**
12 **necessary?**

13 A. I mean, yeah, it just -- I mean,
14 there's always corrective action necessary. It's
15 just a matter of what it is. They concluded -- all
16 that concludes is where the contamination is and
17 how bad it is.

18 **Q. What was the source of contamination at**
19 **the site?**

20 A. Well, the original release was reported
21 based on overfills of the USTs.

22 **Q. And where would the overfills occur at?**

23 A. At the fill ports on top of the USTs.

24 **Q. Okay. How many USTs were there at the**

1 **site?**

2 A. Five.

3 Q. So each of these would have -- each of
4 these fill ports would have -- each of these tanks
5 would have its own fill port?

6 A. Correct.

7 Q. Are you aware of any other sources of
8 petroleum contamination that were evidenced or
9 indicated in the record?

10 A. No. That was the only reported release
11 at the site.

12 Q. In terms of corrective action, I
13 believe you indicated that it depends on what type
14 of corrective action is called for by the site
15 investigation. What type of corrective action was
16 proposed here following completion of the site
17 investigation?

18 A. Removal of the source material above
19 Tier 2 objectives, taking into account the
20 groundwater use restriction at the site and
21 industrial or commercial objectives or industrial
22 or commercial use of the property, and then highway
23 authority agreements and restrictions following
24 that removal.

1 **Q. Okay. And in terms of highway**
2 **authority agreements, when are those necessary?**

3 A. When contamination has migrated beneath
4 the right-of-ways adjacent to the property.

5 **Q. Okay. I'm going to approach the**
6 **witness and give him what has been marked as**
7 **Petitioner's Exhibit 1. It is printed from the**
8 **record on file with the Board, page 598.**

9 **(Petitioner's Exhibit Number 1 was**
10 **marked for identification.)**

11 MS. JARVIS: This is Petitioner's
12 Exhibit 1?

13 MR. SHAW: Petitioner's Exhibit 1.
14 Sorry. I didn't mark all of them.

15 MS. JARVIS: Okay. Thank you.

16 BY MR. SHAW:

17 **Q. Do you recognize Petitioner's**
18 **Exhibit 1?**

19 A. I do.

20 **Q. Can you describe it for me?**

21 A. It was the Proposed Excavation Area Map
22 from the submitted Corrective Action Plan.

23 **Q. Okay. I can tell from the key that**
24 **there are some different colors. I would like --**

1 I'm going to go through these one by one to allow
2 you to describe them. Where are the underground
3 storage tanks located? What color?

4 A. In the orange section of the map.

5 Q. Okay. And as far as the excavation
6 plan, what did the excavation plan call to do in
7 the orange area?

8 A. It called to remove the underground
9 storage tanks and remove soil to the landfill from
10 the surface to 13 feet below grade.

11 Q. Okay. And what was the purpose of
12 doing that?

13 A. To remove the worst soils at the source
14 of the contamination of the release.

15 Q. Was it necessary to remove the tanks to
16 remove the worst soils?

17 A. Yes.

18 Q. And why is that?

19 A. I mean, you can't physically get to
20 those soils with the tanks physically remaining in
21 that space.

22 Q. And did you say you were going down
23 13 feet?

24 A. Yes, in that area.

1 **Q. What was the significance of 13 feet?**

2 A. It's the -- it was the
3 estimated backfill area of materials around the
4 tanks, based on the tanks going to 12 foot in depth
5 and a foot of fill material beneath them.

6 **Q. What was the nature of the backfill**
7 **around the tanks?**

8 A. I don't remember. It was sandy soils
9 typically.

10 **Q. I'd like to turn your attention to the**
11 **area that's striped blue.**

12 A. Yes.

13 **Q. Do you see that?**

14 A. I do.

15 **Q. What was the nature of the work to be**
16 **done on -- I'm going to call it the blue area.**

17 A. It was to remove overburden from zero
18 to four feet of material that was below Tier 2
19 objectives and set it aside and then remove the
20 material from four to eight feet in depth, which
21 was above Tier 2 objectives, to haul that to the
22 landfill.

23 **Q. Okay. And what was the significance of**
24 **the four to eight feet versus --**

1 A. It's the depth where the contamination
2 above Tier 2 objectives was found.

3 **Q. And where did that contamination**
4 **originate from?**

5 A. From the overfills of the USTs.

6 **Q. In order to remove contaminated soils**
7 **in section blue, in the blue section, did portions**
8 **of underground storage tank system need to be**
9 **removed?**

10 A. Portions of the piping needed to be
11 removed.

12 **Q. And where was that piping going from?**

13 A. From the underground storage tanks to
14 the dispensers.

15 **Q. I'd like to turn your attention to the**
16 **green section. Can you describe what work was to**
17 **be done in the green section?**

18 A. Similar to the blue, except the
19 overburden was determined to be five foot in
20 thickness in that site, so five foot was set aside
21 to be returned to the excavation, and then the soil
22 from five to eight foot in depth was to be held to
23 the landfill.

24 **Q. So it was -- there was -- so is my**

1 **understanding correct that there was less depth of**
2 **impacted soil in the green section?**

3 A. Less thickness.

4 **Q. Less thickness? In order to remove**
5 **contaminated soils in the green section were any**
6 **portions of underground storage tank needed to be**
7 **removed?**

8 A. Portions of the piping were needed to
9 be removed in order to do that, yes.

10 **Q. Is there any significance to the**
11 **presence of the piping run going between these**
12 **areas in terms of contamination migration?**

13 A. Sometimes it can act as a migration
14 pathway because the soils aren't as tight in the
15 pathway. Sometimes it connects as a migration
16 pathway to move the contaminants.

17 **Q. As I think I asked before, where was**
18 **the source of the contamination for the green**
19 **section of this map?**

20 A. It would have been the overfills of the
21 tanks in the orange section.

22 **Q. In terms of soil sampling, what type of**
23 **soil sampling was done in the region that was**
24 **excavated?**

1 A. During the work or prior to?

2 **Q. Prior to the work.**

3 A. I mean, soil borings were performed as
4 part of the Stage II investigation by the previous
5 consultant.

6 **Q. And where were the locations chosen for**
7 **the soil borings?**

8 A. You know, I wasn't involved in that
9 process, but, typically, you do it as close as
10 practical to the UST pit while maintaining the
11 safety of that area.

12 **Q. Does that mean you don't dig right on**
13 **top of the tanks? Is that what you're saying?**

14 A. Right. Correct.

15 **Q. What is the typical distance away from**
16 **the tank pit that is excavated?**

17 A. For borings?

18 **Q. Yeah. That's what I mean, borings.**

19 A. It's typically five to ten feet, but it
20 depends on each site in the site specific
21 conditions.

22 **Q. Where were the closest samples taken to**
23 **to tanks that exceeded the applicable site**
24 **remediation objectives?**

1 A. SB-17, I believe, is the closest that
2 exceeded the Tier 2 objectives.

3 **Q. And about how far is that from the**
4 **excavation tank pit?**

5 A. It's about 15 feet.

6 **Q. And is that consistent with what you**
7 **would know about the migration of groundwater in**
8 **the area?**

9 A. Correct. It would be downgradient from
10 the UST tank.

11 **Q. Was the Corrective Action Plan as**
12 **initially submitted approved?**

13 A. No.

14 **Q. Do you recall the objections?**

15 A. Not completely off the top of my head.
16 The first Corrective Action Plan was approved for
17 some technical reasons to do with Tier 2
18 calculations, and then the second Corrective Action
19 Plan, that was under appeal, was modified stating
20 that -- for a lot of reasons, but, typically, that
21 the material in the orange section was not proven
22 to be above Tier 2 objectives.

23 **Q. With respect to the first Corrective**
24 **Action Plan, do you recall any objections specific**

1 to the UST system?

2 A. I do not.

3 Q. Prior to removing the UST system, do
4 you recall any specific objections to doing so?

5 A. No.

6 Q. In your professional opinion, was
7 removing underground storage tanks necessary to
8 perform the Corrective Action Plan?

9 A. It was.

10 Q. I probably should have said that
11 differently. Let me ask it this way.

12 In your professional opinion, was
13 removing the underground storage tanks necessary to
14 remove soil that exceeded the remediation
15 objectives?

16 A. Yes, it was.

17 MR. SHAW: I have no further questions.

18 HEARING OFFICER WEBB: Thank you.

19 Ms. Jarvis?

20 CROSS EXAMINATION

21 BY MS. JARVIS:

22 Q. Okay. We're going to go kind of back
23 to the beginning --

24 A. Okay. Sure.

1 Q. -- and then work forward, because
2 that's the best way that I do things.

3 You've reviewed the entire file --

4 A. Yes.

5 Q. -- that has been filed with the Agency
6 prior, the IEMA report?

7 A. I reviewed everything that's in the
8 record. There may have been some stuff in the
9 early '90s or mid '90s that I don't have access to,
10 because I think some of it was on the microfiche or
11 something.

12 Q. Okay. That was in the record.

13 A. Yes.

14 Q. Okay. Because we're not going to be
15 going off the record.

16 A. Okay.

17 Q. In the original IEMA report, which I
18 can show you if you don't remember --

19 A. Okay.

20 Q. -- this is on page 3 of the record,
21 what was the cause of the release?

22 A. Could I see it?

23 Q. You betcha. I actually have it
24 highlighted to make it all that much more easier.

1 A. Sure. It says, Spills and Overfills,
2 tanks and piping have tested tight.

3 Q. So the tanks and the piping at that
4 point had tested tight.

5 A. Correct.

6 Q. And that was in 19 --

7 A. '92.

8 Q. -- '92. After that, did they keep
9 those tanks in service?

10 A. Yes.

11 Q. So, for about 23 years, they kept those
12 tanks in service.

13 A. That's correct.

14 Q. Was there any indication that those
15 tanks were leaking?

16 A. Not that I'm aware of.

17 Q. Okay. Because if they were leaking, it
18 would have been kind of silly to leave them in
19 service for 23 years.

20 A. Correct.

21 Q. I'm going to go back to the map --

22 A. Sure.

23 Q. -- which you have a copy of, so I don't
24 need to show you this one.

1 **What soil borings indicate that the**
2 **orange section was hot?**

3 A. Well, there are no soil borings in the
4 orange section, but, in my opinion, the fact that
5 SB-17 and SB-15, which the contamination came from
6 the orange section being hot, indicated that the
7 orange section would also be hot.

8 **Q. Okay. So we have sent -- we have soil**
9 **boring 23 and soil boring 22 --**

10 A. Correct.

11 **Q. -- and 24.**

12 A. Yes.

13 **Q. And those were all below Tier 1.**

14 A. Yes.

15 **Q. Okay. And then, I take it, 25 and 19**
16 **were below Tier 1.**

17 A. No. Those are Tier 1 but below Tier 2.

18 **Q. Okay. And then we have 31 --**

19 A. Yes.

20 **Q. -- which I believe was the hottest.**

21 A. Yeah. I don't know the difference
22 relative to 31 and 17. I don't know off the top of
23 my head.

24 **Q. Okay. Well, let me try to find that in**

1 **the record. I'll get back to it because I'm going**
2 **to have to go through everything. So do you know**
3 **where that is in the record?**

4 MR. BENANTI: Yeah. It should be in
5 the plan submitted.

6 MS. JARVIS: Okay. So we'll go on
7 while he's finding that.

8 THE WITNESS: Okay.

9 BY MS. JARVIS:

10 **Q. So we can show you the tables.**

11 A. Sure.

12 **Q. So, looking at the table, which is on**
13 **page 600 of the record, which was hotter, 31 or 17?**

14 A. Well, for some contaminants, 31 was
15 more elevated, and for some contaminants, 17 was
16 more elevated.

17 **Q. Okay. So for which contaminant, which**
18 **was 31, more elevated for?**

19 A. It had higher levels of the BTEX
20 components.

21 **Q. Okay.**

22 A. And 17 had higher levels of the
23 naphthalene.

24 **Q. Okay. And why was -- the difference**

1 **between BTEX and naphthalene, why did we have to**
2 **look at those separately?**

3 A. Well, there is -- BTEX is an indicator
4 to look for gasoline, both BTEX and naphthalene,
5 and the PNAs and naphthalene and are contaminants
6 for diesel.

7 **Q. Okay. So there was a diesel tank**
8 **there, too, in addition to the gasoline tanks?**

9 A. Correct.

10 **Q. And which tank was that? We have one,**
11 **two, three was out of service; four and five was**
12 **the small one.**

13 A. Yes. Four is the -- it was the diesel
14 fuel and six was that -- or number five was the
15 kerosene, which also had PNAs as an indicated
16 contaminant.

17 **Q. Okay. Now, when you submitted the**
18 **first Corrective Action Plan --**

19 A. Yes.

20 **Q. -- you have a construction worker**
21 **notification.**

22 A. In one part of the plan, yes; it was
23 left in by Air.

24 **Q. It was left in by Air.**

1 A. Yes.

2 **Q. And then you removed the second plan?**

3 A. It was removed during the review of the
4 first plan in an e-mail with the project manager.

5 **Q. Okay. And then it was --**

6 A. It wasn't removed; it was clarified
7 that it was a --

8 **Q. An air.**

9 A. Yes, ma'am.

10 **Q. Okay. When the initial plan was**
11 **inhouse, before it was approved or denied --**

12 A. Yes.

13 **Q. -- were the tanks removed?**

14 A. Yes.

15 **Q. Why were the tanks removed?**

16 A. For a myriad of reasons, but it had to
17 do with the owner. I guess, Illico ended up back
18 with the property and they were working on selling
19 the property, and the tanks were also coming to the
20 end of their useful life and so they wanted to get
21 that -- they needed to get that work done prior to
22 completing the sale.

23 **Q. So they were moved because the owner**
24 **wanted them removed prior to any approval for the**

1 **removal.**

2 A. The owner chose not to wait for the
3 approval because of the timeline he had.

4 **Q. And you're aware that, then, underneath**
5 **the regulations, he took the risk that it might not**
6 **be reimbursed?**

7 A. Correct.

8 **Q. When the tanks were removed, an**
9 **additional release was called in?**

10 A. That's correct.

11 **Q. And under that release there have been**
12 **no reports filed; perhaps a 20-day but no 45-day.**

13 A. That's correct, I believe, yeah. We
14 did not do a 45-day report. I believe we submitted
15 a letter indicating that it was our belief that it
16 was a re-reporting of the original release.

17 **Q. Okay. And one of the reasons for that**
18 **is because under the Act, if you remove the tanks**
19 **and then call in a release, that tank pull is not**
20 **reimbursed if you do not contact EMA prior to the**
21 **tank removal.**

22 A. That's not one of the reasons but,
23 yeah, that's correct. That cannot be permitted
24 prior to notification.

1 Q. Let's go back to the first Corrective
2 Action Plan, which you said was denied because
3 there were some questions about Tier 2.

4 A. Correct.

5 Q. Now, with relationship to the removal
6 of the tanks and that not being specifically in the
7 denial, that was because we have to establish where
8 exceedances of Tier 2 are prior to going to the
9 rest of whether or not a tank will be removed.

10 A. Sure. I mean, you have to establish
11 the objectives prior to the plan.

12 Q. All right. Prior to the plan. And
13 then you came back and capped the second Correction
14 Action Plan, and on that one, Tier 2 was better
15 defined where there were exceedances, where there
16 weren't exceedances, and that's then when the
17 Agency said you couldn't pull the tanks, which had
18 already been pulled.

19 A. I guess I didn't say we couldn't, I
20 said it wasn't reimbursable.

21 Q. It wasn't reimbursable. We're going to
22 go back to the beginning.

23 A. Okay.

24 Q. Okay? Because one of the times when a

1 **tank pull is reimbursable, no matter what, is early**
2 **action, and in this case, we went through the fact**
3 **that the early action for this site in '92, the**
4 **tanks were not removed because they were tested**
5 **tight, so we do not have those circumstances here**
6 **where the tanks would be automatically covered**
7 **because of early action.**

8 A. Correct. This was not -- this one was
9 not done because of early action.

10 MS. JARVIS: Okay. No further
11 questions.

12 HEARING OFFICER WEBB: Mr. Shaw?

13 MR. SHAW: I have just a few.

14 REDIRECT EXAMINATION

15 BY MR. SHAW:

16 **Q. With respect to this second incident**
17 **number, when did that incident -- when was that**
18 **incident reported?**

19 A. I don't have a firm date in front of
20 me, but based on seeing contamination around the
21 tanks, the State Fire Marshal inspector required us
22 to report it on the day the tanks were removed.

23 **Q. Is there anything about the Corrective**
24 **Action Plan at issue here that would be surprising**

1 or shocking that there would be contamination
2 around the tanks?

3 A. No.

4 Q. It's what you would have expected,
5 isn't that correct?

6 A. That's correct.

7 MR. SHAW: No further questions.

8 HEARING OFFICER WEBB: Ms. Jarvis, any
9 follow-up for you?

10 MS. JARVIS: Yes.

11 RECROSS EXAMINATION

12 BY MS. JARVIS:

13 Q. The contamination around the tanks was
14 not over Tier 2, correct?

15 A. That's not correct. We did not --
16 that's not correct. I don't know that.

17 Q. When you pulled the tanks, you didn't
18 test the side walls, the inventory?

19 A. We tested the side walls, which were
20 extent of this excavation which we thought were
21 below Tier 1, but we didn't test the material that
22 was hauled to the landfill.

23 Q. So we do not have any evidence that it
24 was above Tier 2.

1 A. Correct. We didn't collect any samples
2 of that material.

3 MS. JARVIS: No further questions.

4 FURTHER REDIRECT EXAMINATION

5 BY MR. SHAW:

6 **Q. In your professional opinion, based**
7 **upon the information available, do you believe it**
8 **is more likely than not that contamination around**
9 **the tanks exceeded Stage II site investigation or**
10 **applicable site remediation objectives?**

11 A. Yes, I do believe it is, based on the
12 fact that the material at the source is generally
13 the worst, and as you get further away, it gets
14 better. So, by inference, that the nearest borings
15 in the downgradient direction were above Tier 2, I
16 believe that the material where the petroleum first
17 was released would also be above Tier 2.

18 MR. SHAW: That's all my questions.

19 MS. JARVIS: Okay.

20 FURTHER RECROSS EXAMINATION

21 BY MS. JARVIS:

22 **Q. We're going to go back to the map.**

23 A. Okay.

24 **Q. When this was originally reported, it**

1 was due to IDOT construction on the roadway around
2 this gas station.

3 A. Okay.

4 Q. Where -- do you know where that
5 construction was?

6 A. I do not.

7 Q. Okay. The hottest borings were far
8 away from the tanks. They were 31, 15, and 17,
9 which is, I believe, seven feet away, and they
10 were -- or 17 feet away. They were not near the
11 tanks.

12 A. Okay. Yeah, I mean, we went through 31
13 and 17.

14 Q. 31 and 17. And 15 is all the way up by
15 the pumps.

16 A. Sure. So it has a preferential
17 migration pathway that led to it.

18 Q. So where the source is, it would seem
19 to me that if the source is the hottest, we have a
20 source that is away from the tanks, being 31 or 15.

21 A. I do not believe those were the source.
22 I don't believe that's where -- where petroleum was
23 spilled into the ground.

24 Q. But it's right by the tanks or right by

1 the pumps. I'm taking it that these oval-shaped
2 things are the pumps.

3 A. They are, but...

4 Q. And that's right in the middle of the
5 pumps.

6 A. Well, I mean, the record of the
7 reporting is that it was overfills of the USTs. It
8 wasn't overfill from the pumps to the cars, it was
9 overfills of the USTs. That's what makes it
10 eligible for a release. So I don't have any
11 evidence that that tells me that those pumps were
12 the source of the release.

13 Q. However, the report is, as you read
14 into the record, says spills and overfills.

15 A. Correct.

16 Q. It doesn't say from the tanks, and it
17 says tanks and piping have tested tight.

18 A. Correct.

19 Q. So if 15 is hot and it's all the way up
20 there and the piping has tested tight, then the
21 release, obviously, wasn't from the piping or the
22 system, it was from overfills, and that is all the
23 way by the pumps.

24 A. No. I do not believe that to be

1 correct. If it's an overfill -- if the kind of
2 overfill they were talking about was from the
3 dispenser into a car, that's not eligible as an
4 underground storage tank release.

5 **Q. And I understand that, but there's no**
6 **evidence that it was an overfill from the USTs.**

7 A. Sure. It could have -- overfill at
8 the UST, it can follow that piping trench and the
9 product can run through that piping trench down to
10 that location, and that's why it's, you know, in
11 that direction right beneath the piping, as close
12 to the piping as can be sampled.

13 **Q. Okay. And then, I guess, the question**
14 **is doesn't piping slope back to the tank?**

15 A. It is supposed to, yes, but, I mean,
16 it's 1/8th inch for however many feet. The piping
17 does; the trench doesn't necessarily.

18 MS. JARVIS: I don't have any further
19 questions.

20 HEARING OFFICER WEBB: Mr. Shaw, any
21 follow-up?

22 MR. SHAW: No.

23 HEARING OFFICER WEBB: Thank you. You
24 may step down.

1 (Witness excused.)

2 MS. JARVIS: And then if we could just
3 have a short recess so I can confer.

4 HEARING OFFICER WEBB: Mr. Shaw, do you
5 have anything further you'd like to present?

6 MR. SHAW: We rest our side.

7 HEARING OFFICER WEBB: Are you offering
8 this exhibit into evidence? It's part of the
9 record, I guess.

10 MR. SHAW: It's part of the record.

11 HEARING OFFICER WEBB: Petitioner's
12 Exhibit 1 is admitted. It's already part of the
13 record, but for convenience of the Board, it's
14 admitted at this hearing.

15 Okay. We will take a short recess.

16 MS. JARVIS: Yes.

17 (A brief recess was taken.)

18 We will go back on the record and the
19 Agency may call its first witness.

20 MS. JARVIS: And I'm going to call
21 Trent Benanti.

22 HEARING OFFICER WEBB: Will the court
23 reporter please swear in the witness?

24 (Witness sworn.)

1 MS. JARVIS: See, this is how you give
2 the Board something to look at.

3
4 TRENT BENANTI
5 called as a witness on behalf of the Respondent,
6 being first duly sworn, was examined and testified
7 as follows:

8 DIRECT EXAMINATION
9 BY MS. JARVIS:

10 Q. Okay. I have what I have marked as
11 IEPA Exhibit 1. It is a blown-up copy of the map
12 that is found at the record at 590 -- I need new
13 glasses -- 598. I'm going to use it as an exhibit
14 to help in the testimony.

15 (IEPA Exhibit Number 1 was marked for
16 identification.)

17 Okay. Please state your name.

18 A. Trent Benanti.

19 Q. And where are you employed?

20 A. Illinois EPA.

21 Q. And how long have you been so employed?

22 A. Since May 1st of '98.

23 Q. And what position do you hold at the
24 Agency?

1 A. Environmental Protection Engineer.

2 Q. And how long have you had that
3 position?

4 A. My entire tenure at the EPA.

5 Q. And where did you go to school?

6 A. Purdue University.

7 Q. When did you graduate?

8 A. 1997.

9 Q. And what was your degree in?

10 A. Bachelor of Science, Chemical
11 Engineering.

12 Q. And are you a -- do you have any
13 certifications?

14 A. Licensed Professional Engineer.

15 Q. How are you connected to the Illico
16 site?

17 A. I have been a project manager since the
18 plan was submitted by the previous owner, which
19 would be around September 2011.

20 Q. How was this original release in '92
21 reported?

22 A. The release was reported after IDOT did
23 some testing at the intersection of University and
24 War Memorial Drive.

1 **Q. Okay. So this was a construction**
2 **project?**

3 A. Yeah, a construction project at the
4 intersection.

5 **Q. Okay. So I just want to -- why don't**
6 **you hold the map up and just kind of point where on**
7 **the map the IDOT work would have taken place.**

8 A. It would have taken place somewhere
9 over here at the intersection of War Memorial and
10 North University southwest of the site.

11 **Q. So southwest of the site.**

12 A. Correct.

13 **Q. Which way, do you know, does the**
14 **groundwater flow?**

15 A. I'm not certain without seeing a flow
16 map.

17 **Q. Okay. Is there a flow map in the**
18 **record?**

19 A. There should be.

20 MR. WIENHOFF: It should be in the Site
21 Investigation Report.

22 BY MS. JARVIS:

23 **Q. So that would be after the Stage III,**
24 **right?**

1 A. Correct.

2 MR. WIENHOFF: It's page 254, I
3 believe.

4 MS. JARVIS: Thank you very much.
5 Because the first half --

6 MR. WIENHOFF: It's 253.

7 MS. JARVIS: I have it at 238. Is that
8 the sticker?

9 MR. WIENHOFF: Yeah, that's the
10 sticker.

11 MS. JARVIS: And that's what we're
12 talking about, right?

13 MR. WIENHOFF: Yeah.

14 MS. JARVIS: And 258 is the flow map.

15 MR. WIENHOFF: 253.

16 MS. JARVIS: There we go. Okay.

17 BY MS. JARVIS:

18 **Q. So I direct you to the section page 253**
19 **of the record. Which way does the groundwater**
20 **flow?**

21 A. It looks to be, based on the arrow, to
22 the west/northwest.

23 **Q. And that is towards or away from the**
24 **intersection of War Memorial and University?**

1 A. Away from.

2 Q. So when the first release came in in
3 '92, obviously, you weren't at the Agency yet, but
4 you've reviewed the entire record.

5 A. Correct.

6 Q. Were the 20-day and 45-day reports
7 submitted?

8 A. For the '92 incident, yes.

9 Q. Okay. And did this -- did this case or
10 did the site proceed normally within normal
11 timeframes, or after the 45-day report, did it
12 stall or did it continue on?

13 A. It continued.

14 Q. It continued. When the Stage I was
15 filed, was that approved?

16 A. I believe so.

17 Q. Okay. And as we go on with the
18 process, how was the process of the site? Was it
19 all being approved? Was it being denied? Were
20 there problems?

21 A. We did decide at one point to
22 reinvestigate certain portions of most of the site,
23 based on the age of the previous analytical
24 results, and that's how we got to the borings that

1 were listed on the exhibit.

2 Q. Okay. So let's go to the map. As
3 previously testified by Mr. Wienhoff, the orange
4 section is the tank field?

5 A. Yes.

6 Q. And the blue section is where we have
7 the hottest borings.

8 A. Yes.

9 Q. And then we have the little ovals which
10 indicate six pump islands.

11 A. Yes.

12 Q. And we have soil boring 15 in the
13 middle of the tank field, and was that above Tier
14 2?

15 A. Soil boring 15 in the middle of the
16 pump island?

17 Q. Yeah, in the pump islands.

18 A. Yes.

19 Q. But soil borings 11, 12, 14 and 16 were
20 not.

21 A. Yes.

22 Q. Okay. When the first CAP came in, did
23 you review that CAP?

24 A. I did not.

1 **Q. Have you reviewed the Agency's file on**
2 **that CAP?**

3 A. Yes.

4 **Q. And what was determined from that**
5 **Corrective Action Plan?**

6 A. The Corrective Action Plan was
7 rejected, I believe, due to issues with the Tier 2
8 analysis.

9 **Q. And what exactly were the issues with**
10 **the Tier 2 analysis?**

11 A. I don't recall the exact issues, but,
12 you know.

13 **Q. What typically does that mean?**

14 A. Well, it typically means inputs with
15 the Tier 2 numbers, so the parameter values may
16 have needed adjusted.

17 **Q. And when we have a site where the Tier**
18 **2 numbers need to be adjusted, is it possible then**
19 **to determine what corrective action needs to be**
20 **taken at the site?**

21 A. No.

22 **Q. So would it be able to determine**
23 **whether tanks could be pulled?**

24 A. No.

1 **Q. So then a second Corrective Action Plan**
2 **needed to be filed?**

3 A. Correct.

4 **Q. And was it filed?**

5 A. Yes.

6 **Q. Did you review that second Corrective**
7 **Action Plan?**

8 A. Yes.

9 **Q. And what did you determine?**

10 A. Among other things, I determined that
11 it was not necessary to remove the underground
12 storage tanks to access the contaminated soil above
13 Tier 2.

14 **Q. Okay. And how did you come to that**
15 **conclusion?**

16 A. Well, the most contaminated borings are
17 SB-31 and SB-15. After that, you would have SB-17,
18 which is less contaminated than 31 and 15, and also
19 you have SB-22, 23 and 24, which are less than Tier
20 1, and between SB-15 and the tank pit you have SB
21 18 and 19, which are also below the Tier 2
22 objectives.

23 **Q. Okay. So we have a lot of below**
24 **numbers and we have three hot borings?**

1 A. Correct.

2 Q. And do you know at this site where
3 normally would the fill to the tanks be? Would it
4 be over the tanks? Would it be somewhere else?

5 A. The fill --

6 Q. Because it's not marked.

7 A. There would be fill surrounding the
8 tanks.

9 Q. So that you would fill the tanks --

10 A. Oh, you mean the fill port.

11 Q. The fill ports, yeah. The fill ports.

12 A. The fill ports, they could be over the
13 tanks or they could be at another location, a
14 remote fill port. I'm not certain in this case
15 where they are.

16 Q. Okay. So they may or may not be in any
17 of those fields. They may be in 17, they may be in
18 15, or they may -- I mean, they may be in the blue,
19 the green, or the orange sections?

20 A. Most likely, they would either be over
21 the tanks or somewhere else not within the pump
22 island.

23 Q. Okay. How far away is soil boring 17
24 from the pump distributor from the tank field?

1 A. Roughly 17 feet.

2 **Q. And how far is soil boring 31 from the**
3 **tank field?**

4 A. I believe it's around 30 feet.

5 **Q. And soil boring 31 is more or less**
6 **contaminated than soil boring 17?**

7 A. Overall, more.

8 **Q. Is soil boring 15 more or less**
9 **contaminated than soil boring 17?**

10 A. Fifteen, more.

11 **Q. Are there any soil borings around the**
12 **tanks that indicate that the tank field was**
13 **contaminated above Tier 2?**

14 A. No.

15 **Q. When the tanks were pulled, how would**
16 **you characterize the pulling of those tanks?**

17 A. Could you reword the question?

18 **Q. Sure. We have different types of tank**
19 **pulls. We have ones that are done in early action**
20 **after they find contamination or there's a leak,**
21 **and then we have tank pulls where you get the**
22 **permits and you schedule the pull with the Fire**
23 **Marshal present. Which type of pull was this? Was**
24 **it a planned pull?**

1 A. It would be a planned pull pursuant to
2 the Corrective Action Plan.

3 **Q. Where in the Corrective Action Plan or**
4 **what made you believe that it was a planned pull?**

5 A. Well, the Corrective Action Plan
6 indicated that they were removing the soil in the
7 orange, blue, and green zones, you know, based upon
8 the objectives that were calculated. So, I mean,
9 they were indicating in the Corrective Action Plan
10 that they would need to -- you know, if they were
11 going to remove the soil in the older ones that
12 they would have to remove the tanks as well.

13 **Q. And the tanks were actually removed by**
14 **the time that you reviewed your Corrective Action**
15 **Plan?**

16 A. They were actually removed before the
17 first Corrective Action Plan was approved.

18 **Q. Was denied?**

19 A. Yeah, denied.

20 **Q. So in the Corrective Action Plan that**
21 **you reviewed, it indicated that the tanks had been**
22 **removed.**

23 A. I don't recall it indicated, but I was
24 aware that they had already been removed.

1 **Q. Okay. And what was the reasoning given**
2 **for them being removed?**

3 A. To access the soil above Tier 2.

4 **Q. I'm going to show you page 5 -- no,**
5 **page 5 of the Corrective Action Plan, page 590 of**
6 **the record -- if you could just use the green part**
7 **to refresh your recollection.**

8 A. This green part?

9 **Q. Yes.**

10 A. Due to the needs of the current
11 property owner, the onsite excavation and UST
12 system removal has already been completed. The
13 excavation has been backfilled and service
14 restored.

15 Within one month of approval of this
16 CAP, money will fully be reinstalled, the sewer gas
17 will be flooded and the groundwater below the
18 network will then be sampled for dissolved BTEX/PNA
19 constituents.

20 **Q. So the tank removal was done for what**
21 **reason at the time that it was done?**

22 A. According to what I just read, it says
23 due to the needs of the property owner.

24 **Q. Right. Was there anything else that**

1 you noticed about the tank pulls or the remediation
2 that caused you concern?

3 A. I can't think of any right offhand.

4 Q. When you reviewed the regs, what
5 exactly -- in making your determination, what did
6 you find that the regulations stated?

7 A. The regulations state that for
8 reimbursement purposes the fund does not pay for
9 activities that exceed the minimum requirements for
10 activities that are not necessary to stop,
11 minimize, or eliminate the source of the release.
12 It does not pay for costs that are unreasonable.

13 Q. What do the regulations and the Act say
14 about tanks pulls?

15 A. Tank pulls can be done without plan or
16 budget during early action, which is limited to the
17 first 59 days. Thereafter, any sort of corrective
18 action needs to be approved in the Corrective
19 Action Plan.

20 Q. And was a Corrective Action Plan
21 approved prior to this tank pull?

22 A. No.

23 Q. Was the tank pull ever approved by the
24 Agency in a Corrective Action Plan?

1 A. No.

2 **Q. When, at another times during the**
3 **remediation, can a tank be removed?**

4 A. If it's necessary to access soil
5 exceeding Tier 2. The Leaking UST regulations
6 indicate that the fund will not pay for costs
7 associated with activities related to cleaning up
8 to attract sufficient moisture in the Tier 2
9 objectives.

10 **Q. Was there any evidence in the CAP that**
11 **you reviewed that there was soil above Tier 2 that**
12 **necessitated removal of this tank system?**

13 A. No.

14 **Q. Okay. I have a site assessment result**
15 **report from the Office of State Fire Marshal. Have**
16 **you seen that report before?**

17 A. I believe so.

18 **Q. I'm going to admit it as People's**
19 **Exhibit Number 2.**

20 (IEPA Exhibit Number 2 was marked for
21 identification.)

22 **When is the Site Assessment Report**
23 **filed by the Office of -- filed to the Office of**
24 **State Fire Marshal?**

1 A. Typically, a Fire Marshal is onsite to
2 oversee tank removal, and if they see an indication
3 of contamination, they require that a suspected
4 release be reported. Then they also require that
5 samples be collected in accordance, essentially,
6 with 734.210(h) to confirm the release.

7 **Q. And what does 732.210(h) require of the**
8 **sampling?**

9 A. It requires the same thing as the early
10 action sampling, which is a certain number of
11 samples be collected around the walls and floor of
12 the tank pit and also along the piping trenches.

13 **Q. And what does this site assessment**
14 **filed with the Office of State Fire Marshal**
15 **indicate in regards to this tank pull?**

16 A. It indicates that additional release
17 was reported during UST removal. It indicates that
18 it was considered to be a reporting of the original
19 incident, and the results were that there was
20 contaminations.

21 **Q. Okay. And are the sample results**
22 **indicated in that report?**

23 A. They are.

24 **Q. And what do the sample results show as**

1 **far as the levels of contamination?**

2 A. It compares the levels of contamination
3 to the Tier 1 remediation objectives and shows that
4 there were some exceedances of the Tier 1
5 remediation objectives.

6 **Q. Are you able to tell from that whether**
7 **or not the Tier 2 objectives were -- they were over**
8 **Tier 2 objectives?**

9 A. Not from this.

10 **Q. Not from that. What would you need in**
11 **order to compare that?**

12 A. A table from the Corrective Action Plan
13 showing the Tier 2 objectives.

14 **Q. Okay. Here is the Corrective Action**
15 **Plan, the one under appeal. Can you find the table**
16 **in that?**

17 A. I can. Right here, Table 1.

18 **Q. Okay. And what are the -- I'll give**
19 **you a minute to review that and see what is --**
20 **whether or not they're over the Tier 2 objectives.**

21 HEARING OFFICER WEBB: What page of the
22 record is this?

23 MS. JARVIS: It is not in the record.
24 It's being offered as an exhibit. It's from the

1 Office of State Fire Marshal.

2 BY MS. JARVIS:

3 **Q. Have you had a chance to review it?**

4 A. I have.

5 **Q. And were the samples above Tier 2**
6 **objectives?**

7 A. It does not appear.

8 **Q. So who was that document -- who filed**
9 **that document with the State Fire Marshal?**

10 A. It says Jeff Wienhoff.

11 **Q. And those samples were taken from the**
12 **pit that the tanks were in, correct?**

13 A. The pit and the -- let's see. It looks
14 like the pit, the piping trench, and an area to the
15 north and west of the tank pit.

16 **Q. Okay. And that indicates they were not**
17 **above the Tier 2 objectives?**

18 A. Not the Tier 2 objectives that were
19 trying to be achieved.

20 **Q. In their Corrective Action Plan?**

21 A. Correct. The plan was designed with
22 industrial/commercial restriction and also designed
23 with groundwater restrictions, so the Tier 2
24 numbers for the sole component of groundwater and

1 for the residential inhalation are not relevant to
2 the corrective action. The original plan also did
3 include, you know, construction worker caution.

4 **Q. Right. But that was removed in this**
5 **plan that's under appeal.**

6 A. Correct.

7 MS. JARVIS: Okay. I have no further
8 questions.

9 HEARING OFFICER WEBB: Okay. Mr. Shaw?

10 CROSS EXAMINATION

11 BY MR. SHAW:

12 **Q. Have you ever been to this site?**

13 A. I have not.

14 **Q. Have you ever performed a tank pull?**

15 A. No.

16 **Q. About approximately how many incidents**
17 **are you the project manager for?**

18 A. Several hundred.

19 **Q. Several hundred. Are there any**
20 **incidents older than 1992?**

21 A. Yes.

22 **Q. How many?**

23 A. Impossible to know.

24 **Q. Five percent, 50 percent? Approximate.**

1 A. Without a database, unknown.

2 Q. What is the source of the 1992
3 incident?

4 A. The 1992 incident was reported when
5 IDOT did some testing at the intersection of
6 University and War Memorial Drive.

7 Q. What was the nature of the release?

8 A. The source was listed as spills and
9 overfills, tanks and piping tested tight.

10 Q. Do you have any information to
11 contradict that?

12 A. No.

13 Q. You approved removal of contaminated
14 soil in the green and blue sections of Exhibit 1,
15 is that correct?

16 A. Yes.

17 Q. And where was the original source of
18 the contamination from the blue and green sections?

19 A. Unknown.

20 Q. It's not from incident number '92?

21 A. Oh, yes.

22 Q. With respect to soil boring number 22,
23 is that downgradient from USTs?

24 A. Based on groundwater flow, no.

1 **Q. Based on groundwater flow, no?**

2 A. Right.

3 **Q. What is -- what is the source, then, if**
4 **it's not downgradient from USTs?**

5 A. The source of...

6 **Q. Contamination identifying soil boring**
7 **22.**

8 A. There is no contamination of soil
9 boring 22.

10 **Q. I've got the wrong number. I**
11 **apologize. I'll have the exhibit next to me here**
12 **now. Is soil boring number 23 downgradient from**
13 **the USTs?**

14 A. No.

15 **Q. Is soil boring 24 downgradient from the**
16 **USTs?**

17 A. No.

18 **Q. Is soil boring number 19 downgradient**
19 **from the USTs?**

20 A. Yes.

21 **Q. Is soil boring number 25 downgradient**
22 **from the USTs?**

23 A. Yes, cross downgradient.

24 **Q. What do you mean by cross downgradient?**

1 A. Downgradient you're basing gradient on
2 hydraulic, you know, flow of groundwater. Flow
3 contamination doesn't flow through ground water, it
4 flows through soil until it hits the groundwater.

5 **Q. Do you have any information that there**
6 **were any releases from a pump dispenser at the**
7 **site?**

8 A. No.

9 **Q. Why don't you think tanks need to be**
10 **removed?**

11 A. Because the contamination around the
12 tanks at the time -- the soil borings closest to
13 the tanks did not exceed the Tier 2 numbers.

14 **Q. And what is the basis of that belief?**

15 A. Fact; concentrations, analytical
16 results.

17 **Q. What analytical results?**

18 A. SB-22, 23, 24, 18, 19, all below Tier
19 2.

20 **Q. But not soil boring 17?**

21 A. Depending.

22 **Q. So you're picking and choosing which**
23 **analytics?**

24 A. No. I looked at all the analytics.

1 **Q. So you're not considering soil boring**
2 **17.**

3 A. It was not considered in the original
4 plan.

5 **Q. So it was not considering soil boring**
6 **17; that's your testimony here?**

7 A. No, I considered it.

8 **Q. Okay.**

9 A. I know what the concentration is.

10 **Q. Are you considering soil boring 31?**

11 A. Yes.

12 **Q. Is that contamination, correct?**

13 A. Yes.

14 **Q. Are they downgradient from the tanks?**

15 A. Based on groundwater flow, yes.

16 **Q. Same with soil boring 15. Is that**
17 **downgradient from the USTs?**

18 A. Yes.

19 **Q. If the contamination in the orange**
20 **section exceeded the applicable site remediation**
21 **objectives, would you agree the tanks need to be**
22 **removed?**

23 A. Yes.

24 **Q. You've been handed something marked**

1 **Exhibit 2. Did you use that or have access to that**
2 **when you made your decision to deny the Corrective**
3 **Action Plan?**

4 A. I don't believe so.

5 Q. Is that information you needed to make
6 your decision?

7 A. No.

8 Q. What is a confirmation of sample's
9 purpose?

10 A. After you remove the tanks? Is that
11 what you're talking about, those confirmation
12 samples?

13 Q. Yeah.

14 A. You confirm whether or not you achieve
15 your objectives.

16 Q. So what are the possibilities from a
17 confirmation sample in terms of objectives?

18 A. They either exceed the objectives or
19 they don't.

20 Q. If they don't exceed the objectives,
21 what does that mean?

22 A. They have achieved their objectives.

23 Q. What if the objectives have been met in
24 confirmation samples?

1 A. You need a better question. I mean, I
2 don't understand the question. What if they don't
3 exceed? If they don't exceed, then you've met your
4 objectives.

5 **Q. If the confirmation samples do not show**
6 **exceedances of the applicable site remediation**
7 **objectives, what does that mean?**

8 A. That means you've achieved the
9 objectives of the plan.

10 **Q. With respect to Exhibit 2, do you know**
11 **where the samples were taken?**

12 A. Yes.

13 **Q. Where?**

14 A. Tank pit piping trench in an area to
15 the west/northwest.

16 **Q. Were any of these samples collected**
17 **within the area proposed to be hauled to the**
18 **landfill in the Corrective Action Plan?**

19 A. Many were.

20 MR. SHAW: I have no further questions.

21 MS. JARVIS: I just have a couple.

22 REDIRECT EXAMINATION

23 BY MS. JARVIS:

24 **Q. Let's discuss soil boring 17. You**

1 discussed whether or not it was considered. Why
2 was soil boring 17 considered, not considered, in
3 the original plan?

4 A. The original plan proposed construction
5 worker caution. I did not review the original
6 plan, but construction worker caution for SB-17
7 would not odd for purposes of corrective action.

8 Q. So if they had a construction worker
9 caution, soil boring 17 would be considered to have
10 met the objectives?

11 A. Correct.

12 Q. But without it, it needs to be
13 remediated.

14 A. Correct.

15 Q. Soil boring 15, and I know we're
16 discussing what groundwater flow, the groundwater
17 flow, okay, and I'm going to use the map so I know
18 this isn't going to be really great, but the arrow
19 shows groundwater flow down towards the
20 intersection, correct?

21 A. Not on the figure that we looked at
22 previously.

23 Q. Where did the groundwater flow show?
24 Was it coming from the site building over? I just

1 **want to clarify some confusion. It should be in**
2 **there.**

3 A. No. This was the Corrective Action
4 Plan. I think that the one that you showed me
5 earlier was in the Site Investigation Completion
6 Report.

7 Q. Okay. I'm sure I did not leave that
8 there.

9 A. Okay. Here we go.

10 Q. Okay. So where exactly are the tanks?

11 A. The tanks are right here.

12 Q. So --

13 A. The tanks are right here.

14 Q. Okay. So there's tanks and so it's
15 flowing this way?

16 A. Correct.

17 Q. Okay. So it's all flowing that way.
18 So then --

19 HEARING OFFICER WEBB: Can we just make
20 it clear for someone reading the transcript?

21 MS. JARVIS: Sure.

22 BY MS. JARVIS:

23 Q. It is flowing to the --

24 A. West/northwest.

1 Q. West/northwest. Well, no. It is
2 flowing to the south because here's north. I'm
3 sure he's right; I'm the one that's confused. So
4 this is for the lawyers' edification. So, on this,
5 it is flowing up --

6 A. Correct.

7 Q. -- that way.

8 A. Correct.

9 Q. Okay. I got it.

10 HEARING OFFICER WEBB: Northwest.

11 MS. JARVIS: Northwest, uh-huh. Thank
12 you for clarifying because I got turned around.

13 BY MS. JARVIS:

14 Q. The information in the submittal to the
15 Office of State Fire Marshal, would that
16 information have been helpful to know in making
17 your determination as to whether or not the tanks
18 needed to be removed? Not necessary, but would it
19 have been helpful?

20 A. Yes.

21 Q. And when we're looking at the
22 information to make a determination as to whether
23 or not something exceeds Tier 2, whose information
24 are you reviewing to make that determination?

1 A. I'm reviewing the information provided
2 in the plan.

3 **Q. And who submits the plan?**

4 A. The consultant.

5 **Q. So you're not finding your own**
6 **information.**

7 A. Correct.

8 **Q. And it's all information submitted by**
9 **Mr. Wienhoff and his company when they submitted**
10 **the plan?**

11 A. Correct.

12 **Q. And so it's only off that basis that we**
13 **make a determination?**

14 A. Correct.

15 **Q. So if that information doesn't have in**
16 **it the proof to justify a tank pull, then that's**
17 **information they submitted?**

18 A. Correct.

19 MS. JARVIS: I have no further
20 questions.

21 RE CROSS EXAMINATION

22 BY MR. SHAW:

23 **Q. This information that you just**
24 **indicated would be helpful, did you ever request it**

1 **from the consultant?**

2 A. This information should have been
3 provided in the 45-day report.

4 **Q. Are you sometimes shy about requesting**
5 **information from consultants?**

6 A. No.

7 **Q. The record suggests that you were not**
8 **shy about requesting this information, so why**
9 **didn't you request this information?**

10 A. I don't know.

11 **Q. It's because you didn't think about it**
12 **at the time it would have been helpful, isn't that**
13 **correct?**

14 A. No.

15 MR. SHAW: No further questions.

16 MS. JARVIS: I have nothing further.

17 HEARING OFFICER WEBB: Okay. Thank
18 you, Mr. Benanti.

19 MS. JARVIS: You can bring all my
20 documents.

21 HEARING OFFICER WEBB: Does the
22 Agency --

23 MS. JARVIS: We have no further
24 witnesses.

1 HEARING OFFICER WEBB: And you are
2 offering --

3 MS. JARVIS: This is Exhibit 2 and the
4 map is Exhibit 1.

5 MR. SHAW: We object to the admission
6 of the evidence -- Exhibit 2, not Exhibit 1. It's
7 a document that is not in the record. It wasn't
8 relied upon by the Agency as a basis of decision,
9 didn't find it necessary to request the
10 information, and I think the dating of it is past
11 the decision. It's certainly past the -- when the
12 plan was submitted. These were samples taken after
13 the work was done.

14 MS. JARVIS: The reason it's being
15 submitted is because on his direct testimony
16 Mr. Wienhoff said he did not know the
17 concentrations of the confirmation borings that
18 were done after he removed the tanks. He did not
19 know those concentrations, and that is being
20 submitted to show that not only should he have
21 known it, he submitted it to the Fire Marshal. So
22 it is based on -- going after his testimony, that
23 it is based on whether or not we made the decision
24 on it.

September 19, 2018

Page 66

1 HEARING OFFICER WEBB: Okay. I'm going
2 to admit Exhibit 2 into evidence.

3 Do you have anything further,
4 Ms. Jarvis?

5 MS. JARVIS: I have nothing further.

6 HEARING OFFICER WEBB: Okay.

7 Mr. Shaw, would you like to make any
8 closing argument?

9 MR. SHAW: No. I'm going to recall
10 Mr. Wienhoff because of your ruling.

11 HEARING OFFICER WEBB: Okay.
12 Mr. Wienhoff, you are still under oath. You may
13 have a seat up here.

14 MR. SHAW: And just to be clear, I
15 mean, we had our argument and I'm not going to
16 repeat it, but I would ask information about that
17 exhibit going into evidence solely because it's
18 been admitted. Otherwise, I don't want to be
19 considered that I'm waiving this by asking
20 questions about it.

21 HEARING OFFICER WEBB: Okay.

22

23 JEFF WIENHOFF

24 recalled as a witness on behalf of the Petitioner,

1 being first duly sworn, was examined and testified
2 as follows:

3 DIRECT EXAMINATION

4 BY MR. SHAW:

5 Q. Do you have -- Mr. Wienhoff, do you
6 have Exhibit 2?

7 A. Yeah.

8 Q. Could you identify that exhibit for me?

9 A. Yeah. It was the Site Assessment
10 Report that we submitted to the Fire Marshal
11 following removal of the USTs.

12 Q. Do you know about when you would have
13 submitted that?

14 A. I don't see -- it would have been
15 30 days of removal. I'm trying to find a date on
16 here. It looks like 3-1 of 2016.

17 Q. Okay. What was the nature of the
18 sampling that was taken as a part of the Site
19 Assessment Report?

20 A. The sampling that was taken was the
21 sample at the extent of the proposed Corrective
22 Action Plan. None of the samples collected were
23 within the material held to the landfill. They
24 were all at the edges of the proposed Corrective

1 Action Plan that was under review by Mr. Benanti.

2 **Q. Would these be confirmation samples?**

3 A. To me, they are confirmation samples
4 that the submitted plan was effective at its stated
5 goals.

6 **Q. Would you have given the results to the**
7 **Agency if they had requested it?**

8 A. Yes.

9 **Q. Do you see them having any relevance as**
10 **to whether or not there was contamination above**
11 **site remediation objectives in the orange area of**
12 **the map?**

13 A. I do not. It shows that the
14 contamination at the extent of the orange area was
15 above Tier 1 but below Tier 2 as the plan proposed.

16 MR. SHAW: No further questions.

17 HEARING OFFICER WEBB: Ms. Jarvis?

18 CROSS EXAMINATION

19 BY MS. JARVIS:

20 **Q. Okay. So it's your testimony that you**
21 **submitted this to the Fire Marshal on March 1st,**
22 **2016?**

23 A. Correct.

24 **Q. And the date of the Corrective Action**

1 Plan currently under review is January 16, 2017.

2 A. Correct.

3 Q. So this information was available
4 before you submitted the Corrective Action Plan to
5 the Agency.

6 A. That's correct.

7 Q. But you did not submit any of this
8 information in your Corrective Action Plan.

9 A. That's correct. We took --

10 Q. And when I asked you before, prior,
11 whether or not you had taken confirmation samples
12 after you removed the tanks, you testified no,
13 isn't that correct?

14 A. I testified, no, that I had not taken
15 samples of the shorter one to the landfill.

16 Q. No. I also asked if you took it from
17 the walls after you removed the tanks.

18 A. That's not my recollection.

19 Q. Well, that's my recollection, and we
20 can always look back at the testimony.

21 A. If I did, I was mistaken, because we
22 did collect confirmation samples. Obviously, we
23 did not collect material that's hauled to the
24 landfill.

1 **Q. Right. And I asked you the first**
2 **question, and then you said about what you hauled**
3 **to the landfill, and then you said, I didn't test**
4 **that, but my first question is whether or not you**
5 **had taken confirmation samples in the pit where the**
6 **tank had been removed.**

7 A. Okay. I apologize if I was wrong about
8 that, but obviously we did take confirmation
9 samples when we removed the tanks.

10 MS. JARVIS: I have no further
11 questions.

12 REDIRECT EXAMINATION

13 BY MR. SHAW:

14 **Q. Did the Corrective Action Plan have any**
15 **description of confirmation sampling methods that**
16 **were going to be used?**

17 A. It did.

18 **Q. Did you use those methods?**

19 A. We did.

20 **Q. When confirmation samples are taken,**
21 **when are they usually submitted to the Agency?**

22 A. After approval of the plan in the
23 completion report.

24 **Q. Was the plan approved here?**

1 A. No.

2 MR. SHAW: No further questions.

3 RE CROSS EXAMINATION

4 BY MS. JARVIS:

5 **Q. However, you had already removed the**
6 **tanks prior to the plan, correct?**

7 A. That's correct.

8 **Q. So wouldn't it have been a good idea to**
9 **submit the results of the confirmation sampling to**
10 **show that your plan had worked in order to better**
11 **get it approved?**

12 A. We -- I mean, you could argue that.
13 When we took the plan, it was rejected and then the
14 modifications requested by the Agency and
15 resubmitted it.

16 MS. JARVIS: I have no further
17 questions.

18 REDIRECT EXAMINATION

19 BY MR. SHAW:

20 **Q. Again, I'll just ask you the question**
21 **that I previously asked the Agency. Did they ever**
22 **request the confirmation samples to be given to**
23 **them that were mentioned in the Corrective Action**
24 **Plan?**

1 A. No.

2 MR. SHAW: No further questions.

3 RECROSS EXAMINATION

4 BY MS. JARVIS:

5 Q. But ultimately -- I have one further
6 question.

7 Ultimately, it's your responsibility to
8 submit a Corrective Action Plan that can be
9 approved by the Agency.

10 A. Correct.

11 MS. JARVIS: Nothing further.

12 MR. SHAW: I have no further questions.

13 HEARING OFFICER WEBB: Okay. Does
14 either party have anything else to present today?

15 MS. JARVIS: No.

16 HEARING OFFICER WEBB: All right.

17 The transcript is due by September 26th
18 and will be posted on the Board's website.

19 The Public Comment deadline is
20 October 3rd. Public Comment must be filed in
21 accordance with Section 101.628 of the Board's
22 Procedural Rules.

23 The Petitioner's brief is due by
24 October 10th. Respondent's brief is due by

1 October 24th, and Petitioner's Reply, if any, is
2 due by October 31st.

3 Mr. Shaw, would you like to make any
4 closing argument?

5 MR. SHAW: I'll reserve closing
6 arguments for the brief.

7 HEARING OFFICER WEBB: Ms. Jarvis,
8 would you like to make any closing arguments?

9 MS. JARVIS: I will also reserve
10 closing arguments for the brief.

11 HEARING OFFICER WEBB: All right.
12 Thank you.

13 At this time I will conclude the
14 proceedings. We stand adjourned.

15 Thank you all.

16 (Hearing concluded at 11:26 a.m.)
17
18
19
20
21
22
23
24

September 19, 2018

Page 74

1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF MACON)
4

5 I, LISA HAHN PETERMAN, do hereby
6 certify that I am a Certified Shorthand Reporter and
7 Notary Public in the State of Illinois and that I
8 reported in shorthand the foregoing, taken on the
9 19th day of September, 2018, and that the foregoing
10 is a true and correct transcript of my shorthand
11 notes so taken.
12
13
14

15 _____
16 Notary Public -- CSR, RMR
17 CSR #084.2149
18
19
20
21
22
23
24

<p>A</p> <p>a.m 1:16 4:5 73:16</p> <p>able 42:22 51:6</p> <p>access 10:7 21:9 43:12 47:3 49:4 58:1</p> <p>account 12:19</p> <p>achieve 58:14</p> <p>achieved 52:19 58:22 59:8</p> <p>act 5:1 17:13 27:18 48:13</p> <p>action 4:15 11:11 11:14 12:12,14,15 13:22 19:11,16,18 19:24 20:8 25:18 28:2,14 29:2,3,7,9 29:24 42:5,6,19 43:1,7 45:19 46:2 46:3,5,9,14,17,20 47:5 48:16,18,19 48:20,24 50:10 51:12,14 52:20 53:2 58:3 59:18 60:7 61:3 67:22 68:1,24 69:4,8 70:14 71:23 72:8</p> <p>activities 48:9,10 49:7</p> <p>addition 25:8</p> <p>additional 11:11 27:9 50:16</p> <p>adjacent 13:4</p> <p>adjourned 73:14</p> <p>adjusted 42:16,18</p> <p>admission 65:5</p> <p>admit 49:18 66:2</p> <p>admitted 3:16 35:12,14 66:18</p> <p>age 40:23</p> <p>Agency 1:6 4:14 5:10 10:18 21:5 28:17 35:19 36:24 40:3 48:24 64:22 65:8 68:7 69:5</p>	<p>70:21 71:14,21 72:9</p> <p>Agency's 42:1</p> <p>agree 57:21</p> <p>agreements 12:23 13:2</p> <p>air 25:23,24 26:8</p> <p>allow 14:1</p> <p>analysis 42:8,10</p> <p>analytical 40:23 56:15,17</p> <p>analytics 56:23 56:24</p> <p>apologize 55:11 70:7</p> <p>appeal 1:5 19:19 51:15 53:5</p> <p>appear 52:7</p> <p>appearances 5:5</p> <p>applicable 18:23 31:10 57:20 59:6</p> <p>approach 13:5</p> <p>approval 26:24 27:3 47:15 70:22</p> <p>approved 10:18 11:8 19:12,16 26:11 40:15,19 46:17 48:18,21,23 54:13 70:24 71:11 72:9</p> <p>Approximate 53:24</p> <p>approximately 53:16</p> <p>area 13:21 14:7,24 15:3,11,16 18:11 19:8 52:14 59:14 59:17 68:11,14</p> <p>areas 17:12</p> <p>argue 71:12</p> <p>argument 66:8,15 73:4</p> <p>arguments 73:6,8 73:10</p> <p>arrow 39:21 60:18</p> <p>aside 15:19 16:20</p>	<p>asked 17:17 69:10 69:16 70:1 71:21</p> <p>asking 66:19</p> <p>assessment 49:14 49:22 50:13 67:9 67:19</p> <p>Assistant 5:9</p> <p>associated 49:7</p> <p>assume 7:12</p> <p>attained 6:14</p> <p>attention 15:10 16:15</p> <p>Attorney 5:9</p> <p>attract 49:8</p> <p>authority 12:23 13:2</p> <p>automatically 29:6</p> <p>available 31:7 69:3</p> <p>Avenue 1:15</p> <p>aware 12:7 22:16 27:4 46:24</p> <p>B</p> <p>B 3:15</p> <p>Bachelor 37:10</p> <p>Bachelor's 6:15</p> <p>back 10:16 11:6 20:22 22:21 24:1 26:17 28:1,13,22 31:22 34:14 35:18 69:20</p> <p>backfill 15:3,6</p> <p>backfilled 47:13</p> <p>background 6:14 6:24</p> <p>bad 11:17</p> <p>based 11:21 15:4 29:20 31:6,11 39:21 40:23 46:7 54:24 55:1 57:15 65:22,23</p> <p>basing 56:1</p> <p>basis 56:14 63:12 65:8</p> <p>beginning 4:4</p>	<p>20:23 28:22</p> <p>behalf 5:6,9 6:6 36:5 66:24</p> <p>belief 27:15 56:14</p> <p>believe 8:9 10:9 12:13 19:1 23:20 27:13,14 31:7,11 31:16 32:9,21,22 33:24 39:3 40:16 42:7 45:4 46:4 49:17 58:4</p> <p>Benanti 3:10 24:4 35:21 36:4,18 64:18 68:1</p> <p>beneath 13:3 15:5 34:11</p> <p>best 21:2</p> <p>betcha 21:23</p> <p>better 28:14 31:14 59:1 71:10</p> <p>blown-up 36:11</p> <p>blue 15:11,16 16:7 16:7,18 41:6 44:18 46:7 54:14 54:18</p> <p>Board 1:1,14 2:2 4:18 13:8 35:13 36:2</p> <p>Board's 5:1,3 72:18 72:21</p> <p>boring 23:9,9 41:12 41:15 44:23 45:2 45:5,6,8,9 54:22 55:6,9,12,15,18 55:21 56:20 57:1 57:5,10,16 59:24 60:2,9,15</p> <p>borings 10:8 18:3,7 18:17,18 23:1,3 31:14 32:7 40:24 41:7,19 43:16,24 45:11 56:12 65:17</p> <p>brief 35:17 72:23 72:24 73:6,10</p> <p>bring 64:19</p>	<p>brought 8:18</p> <p>BTEX 24:19 25:1,3 25:4</p> <p>BTEX/PNA 47:18</p> <p>budget 4:15 48:16</p> <p>building 60:24</p> <p>C</p> <p>C 2:1</p> <p>calculated 46:8</p> <p>calculations 19:18</p> <p>call 5:23 14:6 15:16 27:19 35:19,20</p> <p>called 6:6 8:16 12:14 14:8 27:9 36:5</p> <p>CAP 41:22,23 42:2 47:16 49:10</p> <p>capped 28:13</p> <p>car 34:3</p> <p>Carol 1:11 4:2</p> <p>cars 33:8</p> <p>case 4:8,14,19 29:2 40:9 44:14</p> <p>cause 21:21</p> <p>caused 48:2</p> <p>caution 53:3 60:5,6 60:9</p> <p>certain 38:15 40:22 44:14 50:10</p> <p>certainly 65:11</p> <p>certifications 37:13</p> <p>Certified 74:6</p> <p>certify 74:6</p> <p>chance 52:3</p> <p>characterize 45:16</p> <p>Chemical 6:16 37:10</p> <p>choosing 56:22</p> <p>chose 27:2</p> <p>chosen 18:6</p> <p>circumstances 29:5</p> <p>clarified 26:6</p> <p>clarify 61:1</p> <p>clarifying 62:12</p>
--	---	--	--	--

clean 10:8 cleaning 49:7 cleanups 10:22 clear 4:22 61:20 66:14 Clerk 4:13 close 7:17 18:9 34:11 closest 18:22 19:1 56:12 closing 3:4 66:8 73:4,5,8,10 collect 31:1 69:22 69:23 collected 50:5,11 59:16 67:22 color 14:3 colors 13:24 come 43:14 coming 26:19 60:24 comment 4:12,12 72:19,20 commercial 12:21 12:22 company 4:3 5:7 7:2 8:7 9:16 63:9 compare 51:11 compares 51:2 complete 9:12 completed 9:5 47:12 completely 19:15 completing 26:22 completion 10:23 12:16 61:5 70:23 component 52:24 components 24:20 concentration 57:9 concentrations 56:15 65:17,19 concern 48:2 conclude 11:11 73:13 concluded 11:15 73:16	concludes 11:16 conclusion 43:15 conditions 18:21 conduct 4:20 conducted 5:1 confer 35:3 confirm 50:6 58:14 confirmation 58:8 58:11,17,24 59:5 65:17 68:2,3 69:11,22 70:5,8 70:15,20 71:9,22 confused 62:3 confusion 61:1 connected 37:15 connects 17:15 considered 50:18 57:3,7 60:1,2,2,9 66:19 considering 57:1,5 57:10 consistent 19:6 constituents 47:19 construction 25:20 32:1,5 38:1,3 53:3 60:4,6,8 consultant 9:4 18:5 63:4 64:1 consultants 9:2 64:5 Consulting 7:19 contact 27:20 contaminant 24:17 25:16 contaminants 17:16 24:14,15 25:5 contaminated 16:6 17:5 43:12,16,18 45:6,9,13 54:13 contamination 9:13,24 10:3,12 11:1,16,18 12:8 13:3 14:14 16:1,3 17:12,18 23:5	29:20 30:1,13 31:8 45:20 50:3 51:1,2 54:18 55:6 55:8 56:3,11 57:12,19 68:10,14 contaminations 50:20 continue 40:12 continued 40:13,14 continuing 7:19 contract 8:10 contradict 54:11 Control 1:1,14 2:2 4:18 convenience 35:13 copy 22:23 36:11 correct 12:6 17:1 18:14 19:9 22:5 22:13,20 23:10 25:9 27:7,10,13 27:23 28:4 29:8 30:5,6,14,15,16 31:1 33:15,18 34:1 38:12 39:1 40:5 43:3 44:1 52:12,21 53:6 54:15 57:12 60:11 60:14,20 61:16 62:6,8 63:7,11,14 63:18 64:13 68:23 69:2,6,9,13 71:6,7 72:10 74:10 Correction 28:13 corrective 4:15 11:11,14 12:12,14 12:15 13:22 19:11 19:16,18,23 20:8 25:18 28:1 29:23 42:5,6,19 43:1,6 46:2,3,5,9,14,17 46:20 47:5 48:17 48:18,20,24 51:12 51:14 52:20 53:2 58:2 59:18 60:7 61:3 67:21,24	68:24 69:4,8 70:14 71:23 72:8 costs 48:12 49:6 County 1:13 4:7 74:2 couple 59:21 court 6:1 35:22 covered 29:6 cross 3:8 20:20 53:10 55:23,24 68:18 CSR 1:12 74:15,16 current 9:4 47:10 currently 69:1 CW3M 7:2,8,12	16:22 17:1 describe 13:20 14:2 16:16 description 70:15 designed 52:21,22 determination 48:5 62:17,22,24 63:13 determine 42:19,22 43:9 determined 16:19 42:4 43:10 diesel 25:6,7,13 difference 23:21 24:24 different 9:2 13:24 45:18 differently 20:11 dig 18:12 direct 3:8 6:9 36:8 39:18 65:15 67:3 direction 10:9,11 31:15 34:11 discuss 5:13 59:24 discussed 60:1 discussing 60:16 dispenser 34:3 56:6 dispensers 16:14 dissolved 47:18 distance 18:15 distributor 44:24 document 52:8,9 65:7 documents 10:24 64:20 doing 7:16 14:12 20:4 downgradient 19:9 31:15 54:23 55:4 55:12,15,18,21,23 55:24 56:1 57:14 57:17 Drive 37:24 54:6 due 32:1 42:7 47:10 47:23 72:17,23,24 73:2
---	--	--	---	---

duly 6:7 36:6 67:1	49:10 65:6 66:2 66:17	fact 23:4 29:2 31:12 56:15	flow 38:14,15,17 39:14,20 54:24 55:1 56:2,2,3 57:15 60:16,17,19 60:23	71:22
E	evidenced 12:8	familiar 8:2,5,15	flowing 10:12 61:15,17,23 62:2 62:5	glasses 36:13
E 2:1,1 3:1,15	exact 42:11	far 14:5 19:3 32:7 44:23 45:2 51:1	flows 56:4	go 7:13 14:1 20:22 22:21 24:2,6 28:1 28:22 31:22 35:18 37:5 39:16 40:17 41:2 61:9
e-mail 26:4	exactly 42:9 48:5 61:10	feet 14:10,23 15:1 15:18,20,24 18:19 19:5 32:9,10 34:16 45:1,4	focus 7:20	goals 68:5
earlier 61:5	EXAMINATION 6:9 20:20 29:14 30:11 31:4,20 36:8 53:10 59:22 63:21 67:3 68:18 70:12 71:3,18 72:3	field 41:4,13 44:24 45:3,12	follow 34:8	going 13:5 14:1,22 15:4,16 16:12 17:11 20:22 21:14 21:15 22:21 24:1 28:8,21 31:22 35:20 36:13 46:11 47:4 49:18 60:17 60:18 65:22 66:1 66:9,15,17 70:16
early 21:9 29:1,3,7 29:9 45:19 48:16 50:9	examined 6:7 36:6 67:1	fields 44:17	follow-up 30:9 34:21	good 4:1 6:13 71:8
easier 21:24	excavated 17:24 18:16	Fifteen 45:10	following 10:20 12:16,23 67:11	grad 6:21
East 1:15	excavation 13:21 14:5,6 16:21 19:4 30:20 47:11,13	figure 60:21	follows 6:8 36:7 67:2	grade 14:10
edges 67:24	exceed 48:9 56:13 58:18,20 59:3,3	file 13:8 21:3 42:1	foot 15:4,5 16:19 16:20,22	gradient 56:1
edification 62:4	exceedances 28:8 28:15,16 51:4 59:6	filed 4:13 21:5 27:12 40:15 43:2 43:4 49:23,23 50:14 52:8 72:20	foregoing 74:8,9	graduate 37:7
educational 6:14	exceeded 18:23 19:2 20:14 31:9 57:20	fill 11:23 12:4,5 15:5 44:3,5,7,9,10 44:11,11,12,14	forward 21:1	graduating 6:20
effective 68:4	exceeding 49:5	final 4:19	found 16:2 36:12 25:11,13	Grand 1:14
eight 15:20,24 16:22	exceeds 62:23	find 23:24 45:20 48:6 51:15 65:9 67:15	four 15:18,20,24 25:11,13	granted 4:8
either 44:20 58:18 72:14	excused 35:1	finding 24:7 63:5	front 29:19	great 60:18
elevated 24:15,16 24:18	exhibit 3:18,19 13:7,9,12,13,18 35:8,12 36:11,13 36:15 41:1 49:19 49:20 51:24 54:14 55:11 58:1 59:10 65:3,4,6,6 66:2,17 67:6,8	Fire 29:21 45:22 49:15,24 50:1,14 52:1,9 62:15 65:21 67:10 68:21	fuel 25:14	green 7:19 16:16 16:17 17:2,5,18 44:19 46:7 47:6,8 54:14,18
eligible 33:10 34:3	expected 30:4	firm 29:19	fully 47:16	ground 32:23 56:3
eliminate 48:11	extent 10:2 11:1 30:20 67:21 68:14	first 5:23 6:7 8:5,15 9:17 19:16,23 25:18 26:4 28:1 31:16 35:19 36:6 39:5 40:2 41:22 46:17 48:17 67:1 70:1,4	fund 48:8 49:6	groundwater 12:20 19:7 38:14 39:19 47:17 52:23,24 54:24 55:1 56:2,4 57:15 60:16,16,19 60:23
EMA 27:20	F	five 12:2 16:19,20 16:22 18:19 25:11 25:14 53:24	further 20:17 29:10 30:7 31:3,4,13,20 34:18 35:5 53:7 59:20 63:19 64:15 64:16,23 66:3,5 68:16 70:10 71:2 71:16 72:2,5,11 72:12	guess 8:16 26:17 28:19 34:13 35:9
employed 7:1 36:19 36:21	facility 4:6	flooded 47:17	G	H
employment 6:22		floor 50:11	gas 9:13 32:2 47:16	H 3:15
ended 26:17			gasoline 25:4,8	HAHN 1:11 74:5
Engineer 7:6 37:1 37:14			General 5:9	half 7:18 39:5
engineering 6:16 7:2 37:11			generally 31:12	handed 57:24
entered 10:1			give 5:17 8:21 13:6 36:1 51:18	
entire 21:3 37:4 40:4			given 47:1 68:6	
environmental 1:6 5:10 7:1,10,16,20 37:1				
EPA 36:20 37:4				
essentially 9:10 50:5				
establish 28:7,10				
estimated 15:3				
evidence 30:23 33:11 34:6 35:8				

haul 15:21 hauled 30:22 59:17 69:23 70:2 head 19:15 23:23 hearing 1:11 3:3,4 4:1,2,9,20,24 5:11 5:16,22 20:18 29:12 30:8 34:20 34:23 35:4,7,11 35:14,22 51:21 53:9 61:19 62:10 64:17,21 65:1 66:1,6,11,21 68:17 72:13,16 73:7,11,16 held 16:22 67:23 help 36:14 helpful 62:16,19 63:24 64:12 higher 24:19,22 highest 6:14 highlighted 21:24 highway 12:22 13:1 hits 56:4 hold 4:9 36:23 38:6 honors 6:17 hot 23:2,6,7 33:19 43:24 hotter 24:13 hottest 23:20 32:7 32:19 41:7 hundred 53:18,19 hydraulic 56:2	IEPA 3:18,19 4:3 36:11,15 49:20 II 9:6,10 18:4 31:9 III 9:19,22 10:5,15 10:17,20,24 11:5 38:23 Illico 1:3 4:3 5:7 8:2 26:17 37:15 Illinois 1:1,6,13,14 1:15 2:2 5:10 7:5 36:20 74:1,7 impacted 17:2 Impossible 53:23 inch 34:16 incident 29:16,17 29:18 40:8 50:19 54:3,4,20 incidents 8:11 53:16,20 include 53:3 Independent 1:3 4:3 5:7 8:3 indicate 23:1 41:10 45:12 49:6 50:15 indicated 12:9,13 23:6 25:15 46:6 46:21,23 50:22 63:24 indicates 50:16,17 52:16 indicating 27:15 46:9 indication 22:14 50:2 indicator 25:3 industrial 12:21,21 industrial/comm... 52:22 inference 31:14 information 31:7 54:10 56:5 58:5 62:14,16,22,23 63:1,6,8,15,17,23 64:2,5,8,9 65:10 66:16 69:3,8	inhalation 53:1 inhouse 26:11 initial 26:10 initially 19:12 inputs 42:14 inspector 29:21 interest 4:8 intersection 37:23 38:4,9 39:24 54:5 60:20 inventory 30:18 investigation 9:3,6 9:11,20,22 10:6 10:10,15,17,21,23 11:10 12:15,17 18:4 31:9 38:21 61:5 involved 7:24 18:8 island 41:16 44:22 islands 41:10,17 issue 29:24 issues 7:11,20 42:7 42:9,11	K keep 22:8 kept 22:11 kerosene 25:15 key 13:23 kind 7:17 9:2 20:22 22:18 34:1 38:6 know 18:8 19:7 23:21,22 24:2 30:16 32:4 34:10 38:13 42:12 44:2 46:7,10 53:3,23 56:2 57:9 59:10 60:15,17 62:16 64:10 65:16,19 67:12 known 4:7 65:21	44:13 locations 18:6 long 36:21 37:2 look 25:2,4 36:2 69:20 looked 56:24 60:21 looking 24:12 62:21 looks 39:21 52:13 67:16 lot 19:20 43:23 LUST 8:11,24 10:22,22
I idea 71:8 identification 13:10 36:16 49:21 IDENTIFIED 3:16 identify 67:8 identifying 55:6 IDOT 32:1 37:22 38:7 54:5 IEMA 21:6,17		J January 69:1 Jarvis 5:8,8,15,20 13:11,15 20:19,21 24:6,9 29:10 30:8 30:10,12 31:3,19 31:21 34:18 35:2 35:16,20 36:1,9 38:22 39:4,7,11 39:14,16,17 51:23 52:2 53:7 59:21 59:23 61:21,22 62:11,13 63:19 64:16,19,23 65:3 65:14 66:4,5 68:17,19 70:10 71:4,16 72:4,11 72:15 73:7,9 Jeff 3:9,11 6:5,12 52:10 66:23 justify 63:16	L landfill 14:9 15:22 16:23 30:22 59:18 67:23 69:15,24 70:3 lawsuit 8:20 lawyers' 62:4 leak 45:20 leaking 22:15,17 49:5 leave 22:18 61:7 led 32:17 left 7:12 25:23,24 let's 28:1 41:2 52:13 59:24 letter 27:15 levels 24:19,22 51:1 51:2 license 7:3 Licensed 7:5 37:14 life 26:20 limited 48:16 LISA 1:11 74:5 listed 41:1 54:8 little 41:9 located 4:7,16 14:3 location 34:10	M ma'am 26:9 Macon 1:13 74:2 maintaining 18:10 making 48:5 62:16 manager 26:4 37:17 53:17 manner 4:21 map 13:21 14:4 17:19 22:21 31:22 36:11 38:6,7,16 38:17 39:14 41:2 60:17 65:4 68:12 March 68:21 mark 13:14 marked 13:6,10 36:10,15 44:6 49:20 57:24 Marlin 7:16 8:10 8:11 9:14,17,19 10:1 Marshal 29:21 45:23 49:15,24 50:1,14 52:1,9 62:15 65:21 67:10 68:21 material 12:18 15:5 15:18,20 19:21 30:21 31:2,12,16 67:23 69:23 materials 15:3

matter 11:15 29:1 matters 5:12 mean 11:13,13 14:19 18:3,12,18 28:10 32:12 33:6 34:15 42:13 44:10 44:18 46:8 55:24 58:21 59:1,7 66:15 71:12 means 42:14 59:8 Melanie 5:8 members 4:11,18 Memorial 37:24 38:9 39:24 54:6 mentioned 71:23 met 58:23 59:3 60:10 methods 70:15,18 microfiche 21:10 mid 21:9 middle 33:4 41:13 41:15 migrated 13:3 migration 17:12,13 17:15 19:7 32:17 minimize 48:11 minimum 48:9 minute 51:19 mistaken 69:21 modifications 71:14 modified 4:14 19:19 moisture 49:8 money 47:16 month 47:15 morning 4:1 6:13 move 17:16 moved 26:23 myriad 26:16	naphthalene 24:23 25:1,4,5 nature 7:7 15:6,15 54:7 67:17 near 32:10 nearest 31:14 necessarily 34:17 necessary 11:12,14 13:2 14:15 20:7 20:13 43:11 48:10 49:4 62:18 65:9 necessitated 49:12 need 16:8 22:24 36:12 42:18 46:10 51:10 56:9 57:21 59:1 needed 16:10 17:6 17:8 26:21 42:16 43:2 58:5 62:18 needs 42:19 47:10 47:23 48:18 60:12 neighboring 9:24 network 47:18 neutral 4:21 new 36:12 normal 40:10 normally 40:10 44:3 north 1:14 4:16 10:13 38:10 52:15 62:2 northwest 10:13 62:10,11 notary 1:12 74:7,15 notes 74:11 noticed 4:24 48:1 notification 25:21 27:24 number 3:16 9:1 13:9 25:14 29:17 36:15 49:19,20 50:10 54:20,22 55:10,12,18,21 numbers 42:15,18 43:24 52:24 56:13	<hr/> O <hr/> oath 66:12 object 65:5 objections 19:14,24 20:4 objectives 12:19,21 15:19,21 16:2 18:24 19:2,22 20:15 28:11 31:10 43:22 46:8 49:9 51:3,5,7,8,13,20 52:6,17,18 57:21 58:15,17,18,20,22 58:23 59:4,7,9 60:10 68:11 obviously 33:21 40:3 69:22 70:8 occupation 6:23 7:4 occur 11:22 October 4:13 72:20 72:24 73:1,2 odd 60:7 offered 51:24 offering 35:7 65:2 offhand 48:3 Office 49:15,23,23 50:14 52:1 62:15 Officer 1:11 3:3,4 4:1 5:11,16,22 20:18 29:12 30:8 34:20,23 35:4,7 35:11,22 51:21 53:9 61:19 62:10 64:17,21 65:1 66:1,6,11,21 68:17 72:13,16 73:7,11 offsite 10:9 Oh 44:10 54:21 Oil 1:3 4:3 5:7 8:3 okay 5:22 6:23 9:14 9:17,21 10:11 11:24 13:1,5,15 13:23 14:5,11	15:23 20:22,24 21:12,14,16,19 22:17 23:8,15,18 23:24 24:6,8,17 24:21,24 25:7,17 26:5,10 27:17 28:23,24 29:10 31:19,23 32:3,7 32:12 34:13 35:15 36:10,17 38:1,5 38:17 39:16 40:9 40:17 41:2,22 43:14,23 44:16,23 47:1 49:14 50:21 51:14,18 52:16 53:7,9 57:8 60:17 61:7,9,10,14,17 62:9 64:17 66:1,6 66:11,21 67:17 68:20 70:7 72:13 older 46:11 53:20 ones 45:19 46:11 onsite 10:3 47:11 50:1 open 8:11 opening 3:3 5:17 5:18,20 opinion 20:6,12 23:4 31:6 opinions 8:21 orange 14:4,7 17:21 19:21 23:2 23:4,6,7 41:3 44:19 46:7 57:19 68:11,14 order 16:6 17:4,9 51:11 71:10 orderly 4:21 original 11:20 21:17 27:16 37:20 50:18 53:2 54:17 57:3 60:3,4,5 originally 31:24 originate 16:4 oval-shaped 33:1	ovals 41:9 Overall 45:7 overburden 15:17 16:19 overfill 33:8 34:1,2 34:6,7 overfills 11:21,22 16:5 17:20 22:1 33:7,9,14,22 54:9 oversee 50:2 owner 26:17,23 27:2 37:18 47:11 47:23
<hr/> P <hr/> P 2:1,1 page 13:8 21:20 24:13 39:2,18 47:4,5,5 51:21 PAGES 3:2 parameter 42:15 part 18:4 25:22 35:8,10,12 47:6,8 67:18 parties 5:4 parties' 4:9 party 72:14 pathway 17:14,15 17:16 32:17 Patrick 5:6 pay 48:8,12 49:6 PCB 1:5 4:3 People's 49:18 Peoria 4:7,17 8:17 percent 8:1 53:24 53:24 percentage 7:23 perform 20:8 performed 11:3 18:3 53:14 permits 45:22 permitted 27:23 PETERMAN 1:12 74:5 Petitioner 1:4 5:17				
<hr/> N <hr/> N 2:1 3:1 name 4:2 6:11 36:17				

6:6 66:24 Petitioner's 3:17 4:15 13:7,9,11,13 13:17 35:11 72:23 73:1 petroleum 12:8 31:16 32:22 physically 14:19,20 picking 56:22 pipng 16:10,12 17:8,11 22:2,3 33:17,20,21 34:8 34:9,11,12,14,16 50:12 52:14 54:9 59:14 pit 18:10,16 19:4 43:20 50:12 52:12 52:13,14,15 59:14 70:5 place 38:7,8 plan 4:15 9:20 10:21 13:22 14:6 14:6 19:11,16,19 19:24 20:8 24:5 25:18,22 26:2,4 26:10 28:2,11,12 28:14 29:24 37:18 42:5,6 43:1,7 46:2 46:3,5,9,15,17,20 47:5 48:15,19,20 48:24 51:12,15 52:20,21 53:2,5 57:4 58:3 59:9,18 60:3,4,6 61:4 63:2 63:3,10 65:12 67:22 68:1,4,15 69:1,4,8 70:14,22 70:24 71:6,10,13 71:24 72:8 planned 45:24 46:1 46:4 please 5:5 6:1,11 35:23 36:17 PNAs 25:5,15 point 7:13 10:1	22:4 38:6 40:21 Pollution 1:1,14 2:2 4:18 port 12:5 44:10,14 portions 16:7,10 17:6,8 40:22 ports 11:23 12:4 44:11,11,12 position 36:23 37:3 possibilities 58:16 possible 42:18 posted 72:18 practical 18:10 preferential 32:16 preliminary 5:12 presence 17:11 present 4:12 35:5 45:23 72:14 previous 18:4 37:18 40:23 previously 41:3 60:22 71:21 primarily 7:9,19 10:13 printed 13:7 prior 9:16 18:1,2 20:3 21:6 26:21 26:24 27:20,24 28:8,11,12 48:21 69:10 71:6 probably 8:1,9 20:10 problems 40:20 Procedural 5:3 72:22 proceed 40:10 proceedings 1:10 4:22 73:14 process 18:9 40:18 40:18 product 34:9 professional 7:5 20:6,12 31:6 37:14 program 8:24	project 10:2 26:4 37:17 38:2,3 53:17 proof 63:16 properties 9:24 property 9:13 12:22 13:4 26:18 26:19 47:11,23 proposed 12:16 13:21 59:17 60:4 67:21,24 68:15 Protection 1:6 5:10 37:1 proven 19:21 provided 63:1 64:3 public 1:12 4:8,11 4:12 72:19,20 74:7,15 pull 27:19 28:17 29:1 45:22,23,24 46:1,4 48:21,23 50:15 53:14 63:16 pulled 28:18 30:17 42:23 45:15 pulling 45:16 pulls 45:19,21 48:1 48:14,15 pump 41:10,16,17 44:21,24 56:6 pumps 32:15 33:1 33:2,5,8,11,23 Purdue 37:6 purpose 4:20 9:10 9:21 14:11 58:9 purposes 48:8 60:7 pursuant 4:24 5:2 46:1	53:8 59:20 63:20 64:15 66:20 68:16 70:11 71:2,17 72:2,12 <hr/> R <hr/> R 2:1 re-reporting 27:16 read 33:13 47:22 reading 61:20 really 60:18 reason 47:21 65:14 reasoning 47:1 reasons 19:17,20 26:16 27:17,22 recall 8:23 19:14 19:24 20:4 42:11 46:23 66:9 recalled 66:24 receive 6:18 recess 35:3,15,17 recognize 13:17 recollection 47:7 69:18,19 record 4:6,22 5:5 5:13 9:8 12:9 13:8 21:8,12,15 21:20 24:1,3,13 33:6,14 35:9,10 35:13,18 36:12 38:18 39:19 40:4 47:6 51:22,23 64:7 65:7 RECROSS 3:8 30:11 31:20 63:21 71:3 72:3 REDIRECT 3:8 29:14 31:4 59:22 70:12 71:18 refresh 47:7 regards 8:21 50:15 region 17:23 regs 48:4 regulations 27:5 48:6,7,13 49:5	reimbursable 28:20,21 29:1 reimbursed 27:6 27:20 reimbursement 48:8 reinstalled 47:16 reinvestigate 40:22 rejected 42:7 71:13 related 49:7 relating 7:3 relationship 28:5 relative 23:22 release 11:20 12:10 14:14 21:21 27:9 27:11,16,19 33:10 33:12,21 34:4 37:20,22 40:2 48:11 50:4,6,16 54:7 released 31:17 releases 56:6 relevance 68:9 relevant 53:1 relied 65:8 remaining 14:20 Remarks 3:3,4 remediated 60:13 remediation 18:24 20:14 31:10 48:1 49:3 51:3,5 57:20 59:6 68:11 remember 15:8 21:18 remote 44:14 removal 12:18,24 27:1,21 28:5 47:12,20 49:12 50:2,17 54:13 67:11,15 remove 14:8,9,13 14:15,16 15:17,19 16:6 17:4 20:14 27:18 43:11 46:11 46:12 58:10
---	--	---	--	---

<p>removed 16:9,11 17:7,9 26:2,3,6,13 26:15,24 27:8 28:9 29:4,22 46:13,16,22,24 47:2 49:3 53:4 56:10 57:22 62:18 65:18 69:12,17 70:6,9 71:5 removing 20:3,7,13 46:6 repeat 66:16 Reply 73:1 report 10:23 11:8 11:10 21:6,17 27:14 29:22 33:13 38:21 40:11 49:15 49:16,22 50:22 61:6 64:3 67:10 67:19 70:23 reported 11:20 12:10 29:18 31:24 37:21,22 50:4,17 54:4 74:8 reporter 6:1 35:23 74:6 reporting 33:7 50:18 reports 27:12 40:6 request 4:9 63:24 64:9 65:9 71:22 requested 68:7 71:14 requesting 64:4,8 require 50:3,4,7 required 29:21 requirements 48:9 requires 50:9 reserve 73:5,9 residential 53:1 respect 19:23 29:16 54:22 59:10 Respondent 1:7 36:5 Respondent's</p>	<p>72:24 responsibility 72:7 rest 28:9 35:6 restored 47:14 restriction 12:20 52:22 restrictions 12:23 52:23 resubmitted 71:15 result 49:14 results 9:7 10:5 40:24 50:19,21,24 56:16,17 68:6 71:9 returned 16:21 review 8:20 26:3 41:23 43:6 51:19 52:3 60:5 68:1 69:1 reviewed 21:3,7 40:4 42:1 46:14 46:21 48:4 49:11 reviewing 62:24 63:1 reword 45:17 right 18:12,14 28:12 32:24,24 33:4 34:11 38:24 39:12 47:24 48:3 51:17 53:4 55:2 61:11,13 62:3 70:1 72:16 73:11 right-of-ways 13:4 risk 27:5 RMR 1:12 74:15 roadway 32:1 Roughly 45:1 rules 5:1,3 72:22 ruling 66:10 run 17:11 34:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 3:15 safety 18:11 sale 26:22</p>	<p>sample 50:21,24 58:17 67:21 sample's 58:8 sampled 34:12 47:18 samples 18:22 31:1 50:5,11 52:5,11 58:12,24 59:5,11 59:16 65:12 67:22 68:2,3 69:11,15 69:22 70:5,9,20 71:22 sampling 17:22,23 50:8,10 67:18,20 70:15 71:9 sandy 15:8 saying 18:13 says 22:1 33:14,17 47:22 52:10 SB 43:20 SB-15 23:5 43:17 43:20 SB-17 19:1 23:5 43:17 60:6 SB-22 43:19 56:18 SB-31 43:17 schedule 45:22 school 6:21 7:23 37:5 Science 37:10 seat 66:13 second 19:18 26:2 28:13 29:16 43:1 43:6 section 14:4 16:7,7 16:16,17 17:2,5 17:19,21 19:21 23:2,4,6,7 39:18 41:4,6 57:20 72:21 sections 5:2 44:19 54:14,18 see 15:13 21:22 36:1 50:2 51:19 52:13 67:14 68:9</p>	<p>seeing 29:20 38:15 seen 49:16 selling 26:18 sent 23:8 separately 25:2 September 1:16 4:4 37:19 72:17 74:9 service 8:17 22:9 22:12,19 25:11 47:13 set 15:19 16:20 seven 32:9 sewer 47:16 Shaw 5:6,6,14,18 5:23 6:10 13:13 13:16 20:17 29:12 29:13,15 30:7 31:5,18 34:20,22 35:4,6,10 53:9,11 59:20 63:22 64:15 65:5 66:7,9,14 67:4 68:16 70:13 71:2,19 72:2,12 73:3,5 shocking 30:1 short 35:3,15 shorter 69:15 shorthand 74:6,8 74:10 show 10:6 21:18 22:24 24:10 47:4 50:24 59:5 60:23 65:20 71:10 showed 61:4 showing 51:13 shows 51:3 60:19 68:13 shy 64:4,8 side 30:18,19 35:6 signed 8:10 significance 15:1 15:23 17:10 silly 22:18 Similar 16:18 site 4:16 8:21,24</p>	<p>9:6,10,18,19,22 10:6,10,12,15,17 10:20,23 11:6,10 11:19 12:1,11,14 12:16,20 16:20 18:20,20,23 29:3 31:9,10 37:16 38:10,11,20 40:10 40:18,22 42:17,20 44:2 49:14,22 50:13 53:12 56:7 57:20 59:6 60:24 61:5 67:9,18 68:11 sites 7:10,21 8:13 situations 11:5 six 7:17 25:14 41:10 slope 34:14 small 25:12 soil 14:9 16:21 17:2 17:22,23 18:3,7 20:14 23:1,3,8,9 41:12,15,19 43:12 44:23 45:2,5,6,8,9 45:11 46:6,11 47:3 49:4,11 54:14,22 55:6,8 55:12,15,18,21 56:4,12,20 57:1,5 57:10,16 59:24 60:2,9,15 soils 14:13,16,20 15:8 16:6 17:5,14 sole 52:24 solely 66:17 Sorry 13:14 sort 48:17 source 11:18 12:18 14:13 17:18 31:12 32:18,19,20,21 33:12 48:11 54:2 54:8,17 55:3,5 sources 12:7 south 62:2</p>
--	---	--	---	---

southwest 38:10,11 space 14:21 Special 5:8 specific 18:20 19:24 20:4 specifically 28:6 spend 9:9 spilled 32:23 spills 22:1 33:14 54:8 Springfield 1:15 4:10 SS 74:1 Stage 9:5,10,19,22 10:5,15,17,20,24 11:5 18:4 31:9 38:23 40:14 stages 9:3 stall 40:12 stand 73:14 started 6:22 7:22 8:10 state 1:13 5:17 6:11 6:14 29:21 36:17 48:7 49:15,24 50:14 52:1,9 62:15 74:1,7 stated 48:6 68:4 statement 5:19,21 stating 19:19 station 8:17 9:13 32:2 status 8:22,23 step 10:21 34:24 sticker 39:8,10 stood 8:22 stop 48:10 storage 7:10,21,24 14:3,9 16:8,13 17:6 20:7,13 34:4 43:12 Street 4:16 Strike 11:6 striped 15:11 stuff 21:8	submit 69:7 71:9 72:8 submits 63:3 submittal 62:14 submittals 9:8 submitted 9:6,19 13:22 19:12 24:5 25:17 27:14 37:18 40:7 63:8,9,17 65:12,15,20,21 67:10,13 68:4,21 69:4 70:21 sufficient 49:8 suggests 64:7 summer 8:19 supposed 34:15 sure 20:24 22:1,22 24:11 28:10 32:16 34:7 45:18 61:7 61:21 62:3 surface 14:10 surprising 29:24 surrounding 44:7 suspected 50:3 swear 6:2 35:23 sworn 6:3,7 35:24 36:6 67:1 system 16:8 20:1,3 33:22 47:12 49:12	tank 7:10,21 16:8 17:6 18:16 19:4 19:10 25:7,10 27:19,21 28:9 29:1 34:4,14 41:4 41:13 43:20 44:24 45:3,12,18,21 47:20 48:1,15,21 48:23 49:3,12 50:2,12,15 52:15 53:14 59:14 63:16 70:6 tanks 7:24 12:4 14:3,9,15,20 15:4 15:4,7 16:13 17:21 18:13,23 20:7,13 22:2,3,9 22:12,15 25:8 26:13,15,19 27:8 27:18 28:6,17 29:4,6,21,22 30:2 30:13,17 31:9 32:8,11,20,24 33:16,17 42:23 43:12 44:3,4,8,9 44:13,21 45:12,15 45:16 46:12,13,21 48:14 52:12 54:9 56:9,12,13 57:14 57:21 58:10 61:10 61:11,13,14 62:17 65:18 69:12,17 70:9 71:6 technical 19:17 tell 13:23 51:6 tells 33:11 ten 7:15 18:19 tenant 8:20 tenure 37:4 terms 8:24 12:12 13:1 17:12,22 58:17 test 30:18,21 70:3 tested 22:2,4 29:4 30:19 33:17,20	54:9 testified 6:7 36:6 41:3 67:1 69:12 69:14 testimony 36:14 57:6 65:15,22 68:20 69:20 testing 37:23 54:5 Thank 5:11 13:15 20:18 34:23 39:4 62:11 64:17 73:12 73:15 thickness 16:20 17:3,4 thing 50:9 things 9:2 21:2 33:2 43:10 think 17:17 21:10 48:3 56:9 61:4 64:11 65:10 thought 30:20 three 25:11 43:24 Tier 12:19 15:18,21 16:2 19:2,17,22 23:13,16,17,17 28:3,8,14 30:14 30:21,24 31:15,17 41:13 42:7,10,15 42:17 43:13,19,21 45:13 47:3 49:5,8 49:11 51:3,4,7,8 51:13,20 52:5,17 52:18,23 56:13,18 62:23 68:15,15 tight 17:14 22:2,4 29:5 33:17,20 54:9 time 5:4 7:13 8:20 9:4,9 10:8 46:14 47:21 56:12 64:12 73:13 timeframes 40:11 timeline 27:3 times 28:24 49:2 today 72:14	top 11:23 18:13 19:15 23:22 transcript 1:10 61:20 72:17 74:10 trench 34:8,9,17 52:14 59:14 trenches 50:12 Trent 3:10 35:21 36:4,18 true 74:10 try 23:24 trying 52:19 67:15 Tulane 6:15 turn 15:10 16:15 turned 62:12 two 7:18 25:11 type 12:13,15 17:22 45:23 types 45:18 typical 18:15 typically 15:9 18:9 18:19 19:20 42:13 42:14 50:1
U				
				uh-huh 62:11 ultimately 72:5,7 undergoing 8:19 underground 7:9 7:20,24 14:2,8 16:8,13 17:6 20:7 20:13 34:4 43:11 underneath 27:4 understand 34:5 59:2 understanding 17:1 University 4:16 6:16 8:17 37:6,23 38:10 39:24 54:6 unknown 54:1,19 unreasonable 48:12 use 12:20,22 36:13 47:6 58:1 60:17

September 19, 2018

Page 83

70:18 useful 26:20 UST 1:5 18:10 19:10 20:1,3 34:8 47:11 49:5 50:17 USTs 11:21,23,24 16:5 33:7,9 34:6 54:23 55:4,13,16 55:19,22 57:17 67:11 usually 10:21 70:21	35:22 51:21 53:9 61:19 62:10 64:17 64:21 65:1 66:1,6 66:11,21 68:17 72:13,16 73:7,11 website 72:18 went 6:21 7:16 29:2 32:12 weren't 28:16 40:3 west 10:14 52:15 west/northwest 39:22 59:15 61:24 62:1 Wienhoff 3:9,11 6:5,12,13 38:20 39:2,6,9,13,15 41:3 52:10 63:9 65:16 66:10,12,23 67:5 witness 5:24 6:2,3,6 6:11 13:6 24:8 35:1,19,23,24 36:5 66:24 witnesses 3:8 64:24 work 6:20 7:7,13 7:17,23 8:11 9:14 9:17 10:16,18,24 11:7,7 15:15 16:16 18:1,2 21:1 26:21 38:7 65:13 worked 7:18 8:12 71:10 worker 25:20 53:3 60:5,6,8 working 7:9,22 10:2 26:18 worst 14:13,16 31:13 wouldn't 71:8 written 4:12 wrong 55:10 70:7	Y yeah 6:21 8:8,14,18 10:14 11:13 18:18 23:21 24:4 27:13 27:23 32:12 38:3 39:9,13 41:17 44:11 46:19 58:13 67:7,9 year 6:18,22 years 7:15,17,18 9:3 22:11,19	Z zero 15:17 zones 46:7	0 084.2149 74:16	1 1 3:17,18 13:7,9,12 13:13,18 23:13,16 23:17 30:21 35:12 36:11,15 43:20 51:3,4,17 54:14 65:4,6 68:15 1/8th 34:16 10 8:14 10:00 1:16 4:4 101.600 5:2 101.628 72:21 101.632 5:2 1021 1:14 10th 72:24 11 41:19 11:26 73:16 12 8:14 15:4 41:19 13 3:17 14:10,23 15:1 14 41:19 15 19:5 32:8,14,20 33:19 41:12,15 43:18 44:18 45:8 57:16 60:15 16 41:19 69:1	17 23:22 24:13,15 24:22 32:8,10,13 32:14 44:17,23 45:1,6,9 56:20 57:2,6 59:24 60:2 60:9 17-84 1:5 4:3 18 43:21 56:18 19 22:6 23:15 43:21 55:18 56:18 1992 53:20 54:2,4 1997 37:8 1999 6:19 19th 1:15 4:4 74:9 1st 36:22 68:21	43:19 55:12 56:18 238 39:7 24 23:11 43:19 55:15 56:18 24th 73:1 25 23:15 55:21 253 39:6,15,18 254 39:2 258 39:14 26th 72:17 29/31 3:9	3 3 21:20 3-1 67:16 30 45:4 67:15 30/31 3:9 31 23:18,22 24:13 24:14,18 32:8,12 32:14,20 43:18 45:2,5 57:10 31st 73:2 35 3:17 36 3:10,18 3712 4:16 3rd 4:13 72:20	4 4 3:3 45-day 27:12,14 40:6,11 64:3 49 3:19	5 5 47:4,5 50 53:24 53 3:10 59 3:10 48:17 590 36:12 47:5 598 13:8 36:13	6 6 3:9 600 24:13 63 3:10 66 3:18,19
---	--	---	--	-----------------------------------	---	--	--	--	--	--	---

67 3:11

68 3:11

7

70/71 3:11

71/72 3:11

73 3:4

732.210(h) 50:7

734.210(h) 50:6

8

9

90s 21:9,9

92 22:7,8 29:3

37:20 40:3,8

54:20

95 8:1

98 36:22