

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|--------------|
| WEBB & SONS, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | PCB No. |
| vs. |) | (UST Appeal) |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: Ms. Dorothy Gunn
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of an Entry of Appearance and Petition For Review Of Illinois Environmental Protection Agency's Decision To Deny Petitioner's High Priority Corrective Action Plan Budget, copies of which are herewith served upon you.

Respectfully Submitted

WEBB & SONS, INC.,
Petitioner

BY: /S/
Jeffrey W. Tock

Dated: October 13, 2006

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

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ENTRY OF APPEARANCE OF JEFFREY W. TOCK

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

Respectfully Submitted

WEBB & SONS, INC.,
Petitioner,

By: /S/
Jeffrey W. Tock

Dated: October 13, 2006

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| |) | |
| Respondent. |) | |

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

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

1. Petitioner, an Illinois corporation, is the owner of certain real property located at 1201 DeWitt Avenue, Mattoon, Illinois, hereinafter referred to as the "Site".
2. Petitioner was the owner of underground storage tanks ("USTs") formerly located at the Site.
3. Petitioner submitted to the Agency its Corrective Action Plan and Budget for the Site on August 18, 2006. A copy of the Corrective Action Budget Proposal as submitted to Respondent is attached hereto as Exhibit "A".
4. The Agency approved the Corrective Action Plan ("CAP"), with slight modification, on September 12, 2006. No appeal is being taken as to the approval of the CAP with modifications.

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

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

| | |
|--------------|---------------------------------|
| \$4,329.97 | Investigation Costs |
| \$1,779.47 | Analysis Costs |
| \$0.00 | Personnel Costs |
| \$1,000.00 | Equipment Costs |
| \$132,827.87 | Field Purchases and Other Costs |

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.607."

9. Petitioner accepts and does not appeal the budget modifications made by the Agency for Investigation Costs, Field Purchases and Other Costs, and Handling Charges.
10. Petitioner does appeal the Agency's rejection of all Personnel Costs.

11. The Agency stated in paragraph 3 of Section 2 of Attachment A to the September 12, 2006 letter as follows:

“3. \$103,360.00 for personnel costs deemed unreasonable. Such costs are ineligible for payment from the Fund pursuant to 35 ILL Adm. Code 732.606(hh). The Agency is requesting an hourly breakdown of each task performed by each job title in order to make a more thorough review of the proposed personnel costs.”

12. 35 Ill.Adm.Code 732.606(hh) states as follows:

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

13. The proposed Budget submitted by Petitioner to the Agency on August 18, 2006 contained the following Personnel Costs:

- (a) Pages G-1 and G-2 of the Budget contain a detailed breakdown of the costs, hours and personnel associated with High Priority Investigation and Preliminary Costs. That category is broken down among eight different personnel, a description of the specific tasks to be performed by each person, the number of hours attributable to each person, the hourly rate of that person, and total dollars allocated to each person. The hourly rate for each designated person is less than the hourly rate approved by the Agency pursuant to the Agency's Rate Sheet attached hereto as Exhibit "C" (the Draftperson referred to in the Proposed Budget is a Draftperson/CAD III).
- (b) Page G-2 of the proposed Budget contains a detailed breakdown of the costs, hours and personnel associated with CAP Implementation (dig and haul). That category is broken down among five different personnel, a description of the specific task to be performed by each

person, the number of hours attributable to each person and the hourly rate and total dollars allocated to each person. The hourly rate for each designated person is less than the hourly rate approved by the Agency pursuant to the Agency's Rate Sheet attached hereto as Exhibit "C".

(c) Pages G-2 and G-3 of the proposed Budget contain a detailed breakdown of the costs, hours, and personnel associated with Additional Well Monitoring/Well Replacement/TACO Sample Collection. That category is broken down into three different personnel categories with a description of the services to be performed by each person, the number of hours allocated to each person and the hourly rate and the total cost of services for each person. The hourly rate for each designated person is less than the hourly rate approved by the Agency pursuant to the Agency's Rate Sheet attached hereto as Exhibit "C".

(d) Pages G-2 and G-3 of the proposed Budget contain a detailed breakdown of the costs, hours, and personnel associated with CACR Report/HAA/Reimbursement. That category is broken down into four different personnel categories with a description of the services to be performed by each person, the number of hours allocated to each person and the hourly rate and the total cost of services for each person. The hourly rate for each designated person is less than the hourly rate approved by the Agency pursuant to the Agency's Rate Sheet attached hereto as Exhibit "C".

14. This detailed breakdown of the costs/hours/persons associated with High Priority Investigation and Preliminary Costs, CAP Implementation, Additional Well Monitoring/Well Replacement/TACO Sample Collection and CACR Report/HAA's/Reimbursement is a method that has been used by HDC Engineering LLC, the engineers for the Petitioner, on numerous projects that have been approved by the Agency.
15. It was arbitrary and capricious of the Agency to reject Petitioner's Budget proposal based upon an alleged lack of a detailed breakdown of all hours associated with each task, given the level of detail stated in the proposed Budget.
16. It was arbitrary and capricious of the Agency to reject Petitioner's Budget proposal based upon the Agency's objection to an alleged lack of detail when the Agency has approved this same format as used in proposed budgets for other projects.
17. Petitioner seeks review of the Agency's September 12, 2006 rejection of the Personnel Costs set forth in Petitioner's Budget proposal.

WHEREFORE, Petitioner, WEBB & SONS, INC., respectfully requests that the Illinois Pollution Control Board grant the following relief:

1. Find that the Agency's September 12, 2006 rejection of the Personnel Costs section of the Petitioner's Budget proposal was arbitrary and capricious and without statutory authority;
2. Reverse the Agency's decision to reject the Personnel Costs section of the Petitioner's Budget proposal;

3. Remand this matter to the Agency with instructions to approve the Petitioner's Budget proposal as submitted, except for the modifications for Investigation Costs, Field Purchases and Other Costs, and Handling Charges;
4. Award the Petitioner his engineer's fees, attorney's fees and expenses incurred in bringing this action; and,
5. Award such further relief as deemed just and equitable in these premises.

WEBB & SONS, INC.,
Petitioner,

By: /S/
Jeffrey W. Tock

Dated: [October 13, 2006](#)

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

NEW BEDFORD RIVERSIDE

LING, RECEIVED, POWERK'S OFFICE, OO

* * * * *

CORRECTIVE ACTION BUDGET PROPOSAL

**BUDGET AMENDMENT FORM FOR
LEAKING UNDERGROUND STORAGE
TANK SITES**

***** PCB 07-24 *****

A. SITE INFORMATION

Site Name: Webb & Sons, Inc.

Site Address: 1201 DeWitt Avenue City: Mattoon

Zip: 61938

County: Coles IEPA Generator No.: 0290255079

IEMA Incident No.: 931126 and 20021577 IEMA Notification Date: May 7, 1993

Date this Form was Prepared: August 2006

This form is being submitted as a:

Budget Proposal

Budget Amendment (Budget Amendments must include only the costs over the previous budget.)

Amendment Number: _____

Billing Package for costs incurred pursuant to 35 Illinois Administrative Code (IAC), Part 732 ("new program").

This form is being submitted for the Site Activities indicated below (check one):

Early Action

Site Classification

Low Priority Corrective Action

High Priority Corrective Action

Other (indicate activities) _____

DO NOT SUBMIT "NEW PROGRAM" COSTS AND "OLD PROGRAM" COSTS AT THE SAME TIME, ON THE SAME FORMS.

If eligible for reimbursement, where should reimbursement checks be sent? Please note that only owners or operators of USTs may be eligible for reimbursement. Therefore, payment can only be made to an owner or operator.

Pay to the order of: Webb & Sons, Inc.

Send in care of: HDC Engineering

Address: 201 W. Springfield Avenue, Suite 300, P. O. Box 140

City: Champaign State: Illinois Zip: 61824

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

Fewer than 101: X 101 or more:

Number of USTs at the site: 7 (Number of USTs includes USTs presently at the site and USTs that have been removed.)

Number of incidents reported to IEMA: 2

Incident Numbers assigned to the site due to releases from USTs: 931126 and 20021577

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

| Product Stored | Size (gallons) | Did UST have a release? | Incident No. | Type of Release |
|--------------------|----------------|-------------------------|------------------------|------------------------|
| <u>Gasoline</u> | <u>1,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Heating Oil</u> | <u>2,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Kerosene</u> | <u>1,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Diesel</u> | <u>10,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Kerosene</u> | <u>5,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Diesel</u> | <u>4,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u>Gasoline</u> | <u>2,000</u> | <u>(Yes)</u> No | <u>931126,20021577</u> | <u>tank, line leak</u> |
| <u> </u> | <u> </u> | <u>Yes</u> No | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u>Yes</u> No | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u>Yes</u> No | <u> </u> | <u> </u> |

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1. Investigation Costs: \$ 4,432.75
2. Analysis Costs: \$ 1,779.47
3. Personnel Costs: \$ 103,360.00
4. Equipment Costs: \$ 1,000.00
5. Field Purchases and Other Costs: \$ 133,425.67
6. Handling Charges: \$ 7,496.66

TOTAL PROPOSED BUDGET = \$ 244,119.62

E. INVESTIGATION COSTS

Method I _____ Method II _____ Method III _____ Not Applicable X

- 1. Drilling Costs** - This includes the costs for drilling labor, drill rig usage, and other drilling equipment. Borings which are to be completed as monitoring wells should be listed here. Costs associated with disposal of cuttings should not be included here. An indication must be made as to why each boring is being conducted (i.e., classification, monitoring wells, migration pathways).

2 borings to 15 feet = 30 feet to be bored for monitoring wells

1 borings to 6 feet = 6 feet to be bored for TACO parameters

_____ borings to _____ feet = _____ feet to be bored for _____

_____ borings to _____ feet = _____ feet to be bored for _____

_____ borings to _____ feet = _____ feet to be bored for _____

Total Feet to be Bored: 36

Borings: _____ feet x \$ _____ per foot = \$ _____ (or)

Hours: _____ x \$ _____ per hour = \$ _____

_____ borings through _____ ft of bedrock = _____ Ft bedrock to be bored

_____ borings through _____ ft of bedrock = _____ Ft bedrock to be bored

Total Feet bedrock to be Bored: _____

Borings: _____ Ft bedrock x \$ _____ per ft bedrock = \$ _____ (or)

_____ Hours x \$ _____ per Hour = \$ _____

_____ # of Mobilizations @ \$ _____ per mobilization = \$ _____

| Other Costs | Number of Units | Unit Cost | Total Cost |
|---|-----------------|-------------|------------|
| Drilling - Hollow Stem Auger (MW replacement) | 1 LS | 1,541.85/LS | 1,541.85 |
| Monitoring well installation | 30 ft | 16.96/ft | 508.80 |
| Drilling - direct push for TACO parameters | 1 LS | 1,200.00/LS | 1,200.00 |
| | | | |
| | | | |
| | | | |

F. ANALYSIS COSTS

1. Physical Soil Analysis - This must only include analysis costs for classification of soil types at the site

1 Moisture Content samples x \$ 12.33 per sample = \$ 12.33

Soil Classification samples x \$ _____ per sample = \$ _____

Indicate method to be performed: _____

Soil Particle Size samples x \$ _____ per sample = \$ _____

Ex-situ Hydraulic Conductivity/Permeability samples
x \$ _____ per sample = \$ _____

Indicate the method to be performed: _____

Rock Hydraulic Conductivity/Permeability samples
x \$ _____ per sample = \$ _____

Natural Organic Carbon Fraction (foc) samples
x \$ _____ per sample = \$ _____

Indicate the ASTM or SW-846 method to be performed: _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

2. Soil Analysis Costs - This must be for laboratory analysis only.

21 BTEX samples x \$ 54.12 per sample = \$ 1,136.52

PNA samples x \$ _____ per sample = \$ _____

LUST Pollutants samples x \$ _____ per sample = \$ _____

pH Samples x \$ _____ per sample = \$ _____

1 Paint Filter samples x \$ 14.39 per sample = \$ 14.39

1 TCLP Lead samples x \$ 97.65 per sample = \$ 97.65 (includes TCLP prep for metals)

1 Flash Point samples x \$ 33.92 per sample = \$ 33.92

Lab and/or Field Bank samples x \$ _____ per sample = \$ _____

1 Bulk Density samples x \$ 22.61 per sample = \$ 22.61

1 Particle Density samples x \$ 74.00 per sample = \$ 74.00

1 Organic Carbon Content samples x \$ 23.00 per sample = \$ 23.00

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

3. Groundwater Analysis Costs - This must be for laboratory analysis only.

7 BTEX samples x \$ 52.15 per sample = \$ 365.05

PNA samples x \$ _____ per sample = \$ _____

LUST Pollutants samples x \$ _____ per sample = \$ _____

pH Samples x \$ _____ per sample = \$ _____

Lab and/or Field Bank samples x \$ _____ per sample = \$ _____

Flash Point samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

_____ samples x \$ _____ per sample = \$ _____

TOTAL ANALYSIS COSTS = \$ 1,779.47

G. PERSONNEL

All personnel costs that are not included elsewhere in the budget/billing form must be listed here. Costs must be listed per task, not personnel type. The following are some examples of tasks: Drafting, data collection, plan, report, or budget preparation for _____ (i.e., site classification work plan, 45 day report, or high priority corrective action budget), sampling, field oversight for _____ (i.e., drilling/well installation, corrective action, or early action), of maintenance of _____. The above list is not inclusive of all possible tasks.

High Priority Investigation and Preliminary Costs

Senior Project Manager : 453 hours x \$ 98.00 per hour = \$ 44,394.00
(Title)

Task to be performed for the above hours: Project review, oversight and supervision; project development; two LUST project appeals; subcontractor quotes and availability, Corrective Action planning

Professional Engineer : 84.00 hours x \$ 87.00 per hour = \$ 7,308.00
(Title)

Task to be performed for the above hours: Corrective Action planning; two LUST project appeals; development of high priority plans; CAP and budget preparation; client meetings; IEPA liaison; budget review and certification

Engineer III : 68.00 hours x \$ 77.00 per hour = \$ 5,236.00
(Title)

Task to be performed for the above hours: Corrective Action planning; two LUST project appeals; development of CAP and budget; TACO Tier II calculations and analysis; site contaminant assessment and delineation

Senior Scientist : 150.00 hours x \$ 83.00 per hour = \$ 12,450.00
(Title)

Task to be performed for the above hours: Corrective Action Plan preparation, TACO Tier II analysis, budget preparation, ELUC and Highway Authority Agreements (HAAs) assessment, development of remediation objectives, RBCA modeling, development of corrective action measures

Scientist III : 102.00 hours x \$ 67.00 per hour = \$ 6,834.00
(Title)

Task to be performed for the above hours: Reporting and field work related to corrective action

Scientist I : 21.00 hours x \$ 55.00 per hour = \$ 1,155.00
(Title)

Task to be performed for the above hours: Reporting and field work related to corrective action

Draftsperson : 6.00 hours x \$ 50.00 per hour = \$ 300.00
(Title)

Task to be performed for the above hours: Development of site plans

Technician I : 9.50 hours x \$ 40.00 per hour = \$ 380.00
(Title)

Task to be performed for the above hours: Field work related to measurements and data collection for CA
CAP Implementation (dig and haul)

Senior Project Manager : 8 hours x \$ 100.00 per hour = \$ 800.00
(Title)

Task to be performed for the above hours: Excavation and backfill coordination and planning; scheduling

Professional Engineer : 4 hours x \$ 100.00 per hour = \$ 400.00
(Title)

Task to be performed for the above hours: Excavation and backfill coordination and management

Senior Scientist : 16 hours x \$ 87.00 per hour = \$ 1,392.00
(Title)

Task to be performed for the above hours: Excavation and backfill supervision, manifesting, soil sampling

Scientist III : 30 hours x \$ 71.00 per hour = \$ 2,130.00
(Title)

Task to be performed for the above hours: Excavation and backfill supervision, soil sampling

Technician I : 70 hours x \$ 45.00 per hour = \$ 3,150.00
(Title)

Task to be performed for the above hours: Excavation and backfill supervision, soil sampling and shipping

Additional Well Monitoring/Well Replacement/TACO sample collection

Senior Scientist : 8 hours x \$ 87.00 per hour = \$ 696.00
(Title)

Task to be performed for the above hours: coordination, planning, supervision of field work

Scientist III : 42 hours x \$ 71.00 per hour = \$ 2,982.00
(Title)

Task to be performed for the above hours: monitoring well sampling, well replacement, development, survey abandonment coordination

Environmental Technician I : 42 hours x \$ 45.00 per hour = \$ 1,890.00
(Title)

Task to be performed for the above hours: monitoring well sampling, well replacement, development, survey

CACR Report/HAA's/Reimbursements

Senior Project Manager : 8 hours x \$ 100.00 per hour = \$ 800.00
(Title)

Task to be performed for the above hours: CACR preparation and review, ELUC and HAA preparation, reimbursement preparation

Professional Engineer : 32 hours x \$ 100.00 per hour = \$ 3,200.00
(Title)

Task to be performed for the above hours: CACR preparation; reporting; project design and development; final Tier II TACO risk assessment and review; HAA preparation; P.E. review and completion and certification of CACR and two corrective action reimbursement submittals; design and oversight

Senior Scientist : 92 hours x \$ 87.00 per hour = \$ 8,004.00
(Title)

Task to be performed for the above hours: Draft and submit HAA; submit to client for review and signatures; IEPA/IDOT/client liaison; Final TACO Tier II assessment and modeling; preparation and submittal of CACR; IEPA/client liaison; client meetings for final report, Preparation of two corrective action reimbursement submittals

Scientist III : 16 hours x \$ 71.00 per hour = \$ 1,136.00
(Title)

Task to be performed for the above hours: Filing of NFR letter, coordination and decommissioning of the Site's seven (7) groundwater monitoring wells

TOTAL PERSONNEL COSTS: \$ 104,637.00

I. FIELD PURCHASES AND OTHER COSTS

All field purchases must be listed below in a time and materials format. **Handling charges must not be added here; use Section J, Handling Charges to calculate the handling charges.**

Other Costs - A listing and description of all other costs which will be/were incurred and are not specifically listed on this form should be attached. The listing should include a cost breakdown in a time and materials format.

| Other Costs | Quantity | Price/Item | Total Cost | Do Handling Charges Apply? |
|--|-----------------------|-----------------------|---------------------------------|----------------------------|
| Environmental Support Vehicle | 12 trips | 50/trip | 600.00 | No |
| Mileage | 1,260 mi | 0.445/mi | 560.70 | No |
| Bailers | 7 | 12/each | 84.00 | No |
| Prints | 30 | 2.00/each | 60.00 | No |
| Plastic | 40 rolls | 75/roll | 3,000.00 | No |
| Terra core samplers | 21 | 3.00/each | 63.00 | No |
| Soil excavation, transportation and disposal | 1308 yd ³ | 58.59/yd ³ | 76,635.72 | Yes |
| Backfill | 1308 yd ³ | 20.56/yd ³ | 26,892.48 | Yes |
| Contaminated water disposal | 5,000 gal | 0.70/gal | 3,500.00 | Yes |
| Fencing/Signs | 7 | 100/day | 700.00 | No |
| Asphalt replacement (6") | 5,371 ft ² | 3.17/ft ² | 17,026.07 | Yes |
| | | | Subtotal Page I-2: \$129,127.97 | |

| | | | | |
|--|---------------------|----------------------|----------|-----|
| Engineered Barrier (4") | 244 ft ² | 2.45/ft ² | 597.80 | Yes |
| Murle Roy – Completion of EA/CA excavation activities (4/03) | 1 | 1,192.50/LS | 1,192.50 | Yes |
| Anderson Electric – Completion of EA/CA excavation activities (4/03) | 1 | 1,027.00/LS | 1,027.00 | Yes |
| Certified Mail – reporting | 1 | 100.00/LS | 100.00 | No |
| Shipping – lab samples | 5 | 51.40/each | 257.00 | No |
| NFR Recording Fees | 1 | 50.00/LS | 50.00 | No |
| Well abandonment (seven 15' wells) | 105 ft. | 10.28/ft. | 1,079.40 | No |

Subtotal Page I-2 \$4,303.70

Total Pages I-1 and I-2 \$133,425.67

TOTAL OTHER COSTS = \$ 133,425.67

J. HANDLING CHARGES

Handling charges are eligible for payment on subcontractor billings and/or field purchases only if they are equal to or less than the amounts determined by the following table:

| Subcontractor or Field Purchase Cost | Eligible Handling Charges as a Percentage of Cost |
|--------------------------------------|---|
| \$1 - \$5,000 | 12% |
| \$5,001 - \$15,000 | \$600 + 10% of amt. Over \$5,000 |
| \$15,001 - \$50,000 | \$1,600 + 8% of amt. Over \$15,000 |
| \$50,001 - \$100,000 | \$4,400 + 5% of amt. Over \$50,000 |
| \$100,001 - \$1,000,000 | \$6,900 + 2% of amt. Over \$100,000 |

A. Subcontractor Charges

| Subcontractor | Section in these Forms where Cost is Listed | Subcontract Amount |
|---|---|--------------------|
| Mosner Environmental | Investigation | 1,182.10 |
| Test America Analytical | Analysis | 1,779.47 |
| Excavator/Transporter/Disposal | Other | 76,635.72 |
| Excavation Backfill | Other | 26,892.48 |
| Contaminated Water Disposal Services | Other | 3,500.00 |
| Asphalt/Engineered Barrier Installation | Other | 17,623.87 |
| Murle Roy | Other | 1,192.50 |
| Anderson Electric | Other | 1,027.00 |
| | | |
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| | | |

Subtotal Page J-1: \$129,833.14

L. HIGH PRIORITY CORRECTIVE ACTION

Corrective Action at High Priority Sites may involved both soil and groundwater remediation. Below provide a summary of costs for the remediation type(s) chosen and attach the appropriate sections of the budget/billing forms to support the summary of costs.

A. Preparation of the Correction Action Plan

- 1. Investigation Costs: \$ 1,200.00
- 2. Analysis Costs: \$ 131.94
- 3. Personnel Costs: \$ 76,780.00
- 4. Equipment Costs: \$ 50.00
- 5. Field Purchases and Other Costs: \$ 223.45
- 6. Handling Charges: \$ 2.64

B. Groundwater Remediation

- 1 Analysis Costs: \$ _____
- 2 Personnel Costs: \$ _____
- 3 Equipment Costs: \$ _____
- 4 Field Purchases and Other Costs: \$ _____
- 5 Handling Charges: \$ _____

Of the above costs, please provide a break down of the costs associated with operation and maintenance (O&M), if applicable, as requested below:

_____ Months of O&M x \$ _____ per month = \$ _____

C. Excavation and Disposal

- 1 Analysis Costs: \$ 1,282.48
- 2 Personnel Costs: \$ 5,474.00
- 3 Equipment Costs: \$ 600.00
- 4 Field Purchases and Other Costs: \$ 83,985.62
- 5 Handling Charges: \$ 5605.43

Of the above costs, please provide a break down of the costs associated with excavation transportation, and disposal as requested below:

Excavation: 1308 yards³ x \$ 58.59 per yards³ = \$ 76,635.72

Transportation: ** yards³ x \$ _____ per yards³ = \$ _____

Disposal: ** yards³ x \$ _____ per yards³ = \$ _____

** Included in Excavation cost.

D. **Alternate Technology, Type**

1. Investigation Costs: \$ _____
2. Analysis Costs: \$ _____
3. Personnel Costs: \$ _____
4. Equipment Costs: \$ _____
5. Field Purchases and Other Costs: \$ _____
6. Handling Charges: \$ _____

Of the above costs, please provide a break down of the following costs as requested below if applicable:

Excavation: _____ yards³ x \$ _____ per yards³ = \$ _____

Transportation: _____ yards³ x \$ _____ per yards³ = \$ _____

Treatment: _____ yards³ x \$ _____ per yards³ = \$ _____

Operation and Maintenance (O&M):

_____ Months of O&M x \$ _____ per month = \$ _____

E. **Backfill Costs**

1. Personnel Costs: \$ 2,398.00
2. Equipment Costs: \$ 0.00
3. Field Purchases and Other Costs: \$ 26,892.48
4. Handling Charges: \$ 935.14

Of the above costs, please provide a break down of the following costs as requested below if applicable:

Type of Backfill: Sand/rock

1,308 yards³ x \$ 20.56 per yards³ = \$ 26,892.48

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 931126/20021577. I further certify that the costs set forth in this budget are necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57, no costs are included in this budget that are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

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

Owner/Operator: Ms. Doris Webb *Doris Webb*

Authorized Representative: _____ Title: _____

Signature: *Doris Webb* Date: 8-17-06

Subscribed and sworn to before me the 17th day of August, 2006

Eileen Marie Johnson

(Notary Public)

Seal:



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

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

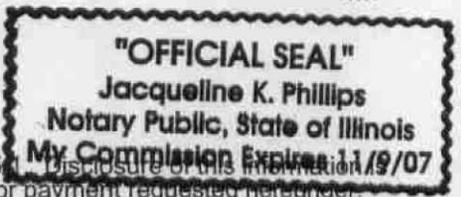
L.P.E./L.P.G. Signature: *Kevin Saylor* Date: 8/10/06

Subscribed and sworn to before me the 10th day of August, 2006

Jacqueline K. Phillips

(Notary Public)

Seal:



The Illinois EPA is authorized to require this information under 415 ILCS 5/44. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder.



Office of the Illinois
State Fire Marshal

Gen/WH Office
217-785-0969
FAX
217-782-1062
Divisions
ARSON INVESTIGATION
217-782-9116
BOILER and PRESSURE
VESSEL SAFETY
217-782-2096
FIRE PREVENTION
217-785-4714
MANAGEMENT SERVICES
217-782-9889
INFIRS
217-785-5828
HUMAN RESOURCES
217-785-1026
PERSONNEL STANDARDS
and EDUCATION
217-782-4542
PETROLEUM and
CHEMICAL SAFETY
217-785-6878
PUBLIC INFORMATION
217-785-1021
WEB SITE
www.state.il.us/sofm

CERTIFIED MAIL - RECEIPT REQUESTED #7002 1000 0004 8741 6800

CORRECTED

July 12, 2002

Webb & Sons, Inc.
1201 Dewitt Avenue
Mattoon, IL 61938

In Re: Facility No. 4-028243
IEMA Incident No. 93-1126
Webb & Sons, Inc.
1201 Dewitt Avenue
Mattoon, Coles Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on June 12, 2002 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$15,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

- Tank 1 10,000-gallon Diesel
- Tank 2 5,000-gallon Kerosene
- Tank 3 2,000-gallon Heating Oil
- Tank 4 2,000-gallon Diesel
- Tank 5 4,000-gallon Diesel
- Tank 6 1,000-gallon Diesel

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

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

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

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

Aviation fuel

Heating oil

Kerosene

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

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

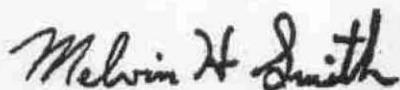
This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision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

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

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

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

Sincerely,



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

MHS/dj

cc: IEPA
Facility File

DECEMBER 1950

* * * 10 7 2 * * *

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7004 2510 0001 8587 3834

SEP 12 2006

Doris Webb
 8687 East 150 North
 Lerna, Illinois 62240

Re: LPC# 0290255079 -- Coles County
 Mattoon/ Webb & Sons, Inc.
 1201 DeWitt Avenue
 LUST Incident No. 20021577 & 931126
 LUST Technical File

RECEIVED

SEP 13 2006

HDC ENGINEERING

Dear Mr. Webb:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated August 18, 2006, was received by the Illinois EPA on August 23, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act (Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)):

1. Bases on the use of the Tier II inhalation remediation objective obtained for benzene and use of the on-site groundwater use restriction, the need for the engineered barrier over soil sample W3 is not required. The proposed budget will also reflect this plan amendmant.

Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

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

If the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan is not required (Section 57.7(c) of the Act).

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

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

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

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

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

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

***** PCB 07-24 *****

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

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Chappel". The signature is fluid and cursive, written over a light gray background.

Harry A. Chappel, P.E.

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAC: JRM

Attachment: Budget Modifications

cc: HDC
BOL File

***** PCB 07-24 *****

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

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

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

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

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

Re: LPC # 0290255079 -- Coles County
 Mattoon/ Webb & Sons, Inc.
 1201 DeWitt Avenue
 Leaking UST Incident No. 931126 & 20021577
 Leaking UST Technical File

SECTION 1

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

| | |
|--------------|---------------------------------|
| \$4,329.97 | Investigation Costs |
| \$1,779.47 | Analysis Costs |
| \$0.00 | Personnel Costs |
| \$1,000.00 | Equipment Costs |
| \$132,827.87 | Field Purchases and Other Costs |

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.607.

SECTION 2

- \$102.78 for costs that exceed the set amount under sub part "H" in accordance with this 3Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(hh).

The proposed costs for water disposal was deemed unreasonable with \$102.78 deducted from the investigative portion of the budget.

- \$597.80 for cost that exceed the requirements to comply with the Act. Such costs are ineligible for payment from the Fund pursuant to 35 ILL Adm. Code 732.606(o).

Based on the Agency decision that the proposed engineered barrier was not required the costs for the 4 inch asphalt was deducted from the budget.

- \$103,360.00 for personnel costs deemed unreasonable. Such costs are ineligible for payment from the Fund pursuant to 35 ILL Adm. Code 732.606 (hh). The Agency is requesting an hourly breakdown of each task performed by each job title in order to make a more thorough review of the proposed personnel costs.

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK, N.Y. 10018

Rate Sheets
 ***** PCB 07-24 *****
 July 1, 2006 through June 30, 2007

Personnel Titles and Requirements

| Title | Degree Required | Ill. License Required | Minimum Yrs. Experience | Maximum Hourly Rate |
|------------------------------|---|-----------------------|-------------------------|---------------------|
| Engineer I | Bachelor's in Engineering | None | 0 | \$77.09 |
| Engineer II | Bachelor's in Engineering | None | 2 | \$87.37 |
| Engineer III | Bachelor's in Engineering | None | 4 | \$102.79 |
| Professional Engineer | Bachelor's in Engineering | P.E. | 4 | \$113.07 |
| Senior Prof. Engineer | Bachelor's in Engineering | P.E. | 8 | \$133.63 |
| Geologist I | Bachelor's in Geology or Hydrogeology | None | 0 | \$71.95 |
| Geologist II | Bachelor's in Geology or Hydrogeology | None | 2 | \$77.09 |
| Geologist III | Bachelor's in Geology or Hydrogeology | None | 4 | \$90.46 |
| Professional Geologist | Bachelor's in Geology or Hydrogeology | P.G. | 4 | \$94.57 |
| Senior Prof. Geologist | Bachelor's in Geology or Hydrogeology | P.G. | 8 | \$113.07 |
| Scientist I | Bachelor's in a Natural or Physical Science | None | 0 | \$61.67 |
| Scientist II | Bachelor's in a Natural or Physical Science | None | 2 | \$66.81 |
| Scientist III | Bachelor's in a Natural or Physical Science | None | 4 | \$71.95 |
| Scientist IV | Bachelor's in a Natural or Physical Science | None | 6 | \$77.09 |
| Senior Scientist | Bachelor's in a Natural or Physical Science | None | 8 | \$87.37 |
| Project Manager | None | None | 8 ¹ | \$92.51 |
| Senior Project Manager | None | None | 12 ¹ | \$102.79 |
| Technician I | None | None | 0 | \$46.26 |
| Technician II | None | None | 2 ¹ | \$51.40 |
| Technician III | None | None | 4 ¹ | \$56.53 |
| Technician IV | None | None | 6 ¹ | \$61.67 |
| Senior Technician | None | None | 8 ¹ | \$66.81 |
| Account Technician I | None | None | 0 | \$35.98 |
| Account Technician II | None | None | 2 ² | \$41.12 |
| Account Technician III | None | None | 4 ² | \$46.26 |
| Account Technician IV | None | None | 6 ² | \$51.40 |
| Senior Acct. Technician | None | None | 8 ² | \$56.53 |
| Administrative Assistant I | None | None | 0 | \$25.70 |
| Administrative Assistant II | None | None | 2 ³ | \$30.84 |
| Administrative Assistant III | None | None | 4 ³ | \$35.98 |
| Administrative Assistant IV | None | None | 6 ³ | \$41.12 |
| Senior Admin. Assistant | None | None | 8 ³ | \$46.26 |
| Draftperson/CAD I | None | None | 0 | \$41.12 |
| Draftperson/CAD II | None | None | 2 ⁴ | \$46.26 |
| Draftperson/CAD III | None | None | 4 ⁴ | \$51.40 |
| Draftperson/CAD IV | None | None | 6 ⁴ | \$56.53 |
| Senior Draftperson/CAD | None | None | 8 ⁴ | \$61.67 |

¹ Equivalent work-related or college level education with significant coursework in the physical, life, or environmental sciences can be substituted for all or part of the specified experience requirements.

² Equivalent work-related or college level education with significant coursework in accounting or business can be substituted for all or part of the specified experience requirements.

³ Equivalent work-related or college level education with significant coursework in administrative or secretarial services can be substituted for all or part of the specified experience requirements.

⁴ Equivalent work-related or college level education with significant coursework in drafting or computer aided design (CAD) can be substituted for all or part of the specified experience requirements.