BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNSON OIL COMPANY, LLC,	)	
	)	
Petitioner,	)	
	)	PCB No. 09-61
vs.	)	(LUST Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.	)	

NOTICE OF FILING

To: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today, February 13, 2009, filed with the Clerk of the Illinois Pollution Control Board a PETITION FOR REVIEW OF AGENCY'S FINAL DECISION TO DENY PORTIONS OF PETITIONER'S HIGH PRIORITY CORRECTION ACTION PLAN BUDGET and ATTORNEY APPEARANCE OF F. RONALDS WALKER, a copy of which is herewith served upon you through United States Mail return receipt requested.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN LLP

F. Ronalds Walker, Atty No. 2922223
PLEWS SHADLEY RACHER & BRAUN LLP
1346 N. Delaware Street
Indianapolis, Indiana 46202
Ph: (317) 637-0700
Fax: (317) 637-0710

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNSON OIL COMPANY, LLC	)	
	)	
Petitioner,	)	
	)	PCB No. 09-61
vs.	)	(LUST Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ATTORNEY APEARANCE

F. Ronalds Walker an attorney with the law firm Plews Shadley Racher & Braun LLP hereby enters his appearance on behalf of Petitioner, Johnson Oil Company, LLC.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN LLP

F. Ronalds Walker, Atty No. 2922223
PLEWS SHADLEY RACHER & BRAUN LLP
1346 N. Delaware Street
Indianapolis, Indiana 46202
Ph: (317) 637-0700
Fax: (317) 637-0712

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 13, 2009, I served true and correct copies of the Attorney Appearance, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail box with sufficient postage affixed thereto, upon the following named persons:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, Illinois 60601

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNSON OIL COMPANY, LLC,	)	
	)	
Petitioner,	)	
	)	PCB No. 09-161
vs.	)	(LUST Appeal)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

PETITION FOR REVIEW OF AGENCY'S FINAL DECISION TO DENY PORTIONS OF PETITIONER'S HIGH PRIORITY CORRECTION ACTION PLAN BUDGET

Petitioner, Johnson Oil Company, LLC ("Johnson Oil"), pursuant to Sections 40(a)(1) and 57.7(c)(4)(D) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1) and 57.7(c)(4)(D)) and 35 Ill. Adm. Code 105.400-412, hereby requests that the Illinois Pollution Control Board ("Board") review the final decision of the Illinois Environmental Protection Agency ("Agency") to deny portions of Johnson Oil's High Priority Correction Action Plan and Budget (collectively "HPCAP"). In support thereof, Johnson Oil respectfully states as follows:

I. Facts and Procedural History

Johnson Oil formerly owned and operated a gasoline service station on property located at 851 East Main Street, Danville, Vermilion County, Illinois (the "Site"). On May 11, 2000, Johnson Oil reported a release of petroleum at the Site and the Site was assigned Incident No. 20000875. Johnson Oil retained American Environmental Corporation ("American Environmental") to complete Site Classification and Corrective Action, including the preparation of Site Classification and Corrective Action Plans.

American Environmental submitted on behalf of Johnson Oil a HPCAP dated September 10, 2008 and a HPCAP dated November 25, 2008 to define the extent of contaminated soil and

groundwater. The HPCAP also proposed an Oxygen Enhanced Biorediation ("OEB") method for the Site. Copies of the HPCAPs and Budgets dated September 10, 2008 and November 25, 2008 are attached as Exhibit "A" and Exhibit "B" respectively.

The Agency issued a Final Decision to Johnson Oil concerning the HPCAPs on January 9, 2009. Johnson Oil received the Final Decision on January 12, 2009 and timely filed this Petition for Review within 35 days of receiving the Final Decision. A copy of the Final Decision is attached as Exhibit "C". The Agency's Final Decision modified the HPCAP. The Agency's Final Decision also improperly reduced Johnson Oil's HPCAP Budget in the amount of $31,071.91. Reduced personnel costs represented at least $25,240.87 of the improper Budget reduction.

II. The HPCAP and Budget

The grounds for the Petition for Review are as follows:

Johnson Oil's consultant, Simon P. Broomhead, P.G. of American Environmental, prepared the HPCAPs and Budgets in accordance with the Environmental Protection Act ("Act") and regulations, in addition to generally accepted engineering practices. Mr. Broomhead is a Licensed Professional Geologist with over fifteen (15) years experience in the environmental consulting industry. The HPCAP detailed the procedures necessary to define the extent of residual contamination and evaluate the proposed method of corrective action. In accordance with 35 Ill. Adm. Code 732.404(f), the Budget included an estimate of all costs associated with the implementation and completion of the Corrective Action Plan. The Budget also included personnel costs for activities which had been completed and for which copies of invoices were provided and offered to document such costs. These costs were reasonable and were necessary

to achieve the applicable remediation objectives. The personnel activities included in the Budget consisted of:

- Monitoring, and report preparation completed throughout the Corrective Action Investigations,
- Obtaining permits and access agreements for neighboring properties and right-of-ways,
- Aquifer testing and risk-based contaminant modeling to calculate remediation objectives,
- Preparation of Corrective Action Plans and Budgets,
- Complicated drilling and evaluation to characterize the presence and extent of confined aquifers,
- Preparation of reimbursement claims,
- Completion of additional investigation, including soil and groundwater sampling,
- Additional activities required to be included by Agency reviews.

III. Budget Expenses That Were Improperly Disallowed

The Agency modified the HPCAP by letter dated January 9, 2009 to Johnson Oil. However, the personnel costs in the associated Budget were modified down to an unreasonable level with no valid justification for the reductions. The Agency improperly reduced the Budget for personnel costs by $25,240.87 with no valid or technical justification. The amount approved ($34,319.17) was less than necessary to complete the required Corrective Action. Furthermore, portions of the personnel costs were already completed and appropriate documentation was provided to the Agency. Mr. Broomhead and other qualified environmental consultants will

testify that the approved Budget for the HPCAP is vastly below industry norms, is not reasonable, and violates 35 Ill. Adm. Code 732.505 and 732.605.

The Agency improperly claimed the following reasons for the Budget reductions:

Items 1 & 2: the costs exceed the minimum requirements necessary to comply with the Act.

Item 3: the costs for investigation are inconsistent with the associated technical plan.

Item 4: the costs were not reasonable because the costs were previously approved in 2002 and therefore were duplicative.

Item 5: the costs were not reasonable because the costs were previously approved in 2002 and therefore were duplicative.

Item 6: the costs lacked supporting documentation.

Item 7: the costs lacked supporting documentation.

Item 8: the costs were not reasonable because the costs were previously approved in 2002 and therefore were duplicative.

Item 9: the costs exceed the minimum requirements necessary to comply with the Act.

Item 10: the costs lacked supporting documentation.

Item 11: the costs are not reasonable.

Item 12: costs were indirect corrective action costs that are not eligible for payment from the Fund.

Item 13: the costs exceed the minimum requirements necessary to comply with the Act.

Item 14: the costs lacked supporting documentation.

Item, 15: the costs exceed the maximum payment amount set forth by the Fund.

Item 16: the costs lacked supporting documentation.

Johnson Oil asserts that the Agency's reasons for the Budget reductions are not correct, not proper, and are without valid support. With respect to the Agency's claim that certain expenses lack supporting documentation, Johnson Oil alleges that that it has supplied the supporting documentation, offered to supply the Agency with the supporting documentation and that it will promptly supply the Agency with the requisite supporting documentation now that Agency has requested additional documentation for the first time.

With respect to the Agency's claim that certain expenses are not reasonable, Johnson Oil will provide evidence and expert testimony that its investigative and corrective action activities and expenses are standard and necessary activities and expenses, that the expenses are in standard and customary amounts, and that the investigation and remediation can not be completed for the budget proposed by the Agency. Furthermore, the Agency failed to take into consideration: (1) the complexity of this particular Site including but not limited to characterization of the apparent confined aquifer at the Site; (2) the fact that numerous access agreements had to be negotiated with property owners before the investigation could proceed; (3) the Site was inaccessible for lengthy periods due to road construction (4) the fact that nearby properties are grossly contaminated from unrelated releases of petroleum; and (5) the fact that the Site and nearby properties changed owners numerous times over the course of the investigation requiring additional access agreements to be negotiated.

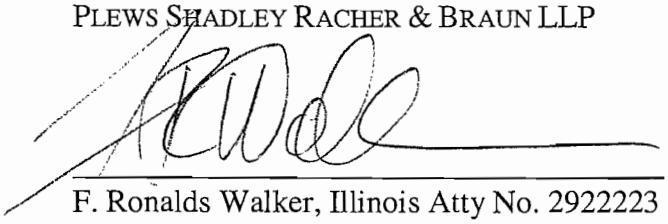
The HPCAP cannot be implemented with the unreasonably small Budget approved by the Agency. The Budget approved by the Agency is unreasonable, is arbitrary and capricious, and

does not account for the several investigation and corrective action activities which were proposed in the modified HPCAP. Thus, the Budget approved by the Agency is invalid and is arbitrary and capricious.

WHEREFORE, Petitioner, Johnson Oil Company, LLC, for the reasons stated above and others that may be discerned through the course of discovery, requests that the Board reverse the Final Decision of the Agency and restore the expenses as submitted in Johnson Oil's Budget associated with the HPCAP and Budgets dated September 10, 2008 and November 25, 2008 and award consultant and attorney's fees pursuant to 415 ILCS 5/57.8(l) and 35 Ill. Adm. Code 732.606(g).

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN LLP



F. Ronalds Walker, Illinois Atty No. 2922223
PLEWS SHADLEY RACHER & BRAUN LLP
1346 N. Delaware Street
Indianapolis, Indiana 46202
Ph: (317) 637-0700
Fax: (317) 637-0712

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 13, 2009, I served true and correct copies of the Petition For Review Of Agency Final Decision To Deny Portions of Petitioner's HPCAP Budget, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail box with sufficient postage affixed thereto, upon the following named persons:

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

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

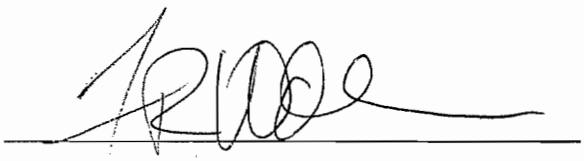


Exhibit A

HIGH PRIORITY CORRECTIVE ACTION PLAN AND BUDGET – AMENDMENT #4

Johnson Oil #148
851 East Main Street
Danville, Illinois
LPC # 1830205198 – Vermilion County
IEMA Incident Number: 20000875
American Environmental Corporation
Project Number: J-207022

September 10, 2008

SUBMITTED TO:

Illinois Environmental Protection Agency
Bureau Of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois

PREPARED BY:

American Environmental Corporation
3700 West Grand Avenue, Suite A
Springfield, Illinois 62711

PREPARED FOR:

Johnson Oil Company, LLC of Indiana
P.O. Box 27
Columbus, Indiana 47202

American Environmental

From Springfield Regional Office

September 10, 2008

Illinois Environmental Protection Agency
Bureau of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Attention: Carol Hawbaker, LUST Project Manager

Re: **High Priority Corrective Action Plan and Budget – Amendment #4**
LPC #1830205198 – Vermilion County
Johnson Oil #148 – Danville/Johnson Oil Company, LLC of Indiana
851 East Main Street
IEMA Incident Number: 20000875
American Environmental Project Number: J-207022

Dear Ms. Hawbaker:

On behalf of Johnson Oil Company, LLC of Indiana (Johnson Oil), American Environmental Corporation (American Environmental) is pleased to submit this Amended High Priority Corrective Action Plan (HPCAP) and Budget for the above-referenced LUST Incident.

Johnson Oil Company requests that the Illinois Environmental Protection Agency ("Agency") rescind the approval of the April 16, 2004 Amended HPCAP and Budget in favor of the attached plan and budget amendment. The excavation proposed in the April 16, 2004 HPCAP cannot be completed because the order to remove the USTs, issued by the Illinois State Fire Marshal (OSFM), was cancelled upon the reported discovery that the UST materials were not as listed in OSFM (and subsequently Johnson Oil) records.

The October 29, 2001 HPCAP and Budget are amended to include costs for additional unforeseen activities beyond the 2001 HPCAP and Budget which were required pursuant to Johnson Oil's release. These additional activities include monitoring and sampling of excavations associated with right-of-way improvements in East Main Street, research to identify and characterize an un-remediated petroleum release at an off-site property, and discussions and information exchange with on-site and off-site owners to establish and maintain access to such properties for the purpose of required investigation. The attached amended budget includes costs for the above-referenced activities and additional costs for the completed investigation which were not foreseen, and therefore could not have been included in the October 29, 2001 Budget.

This HPCAP and Budget includes proposed investigation to characterize the extent and magnitude of contamination in the vadose zone.

Please contact the undersigned if you have questions or concerns. In addition, please send copies of future correspondence to me at the Springfield Office of American Environmental.

Sincerely,

AMERICAN ENVIRONMENTAL CORPORATION

Simon P. Broomhead

Simon P. Broomhead, P.G.
Project Manager

Attachments

pc: Rick Johnson, Johnson Oil Company, LLC of Indiana

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
Corrective Action Plan

A. Site Identification

IEMA Incident # (6- or 8-digit): 20000875 IEPA LPC# (10-digit): 1830205198

Site Name: Johnson Oil #148

Site Address (Not a P.O. Box): 851 East Main Street

City: Danville County: Vermilion ZIP Code: 61832

Leaking UST Technical File

B. Site Information

1. Will the owner or operator seek reimbursement from the Underground Storage Tank Fund? Yes ☑ No ☐
2. If yes, is the budget attached? Yes ☑ No ☐
3. Is this an amended plan? Yes ☑ No ☐
4. Identify the material(s) released: Gasoline
5. This Corrective Action Plan is submitted pursuant to:
   - a. 35 Ill. Adm. Code 731.166 ☐
     The material released was:
     -petroleum ☐
     -hazardous substance (see Environmental Protection Act Section 3.215) ☐
   - b. 35 Ill. Adm. Code 732.404 ☑
   - c. 35 Ill. Adm. Code 734.335 ☐

C. Proposed Methods of Remediation

1. Soil Natural Attenuation with Institutional Controls (pending additional characterization)
2. Groundwater Oxygen-Enhanced Bioremediation (OEB)

D. Soil and Groundwater Investigation Results (for incidents subject to 35 Ill. Adm. Code 731 only or 732 that were classified using Method One or Two, if not previously provided)

Provide the following:

1. Description of investigation activities performed to define the extents of soil and/or groundwater contamination;
2. Analytical results, chain-of-custody forms, and laboratory certifications;

3. Tables comparing analytical results to applicable remediation objectives;

4. Boring logs;

5. Monitoring well logs; and

6. Site maps meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440 and showing:
   a. Soil sample locations;
   b. Monitoring well locations; and
   c. Plumes of soil and groundwater contamination.

E. Technical Information - Corrective Action Plan

Provide the following:

1. Executive summary identifying the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives;
   a. The major components (e.g., treatment, containment, removal) of the corrective action plan;
   b. The scope of the problems to be addressed by the proposed corrective action; and
   c. A schedule for implementation and completion of the plan;

2. Identification of the remediation objectives proposed for the site;

3. A description of the remedial technologies selected:
   a. The feasibility of implementing the remedial technologies;
   b. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
   c. A schedule of when the technologies are expected to achieve the applicable remediation objectives;

4. A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored during their implementation and after their completion;

5. A description of the current and projected future uses of the site;

6. A description of engineered barriers or institutional controls that will be relied upon to achieve remediation objectives:
   a. an assessment of their long-term reliability;
   b. operating and maintenance plans; and
   c. maps showing area covered by barriers and institutional controls;

7. The water supply well survey:
   a. Map(s) showing locations of community water supply wells and other potable wells and the setback zone for each well;
   b. Map(s) showing regulated recharge areas and wellhead protection areas;
   c. Map(s) showing the current extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   d. Map(s) showing the modeled extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   e. Tables listing the setback zone for each community water supply well and other potable water supply wells;
   f. A narrative identifying each entity contacted to identify potable water supply wells, the name and title of each person contacted, and any field observations associated with any wells identified; and
   g. A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the survey was conducted in accordance with the requirements and that documentation submitted includes information obtained as a result of the survey (certification of this plan satisfies this requirement);

8. Appendices:
   a. References and data sources report that are organized; and
   b. Field logs, well logs, and reports of laboratory analyses;

9. Site map(s) meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440;

10. Engineering design specifications, diagrams, schematics, calculations, manufacturer's specifications, etc.;

11. A description of bench/pilot studies;

12. Cost comparison between proposed method of remediation and other methods of remediation;

13. For the proposed Tier 2 or 3 remediation objectives, provide the following:
   a. The equations used;
   b. A discussion of how input variables were determined;
   c. Map(s) depicting distances used in equations; and
   d. Calculations;

14. Provide documentation to demonstrate the following for alternative technologies:
   a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives;
   b. The proposed alternative technology will not adversely affect human health and safety or the environment;
   c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;
   d. The owner or operator will implement a program to monitor whether the requirements of subsection (14)(a) have been met;
   e. Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (14)(a); and
   f. Demonstration that the cost of alternative technology will not exceed the cost of conventional technology and is not substantially higher than at least two other alternative technologies, if available and technically feasible.

15. Property Owner Summary form.

F. Exposure Pathway Exclusion

Provide the following:

1. A description of the tests to be performed in determining whether the following requirements will be met:
   a. Attenuation capacity of the soil will not be exceeded for any of the organic contaminants;
   b. Soil saturation limit will not be exceeded for any of the organic contaminants;
   c. Contaminated soils do not exhibit any of the reactivity characteristics of hazardous waste per 35 Ill. Adm. Code 721.123;
   d. Contaminated soils do not exhibit a pH $\leq$ 2.0 or $\geq$ 12.5; and
   e. Contaminated soils which contain arsenic, barium, cadmium, chromium, lead, mercury, or selenium (or their associated salts) do not exhibit any of the toxicity characteristics of hazardous waste per 35 Ill. Adm. Code 721.124.

2. A discussion of how any exposure pathways are to be excluded.

G. Signatures

All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

UST Owner or Operator

Name: Johnson Oil Company, LLC of IN
Contact: Rick Johnson, Manager
Address: P.O. Box 27
City: Columbus
State: Indiana
ZIP Code: 47202
Phone: (812) 378-4036
Signature:
Date: 9-5-08

Consultant

Company: American Environmental Corp.
Contact: Simon P. Broomhead, P.G.
Address: 3700 West Grand Avenue, Suite A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Signature: Simon P. Broomhead
Date: 9/9/08

I certify under penalty of law that all activities that are the subject of this plan 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 and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in this plan has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 731, 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].

Licensed Professional Engineer or Geologist

Name: Simon P. Broomhead, P.G.
Company: American Environmental Corp.
Address: 3700 West Grand Avenue, Ste. A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Ill. Registration No.: 196-000536
License Expiration Date: 03/31/09
Signature: Simon P. Broomhead
Date: 9/9/08

L.P.E. or L.P.G. Seal

LICENSED PROFESSIONAL GEOLOGIST
SIMON P. BROOMHEAD
196-000536
ILLINOIS

237077 2007 CAP
SPB

AMENDED HIGH PRIORITY CORRECTIVE ACTION PLAN
Johnson Oil Company # 148
851 East Main Street
IEMA Incident No. 20000875
IEPA Generator Number 1830205198
American Environmental Project J-207022

Johnson Oil Company (Johnson Oil) formerly operated a convenience store with retail sale of gasoline at the above-referenced site. A release was reported in response to environmental contamination reported in soil and groundwater samples collected during a Phase 2 Environmental Site Assessment conducted on behalf of Clark Retail Marketing (Clark) as part of a property transaction. The release was attributed to overfills of the gasoline underground storage tanks (USTs) at the site.

Site Classification was completed between September 2000 and July 2001. The site was classified High Priority based on the exceedence of the groundwater remediation objective for at least one indicator compound at the property boundary. Additional investigation to define the extent of the contamination plume was proposed in a corrective action plan dated October 29, 2001 and approved by the Illinois Environmental Protection Agency ("Agency") in a February 15, 2002 letter to Johnson Oil. However, while attempting to obtain off-site access agreements to define the extent of contamination, the Illinois Department of Transportation (IDOT) commenced significant infrastructure improvements along Main Street that prevented the completion of the proposed investigation. American Environmental monitored the progress of the improvements, including documenting and sampling excavations within the right-of-way, while researching and attempting to obtain access agreements with the neighboring property owners. Access to the former Johnson Oil site also required discussions and information exchange with Clark and two subsequent owners.

This High Priority Corrective Action Plan (HPCAP) and Budget Amendment presents the results of the off-site investigation and proposes additional on-site vadose-zone characterization in conjunction with a feasibility study to evaluate Oxygen Enhanced Bioremediation (OEB) for the remediation of residual contamination dissolved in groundwater and adsorbed to saturated soil. The attached budget replaces the April 16, 2004 budget, but includes costs for work completed pursuant to that budget, which were approved by the Agency in the June 1, 2004 letter to Johnson Oil and pursuant to a November 10, 2004 telephone conversation between Mr. Simon Broomhead and Ms. Carol Hawbaker, the Agency Project Manager.

D. Soil and Groundwater Investigation Results

1. Description of investigation activities performed to define the extents of soil and/or groundwater contamination.

On February 27-28, 2001, American Environmental Corporation (American Environmental) installed five monitoring wells (monitoring wells MW1 through MW5) for a groundwater investigation during Site Classification. While installing the monitoring wells, one soil sample from each soil boring was

selected for laboratory analysis based on odors, headspace readings using a photoionization detector, and indications of saturated conditions. Groundwater samples were collected from the monitoring wells on March 15, 2001. Soil and groundwater samples were laboratory-analyzed for benzene, toluene, ethylbenzene and total xylenes (BTEX), the indicator compounds for gasoline releases in Illinois. Samples were also analyzed for methyl tert-butyl ether (MTBE), and polynuclear aromatic (PNA) compounds. Additional groundwater samples were collected from MW1 through MW5 on August 13, 2001 and were analyzed for total lead. Based on water level measurements recorded while sampling the monitoring wells, groundwater appears to flow southwest from the location of the USTs, toward monitoring well MW5. The well locations are depicted in Figure 1 of Appendix A.

Additional investigation to define the extent of contamination was proposed in an October 29, 2001 HPCAP and approved in a February 15, 2002 letter to Johnson Oil. However, off-site investigation was delayed by major highway expansion along East Main Street, which prevented access to several proposed sample locations. American Environmental personnel monitored the progress of the infrastructure improvements and were present during excavation for the installation of a sanitary sewer on the south side of East Main Street. Soil samples were collected from the sanitary sewer excavation, including within approximately ten feet of the locations proposed for monitoring wells MW9 and MW10 in the October 29, 2001 HPCAP. Abandoned piping and backfill gravel, typical of materials used in UST fields and eliciting a strong petroleum-like odor, exposed in the sanitary sewer excavation suggested that the excavation was completed through a former tank field. Significant contamination was reported in some of these off-site soil samples. However, the absence of methyl tertiary-butyl ether (MTBE) in these soil samples indicates that the off-site contamination was from a pre-1990s release, apparently associated with a former service station reported to have been located at the southwest corner of the intersection of East Main Street and Bowman Street, south of the site. The sewer excavation and sample locations are depicted on Figure 1 of Appendix A. Photographs of the excavation were provided in the August 9, 2007 CAP.

American Environmental reviewed historical documents retained by the Danville Public Library, including city directories and Sanborn Fire Insurance Maps, and interviewed City of Danville and IDOT personnel regarding the former service station south of the site. The 1951 Sanborn Map shows a service station at this property, with USTs buried in the north portion of the property, close to the right-of-way. The 1951 City Directory identifies this service station as CC Smith and Son Filling Station. Subsequent city directories identify this station as Parkway Mobil Service through 1971. City directories after 1971 show this property as vacant. City and IDOT personnel reported that the USTs were removed in 1993

and some remedial action was initiated. However, the site (Bureau of Land No. 1830205069) is not listed on the Agency's Leaking UST or Site Remediation Program databases and no information was available pertaining to the remediation. A copy of the 1951 Sanborn Map and a printout from the Agency's Bureau of Land Inventory for the site were included in the August 9, 2007 CAP.

An amended HPCAP and Budget (Amendment #1) was submitted on April 16, 2004 and approved in a June 1, 2004 letter to Johnson Oil. The amended HPCAP proposed excavation and off-site disposal of source area soil in conjunction with the removal of the USTs, as required by the Office of the State Fire Marshal (OSFM). The order to remove the USTs was subsequently redacted by the OSFM. Consequently, the proposed excavation could not be completed.

Budget Amendment #2, submitted on June 17, 2004, presented additional costs for obtaining access agreements, along with additional proposed costs to complete the off-site investigation which were not foreseen in the October 29, 2001 Budget. Budget Amendment #2 was rejected in a September 15, 2004 letter to Johnson Oil, requiring that the proposed investigation be completed prior to submittal of an amended budget.

Off-site investigation to delineate the extent of contamination was performed on March 8-9, 2006, after completion of the right-of-way improvements. At that time, American Environmental installed four additional monitoring wells (MW4R and MW6 through MW8). Wells MW6 through MW8 were installed for off-site investigation and well MW4R replaced well MW4 that was destroyed during the preceding highway expansion. In addition, soil borings SB1 and SB2 were advanced near the north and south sides of the tank field, respectively. While installing the monitoring wells, one soil sample from each monitoring well boring was selected for laboratory analysis based on odors, headspace readings using a photoionization detector, and indications of saturated conditions. Two samples from each soil boring were collected following the same procedures. Soil samples collected from the well borings and soil borings were laboratory-analyzed for BTEX, MTBE, and naphthalene, a non-indicator compound present in gasoline. In addition, the samples from the soil borings were analyzed for leachable lead following the Synthetic Precipitation Leachate Procedure (SPLP) and for total lead. The Agency required lead sampling near the tank field in order to support the exclusion of this compound from the list of indicator compounds.

Groundwater samples were collected from monitoring wells MW1 through MW8 for laboratory analysis on April 12, 2006. Groundwater samples were analyzed for BTEX, MTBE, and naphthalene. Based on water level measurements recorded while sampling the monitoring wells, groundwater appears to flow southeast from the location of the former USTs, toward monitoring well MW3,

where maximum concentrations of indicator compounds were reported. Figure 2 of Appendix A is a potentiometric map of the April 12, 2006 water level data.

The results of the off-site investigation were initially submitted in an August 9, 2007 HPCAP and Budget (Amendment #3), along with proposed vadose zone investigation and an OEB feasibility study. The amended HPCAP and Budget were rejected in a November 5, 2007 letter to Johnson Oil, requiring significant modifications to the vadose zone investigation and feasibility study.

2. Analytical results, chain-of-custody forms and laboratory certifications

Laboratory reports for analyses performed during Site Classification were provided in the May 4, 2001 Site Classification Completion Report (SCCR). Laboratory reports for the off-site investigation and the most recent groundwater sampling event analyses, performed under Corrective Action, are provided in Appendix B.

3. Tables comparing analytical results to applicable remediation objectives

Soil samples collected during Corrective Action investigations were analyzed by Severn Trent Laboratories, Inc., University Park, Illinois. Soil and groundwater analytical results, along with the applicable Tier 1 remediation objectives, are included in Tables 1 and 2 of Appendix C, respectively.

BTEX and naphthalene were reported in on-site soil samples collected near the property boundaries to the north, east, and south of the USTs. Reported concentrations of BTEX constituents exceeded the applicable Tier 1 Soil Remediation Objectives (SROs) in several samples. However, additional investigation and sampling is proposed to determine whether several samples were collected from below the water table.

Reported soil concentrations of lead for on-site and off-site samples were below the applicable Tier 1 SROs or Statewide Background Concentration. Toluene, xylenes, MTBE, and naphthalene were each reported in at least one sample collected from off-site soil borings. However, reported concentrations of these compounds were below the applicable Tier 1 SROs.

BTEX were reported in groundwater samples collected from on-site monitoring wells near the property boundaries to the north, east, and south of the USTs as part of Site Classification activities during 2001. The reported concentrations of benzene, toluene, ethylbenzene, and/or naphthalene exceeded their applicable Tier 1 Groundwater Remediation Objectives (GROs) in four groundwater samples. Reported concentrations of BTEX and MTBE in recent samples

collected from wells near the property boundaries generally showed significant reductions, except for the sample collected from MW3. Reported BTEX concentrations in this well were significantly increased over the 2001 sample data. BTEX were not reported in samples collected from off-site monitoring wells.

Naphthalene was reported in one of five monitoring wells (MW1) during the 2001 Site Classification sampling event. Naphthalene was reported in two additional monitoring wells (MW2 and MW3) near the property boundaries during the recent sampling event. Reported naphthalene concentrations in samples collected from these wells exceeded the applicable Tier 1 GRO.

Soil samples collected from a sanitary sewer excavation trench off site to the south reported benzene concentrations above the Tier 1 SRO in two of four samples analyzed. MTBE was not reported in any of the excavation soil samples.

4. **Boring logs**

Soil boring logs for borings completed during Site Classification and Corrective Action investigations are provided in Appendix D. The logs have been updated to show the potentiometric surface variation, as measured during the sampling events.

5. **Monitoring well logs**

Monitoring well construction diagrams for wells completed during Site Classification and Corrective Action investigations are provided on the boring logs in Appendix D.

6. **Site maps meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440 and showing:**
   a. **Soil sample locations;**
   b. **Monitoring well locations; and**
   c. **Plumes of soil and groundwater contamination.**

A site plan depicting the soil sample and monitoring well locations is provided in Figure 1 of Appendix A. The estimated extents of the soil and groundwater contamination plumes are depicted in Figures 3 and 4, respectively, of Appendix A. These extents will be adjusted, as necessary based on the proposed additional soil and groundwater sampling, and depicted in figures to be provided in a subsequent CAP.

E. Technical Information - Corrective Action Plan

1. **Executive summary identifying the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives:**
   a. **The major components (e.g., treatment, containment, removal) of the corrective action plan;**
   b. **The scope of the problems to be addressed by the proposed corrective action; and**
   c. **A schedule for implementation and completion of the plan.**

The site was classified as High Priority based on the exceedence of Tier 1 groundwater remediation objectives at monitoring wells near the north, east, and south property boundaries. Remediation of groundwater contamination will be required, based on a significant increase in contaminant levels reported in monitoring well MW3. However, the need for remediation of the vadose zone cannot be determined based on the soil data obtained to date. Soil samples collected from apparently unsaturated soil in a majority of the soil borings for the on-site monitoring wells were found to be below static water levels in the monitoring wells. Therefore, additional characterization of the vadose zone is proposed.

Vadose Zone Investigation

The vadose investigation will consist of five direct-push borings (identified as VZ1 through VZ5) to be completed around the tank field, four direct-push borings (DNE, DNW, DSE, DSW) to be completed adjacent to the dispenser islands, and four direct-push borings (MW1B through MW4B) to be completed within five feet of monitoring wells MW1 through MW4. These borings will be completed to a maximum depth of five to eight feet to collect a sample from vadose zone soil. Soil samples collected from the borings will be analyzed for BTEX, MTBE and naphthalene in accordance with USEPA Method 5035/8260B.

In addition to soil samples to be collected and analyzed for indicator compounds, additional samples will be collected from vadose-zone soil for analysis of soil bulk density (ρ_b), soil particle density (ρ_s), and fractional organic carbon (foc). These analyses, along with moisture content (w), are required by 35 IAC, Section 732.408 to provide site-specific parameters for Tier 2 TACO calculations. Moisture content is reported in conjunction with USEPA Method 5035 volatile organic analysis. The soil sample for analysis of bulk and particle density is planned to be collected from either direct-push boring VZ3 or VZ5, in the central portion of the site. Based on the extent of contamination across the eastern portion of the site and in

order meet the Agency's requirement that the samples be collected on site, soil samples for foc analysis will be collected from two direct-push borings (TACO-1 and TACO-2) to be completed at the west property boundary.

Groundwater Investigation

Three additional compliance monitoring wells are proposed to define the extent of contamination. Monitoring wells MW9 and MW10 will be installed at the southeast corner of the site and off site to the southeast, respectively. Monitoring well MW4B will be installed at the south property line, within five feet of the former location of monitoring well MW4. Sampling information from these monitoring wells would initially be used to refine potentiometric maps and further define the down-gradient extent of the groundwater plume and would later be used to document the completion of remediation. The proposed monitoring wells are depicted on Figure 5 of Appendix A.

Three additional contingent monitoring wells are also proposed, based on the analytical results of the vadose zone investigation at the dispenser islands. The three contingent wells would be completed under a separate mobilization if contamination exceeding Tier 1 SROs is reported in one or more soil samples collected adjacent to the dispenser islands. One contingent well would be installed at the dispenser boring location where maximum concentrations of indicator compounds were reported, while the other two contingent borings would be completed at the property boundaries northwest and southwest from the dispenser islands. Proposed contingent well locations are depicted on Figure 5 of Appendix A.

Soil boring and monitoring well completion methods are discussed in Section E.10. Field investigation, including soil and groundwater sampling, will be completed within approximately 60 days after Agency approval of this CAP. The results of the additional investigation will be submitted in an amended CAP approximately 30 days after completion of the investigation, or approximately 90 days after approval of this CAP and Budget.

No additional investigation or remediation is proposed for the neighboring property south of the site, beyond East Main Street. Excavation and sampling completed during the installation of a sewer line encountered significant residual contamination (soil samples E6 and E7) associated with former leaking UST(s) on this neighboring property. Therefore, investigation conducted on this property would encounter residual soil and groundwater contamination associated with another release which has not been, and apparently will not be, remediated.

Contamination currently present or migrating beneath East Main Street will be addressed using a highway authority agreement to be proposed in a subsequent CAP upon completion of the additional investigation.

2. Identification of the remediation objectives proposed for the site.

The indicator compounds established for releases of unleaded gasoline before June 2002 consist of BTEX. Tier 1 SROs and GROs for the *soil ingestion*, *soil inhalation*, and *groundwater ingestion routes* are established in 35 IAC, Part 742; the Tiered Approach to Corrective Action Objectives (TACO). The Tier 1 SROs for industrial/commercial properties are used with respect to the *soil ingestion* and *soil inhalation exposure routes* for on-site contamination.

Tier 1 SROs and GROs for MTBE were added to the TACO regulation after the date that the release was reported. Although MTBE investigation/remediation is not required for this site, remediation of residual MTBE will be monitored along with the indicator compounds during Corrective Action. The Tier 1 SROs and GROs for MTBE are listed along with the analytical results in Tables 1 and 2 of Appendix C.

Tier 2 remediation objectives will be calculated upon completion of the vadose zone investigation.

3. A description of the remedial technologies selected:

a. The feasibility of implementing the remedial technologies;

b. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and

c. A schedule of when the technologies are expected to achieve the applicable remediation objectives.

Vadose Zone Soil Contamination

Static groundwater levels in monitoring wells around the tank field suggest that groundwater may be over the top of the USTs at the site, within about four feet of the surface. Therefore, significant vadose zone contamination is not expected in connection with this release. Soil samples from the soil borings for monitoring wells MW1, MW2 and MW3 were collected from unsaturated soil found later to be below the water level reported in the nearby monitoring wells. Soil samples collected from soil borings SB1 and SB2 were collected from similar depths and may also be below the water table. Therefore, additional vadose zone sampling is proposed in Section E.1.

Saturated Zone Contamination (including groundwater contamination)

Corrective Action for residual saturated soil contamination and groundwater contamination is proposed to be completed using the Oxygen Enhanced Bioremediation (OEB) method. The selection of OEB is based upon its efficiency in remediating concentrations of hydrocarbons over small areas and low cost relative to conventional remediation methods.

Aerobic microbes require oxygen, nutrients and a carbon food source (petroleum). Nutrient supplies in groundwater are generally adequate for bacterial growth, so this parameter is not a controlling factor for the growth of microorganisms. However, the consumption of oxygen is directly proportional to the growth of microbe populations. Therefore, in order to increase the population of microbes in a contaminated aquifer, and subsequently the rate of degradation, increased levels of oxygen over the natural concentration are required. Based on the results of the proposed additional investigation, an OEB feasibility study will be proposed in a supplemental CAP.

4. **A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored during their implementation and after their completion.**

   Soil and/or groundwater sampling to monitor the effectiveness of corrective action activities will be proposed in a later CAP.

5. **A description of the current and projected future uses of the site.**

   The property is currently occupied by a convenience store. The ground surface above contaminated soil and groundwater is used for parking. The current commercial use of the property is anticipated to continue indefinitely.

6. **A description of engineered barriers or institutional controls that will be relied upon to achieve remediation objectives.**
   a. **An assessment of their long-term reliability;**
   b. **Operating and maintenance plans; and**
   c. **Maps showing area covered by barriers and institutional controls.**

   Active remediation of residual contamination is proposed for this release. Therefore, no institutional controls or engineered barriers are proposed at this time. Based on current soil data, institutional controls limiting the use of the property to industrial or commercial uses, prohibiting groundwater use on-site, and providing for notification to construction workers of residual soil

contamination are anticipated to be required. Highway authority agreements to address contamination beneath the adjacent right-of-ways are also anticipated to be to be required.

7. **The water supply well survey:**
   a. **Map(s) showing locations of community water supply wells and other potable wells and the setback zone for each well;**
   b. **Map(s) showing regulated recharge areas and wellhead protection areas;**
   c. **Map(s) showing the current extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;**
   d. **Map(s) showing the modeled extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;**
   e. **Tables listing the setback zone for each community water supply well and other potable water supply wells;**
   f. **A narrative identifying each entity contacted to identify potable water supply wells, the name and title of each person contacted and any field observations associated with any wells identified; and**
   g. **A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the survey was conducted in accordance with the requirements and that documentation submitted includes information obtained as a result of the survey.**

   American Environmental completed a water well survey for the May 4, 2001 Site Classification Completion Report (SCCR). Available well location records, requested from the Illinois State Geological Survey (ISGS) and the Illinois State Water Survey (ISWS), were reviewed to locate all potable water wells within 2,500 feet of the site. A map indicating local potable water supply well locations was provided along with copies of well records in the May 4, 2001 SCCR.

   Additional research, including interviews with local officials and review of the Agency's Source Water Assessment Program (SWAP) database, to meet the requirements of an extended water well survey will be completed during Corrective Action.

8. **Appendices:**
   a. **References and data sources report that are organized; and**
   b. **Field logs, well logs, and reports or laboratory analyses.**

   Tables, figures and additional information are provided in the Appendices.

9. **Site maps meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440.**

   Site maps are provided in Appendix A.

10. Engineering design specifications, diagrams, schematics, calculations, manufacturer's specifications, etc.

Vadose Zone Delineation

Additional characterization efforts to define the extent of the vadose zone were presented in the May 12, 2008 CAP. However, in the August 15, 2008 letter denying the May 12, 2008 CAP, the Agency denied the use of tensiometers to "determine if the water producing layer is under confined conditions." The Agency incorrectly interprets the use of tensiometers, which simply evaluate the degree of subsurface water saturation, and thereby the extent of the vadose zone. However, the Agency did corroborate the assessment that groundwater remains in the water producing layer and does not penetrate the overlying dry, tight soil indicated on the boring logs. Therefore, soil samples to be collected during the additional investigation will be collected from unsaturated soil within five feet of the ground surface in each soil boring. Table 3 of Appendix C compares the depths to groundwater in the wells to the depths to saturated soil in the soil borings for the wells.

The variation between the depth to water saturation observed while drilling and the water level observed in the completed well was more significant in monitoring well MW5; between about five and seven feet. The soil cores recovered from the soil boring for this monitoring well were dry and tight to a depth of at least eight feet. However, the water level in this well was only 2.87 feet below ground surface (bgs) about two weeks after the well was installed. This rapid recovery of groundwater to a depth corresponding with dry, tight soil suggests the presence of a confined-aquifer condition. Further evaluation of the vadose zone and apparent confined condition in the area of this monitoring well was proposed in the May 12, 2008 CAP, and subsequently denied by the Agency in the August 15, 2008 letter to Johnson Oil.

Soil Boring/ Monitoring Well Completion Methods

Direct-push borings and soil borings for the monitoring wells will be completed using a combination rotary/direct push drilling rig with soil cores collected for borehole logging and sampling using five-foot direct-push Macro® samplers with Lexan® plastic liners. Soil samples for identification and field screening will be collected at approximate five-foot intervals using clean stainless steel sampling trowels. Disposable nitrile gloves will be put on before each sample is collected. One soil sample will be collected from unsaturated soil in each of the soil borings and submitted for laboratory analysis. Samples collected for possible laboratory chemical analysis will be placed in clean laboratory-grade sample containers in accordance with SW846 Method 5035. Sealable plastic bags will be about half-

filled for field screening headspace measurement readings using a photoionization detector (PID). Each sample will be described in the field regarding lithology, moisture, etc., using visual and manual procedures. Observations made by a field scientist will be recorded. Pilot borings for the monitoring wells will be completed to the maximum well depth of 15 feet and logged/sampled as specified above.

Monitoring wells will be installed after re-drilling the pilot boring location using hollow-stem augers. Monitoring wells will be installed by placing an assembled Schedule 40, 10-slot polyvinyl chloride (PVC) screen and PVC riser in the open borehole. The wells will be positioned to intersect the water table to allow inspection for and/or removal of a free product layer on the water table. The depth to the water table will be estimated during drilling based on existing and previous water level observations at the site, observations of the moisture content of soil samples, and the water depth in the augers. The screens will be 10 to 15 feet in length to allow for monitoring seasonal fluctuations in the water table. If collapsible geologic materials (sand and gravel) are encountered during drilling, then the well will be installed through the augers as they are removed. A sand pack will be placed from the bottom of the borehole to about one foot above the screen. A two-foot or greater hydrated bentonite seal will be placed above the sand pack. Bentonite or grout will extend from the top of the bentonite seal to within one to two feet of the ground surface. If the potentiometric surface is (or is expected to be) less than four feet bgs, the top of the screen will be set at four feet bgs to allow a one-foot sand pack, a two foot bentonite seal and one foot of concrete above the screen. A flush mount protective well cover will be set in concrete over the top of the well.

Shortly after the monitoring wells are installed, the monitoring wells will be developed using surge and bail techniques. Water will be removed from each well until the water is relatively clear or five well volumes are removed, whichever occurs first. Monitoring wells will be surveyed to determine their relative top-of-casing elevations using the existing permanent benchmark at the site with an assigned elevation of 100 feet.

Groundwater samples will be collected from new and existing monitoring wells at least one week after well development using the following procedures for each well. The static water level will be measured to determine the groundwater elevations, the direction of groundwater flow, and the hydraulic gradient. Prior to purging, several geochemical parameters will be measured using a direct-reading down-hole instrument to help delineate the plume and provide baseline information for remediation design. At least three casing volumes of water will then be purged from each well using new disposable polyethylene bailers and groundwater samples will then be collected using the same bailers. Two clean 40 mL volatile organic analysis vials provided by the analytical laboratory will be

filled with water from the bailer. Samples will be kept cool until submitted for laboratory analysis.

Soil and groundwater samples will be laboratory analyzed according to USEPA Method 5035/8260B for BTEX, MTBE and naphthalene. Reported soil concentrations of indicator compounds will be compared to the Tier 1 SROs for the *soil ingestion exposure route*, the *soil inhalation exposure route* and the *soil component of the groundwater ingestion exposure route* for all soil samples that are above the saturated zone. Reported groundwater concentrations of indicator compounds will be compared to the applicable Tier 1 GROs for the *groundwater component of the groundwater ingestion exposure route*.

11. A description of bench/pilot studies.

A feasibility study accordance with the Agency's April 2007 Bioremediation Guidance will be proposed in a subsequent CAP and budget upon completion of the proposed investigation.

12. Cost comparison between proposed method of remediation and other methods of remediation.

Operation and maintenance (O&M) costs for the OEB method are limited to monitoring, whereas O&M costs for conventional pump and treat systems are substantially higher due to maintenance requirements for complex mechanical and electronic components, in addition to monitoring.

A comparison of costs between the OEB and conventional pump and treat methods will be provided along with the corrective action design in a subsequent CAP, after completion of the proposed investigation.

13. For the proposed Tier 2 or 3 remediation objectives, provide the following:

a. The equations used;
b. A discussion of how input variables were determined;
c. Map(s) depicting distances used in equations; and
d. Calculations.

Tier 2 remediation objectives will be calculated upon completion of the vadose zone investigation.

14. Provide documentation to demonstrate the following for alternative technologies:

a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives;

Oxygen-enhanced bioremediation will effectively achieve the primary objective of remediating residual petroleum-impacted groundwater and saturated soil. Oxygen-enriched groundwater stimulates the growth of microorganism populations which metabolize petroleum-related hydrocarbon compounds. The OEB remediation method is limited to contamination in the phreatic zone, due to the need for groundwater for nutrient delivery and propagation, although limited bioremediation will occur within the groundwater capillary fringe zone.

The ability of microorganisms to eliminate hydrocarbons in-situ makes this method more efficient for smaller areas, less-contaminated areas, and/or less-permeable soils than pump and treat methods which mobilize contaminants and remove contaminated groundwater for ex-situ treatment or disposal.

b. The proposed alternative technology will not adversely affect human health and safety or the environment;

ORC Advanced®, manufactured by Regenesis, is a magnesium peroxide compound which reacts with water, releasing the excess oxygen, and results in a non-toxic magnesium oxide compound similar to Milk of Magnesia.[1]

c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;

Wells or borings used to inject ORC or other fluids into the subsurface are considered Class V Injection Wells, and are regulated by the Agency under 35 IAC, Part 730. The Agency's Bureau of Land will be notified prior to initiating ORC injection using the Class V Injection Well Inventory Form.

d. The owner or operator will implement a program to monitor whether the requirements of subsection (14)(a) have been met;

Quarterly monitoring of biodegradation indicators, including groundwater sampling for indicator compounds, dissolved oxygen content, and oxidation/reduction potential will be conducted during the first year after the

[1] Regenesis, ORC Technical Bulletin #1.3.1

initial ORC injection. This monitoring will be proposed in a subsequent CAP, based on the successful completion of a feasibility study.

e. **Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (14)(a);**

Groundwater monitoring results collected during the first year after ORC injection will be presented in an amended CAP. The amended CAP will propose incident closure or additional remediation activities as necessary.

f. **Demonstration that the cost of alternative technology will not exceed the cost of conventional technology and is not substantially higher than at least two other alternative technologies, if available and technically feasible.**

Costs for implementation of the OEB method will be based on the results of a feasibility study. A comparison of costs with conventional technologies will be presented in an amended CAP after completion of the feasibility study.

15. Property Owner Summary Form.

The Property Owner Summary Form will be submitted in a CAP amendment, which includes TACO calculations and evaluation of migration routes, after the vadose zone investigation has been completed.

F. Exposure Pathway Exclusion

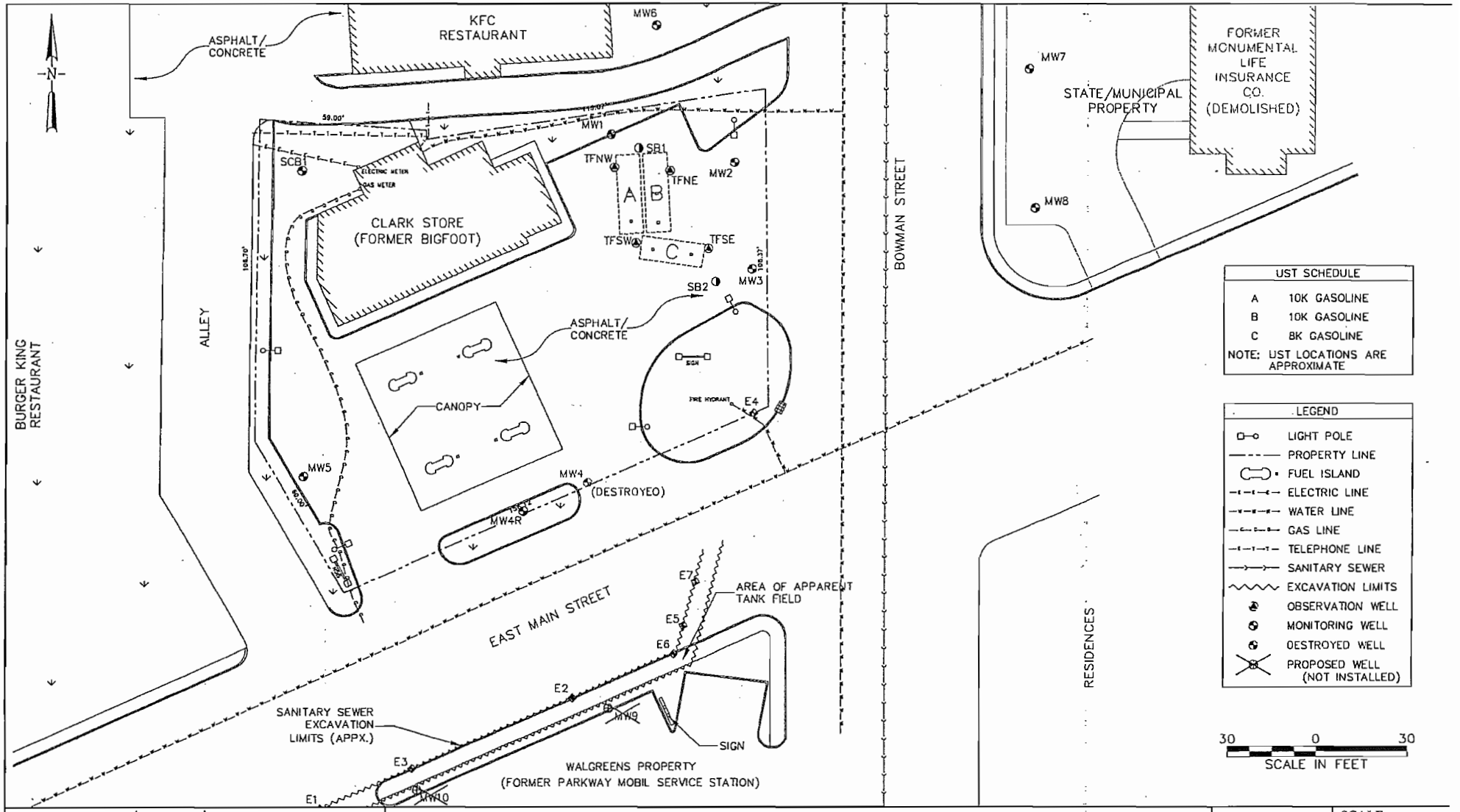
1. **A description of the tests to be performed in determining whether the following requirements will be met:**
   a. **Attenuation capacity of the soil will not be exceeded for any of the organic contaminants;**
   b. **Soil saturation limit will not be exceeded for any of the organic contaminants;**
   c. **Contaminated soils do not exhibit any of the reactivity characteristics of hazardous waste per 35 Ill. Adm. Code 721.123;**
   d. **Contaminated soils do not exhibit a pH $\leq$2.0 or $\geq$12.5; and**
   e. **Contaminated soils which contain arsenic, barium, cadmium, chromium, lead, mercury, or selenium (or their associated salts) do not exhibit any of the toxicity characteristics of hazardous waste per 35 Ill. Adm. Code 721.124.**

2. A discussion of how any exposure pathways are to be excluded.

Exposure pathways are not planned to be excluded through the use of engineered barriers or institutional controls at this time. However, exposure pathways may be excluded after the vadose zone investigation and/or remediation of contamination have been completed.

APPENDIX A

FIGURES



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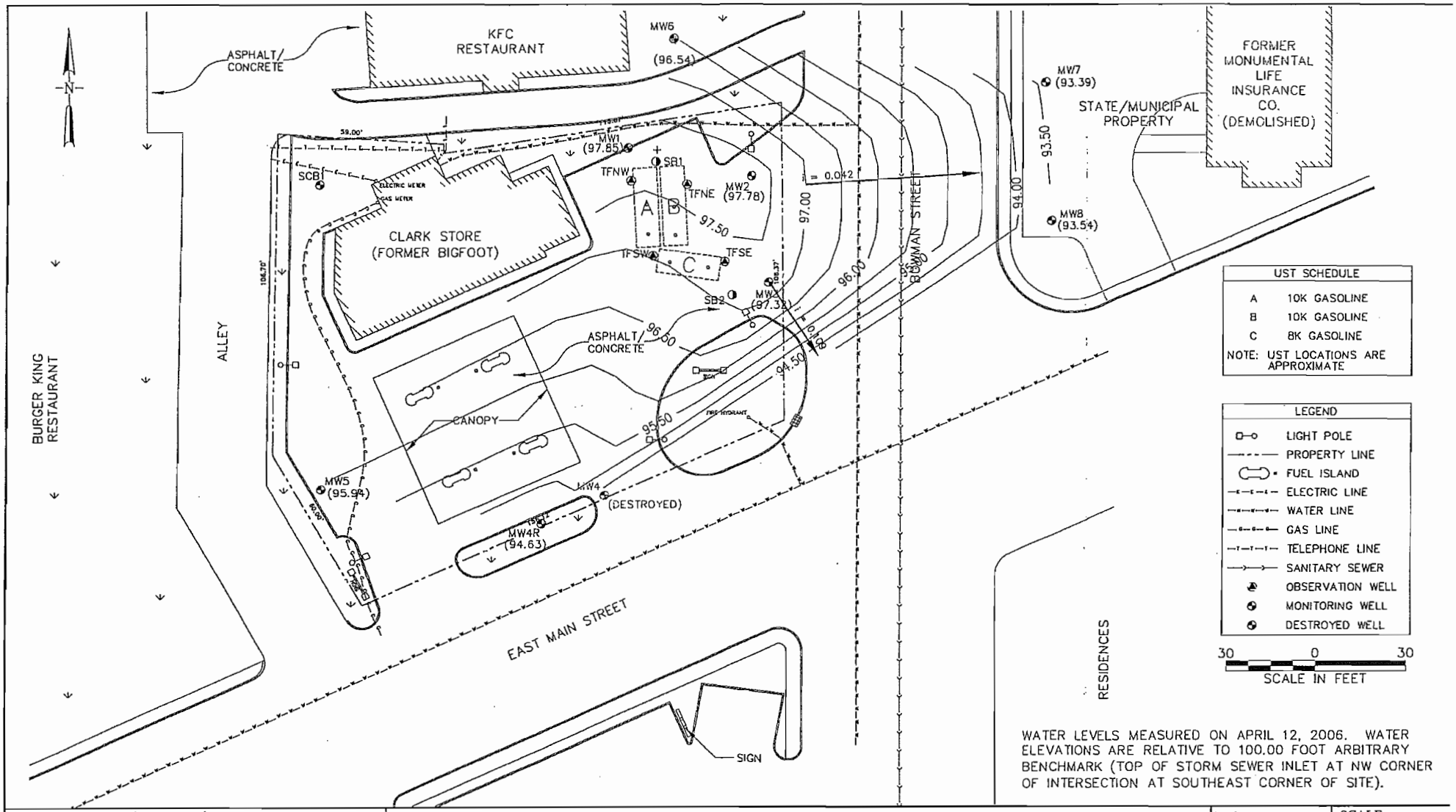
SITE PLAN

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 1
Date: 5/9/08	



WATER LEVELS MEASURED ON APRIL 12, 2006. WATER ELEVATIONS ARE RELATIVE TO 100.00 FOOT ARBITRARY BENCHMARK (TOP OF STORM SEWER INLET AT NW CORNER OF INTERSECTION AT SOUTHEAST CORNER OF SITE).

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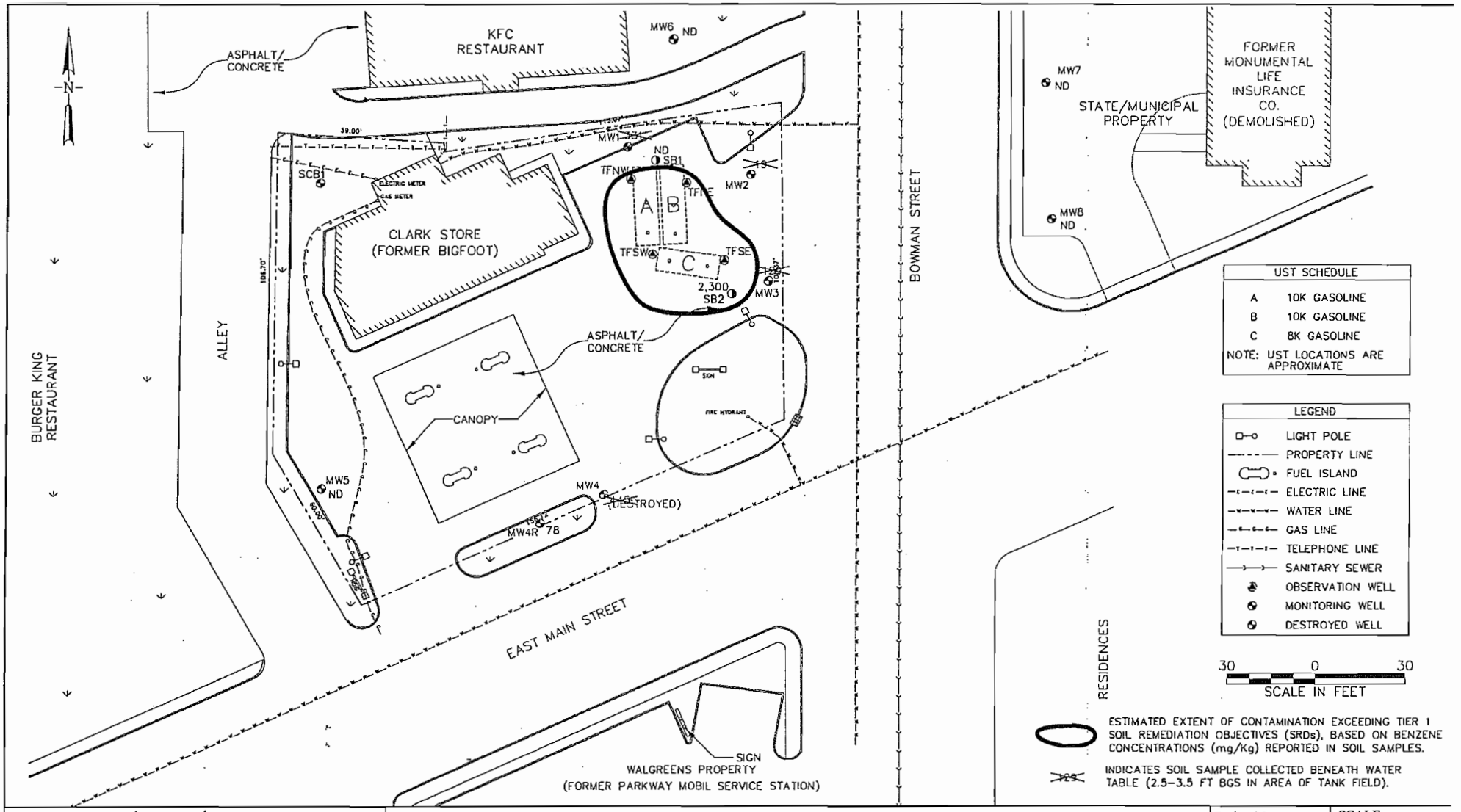
POTENTIOMETRIC MAP

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 2
Date: 7/30/07	



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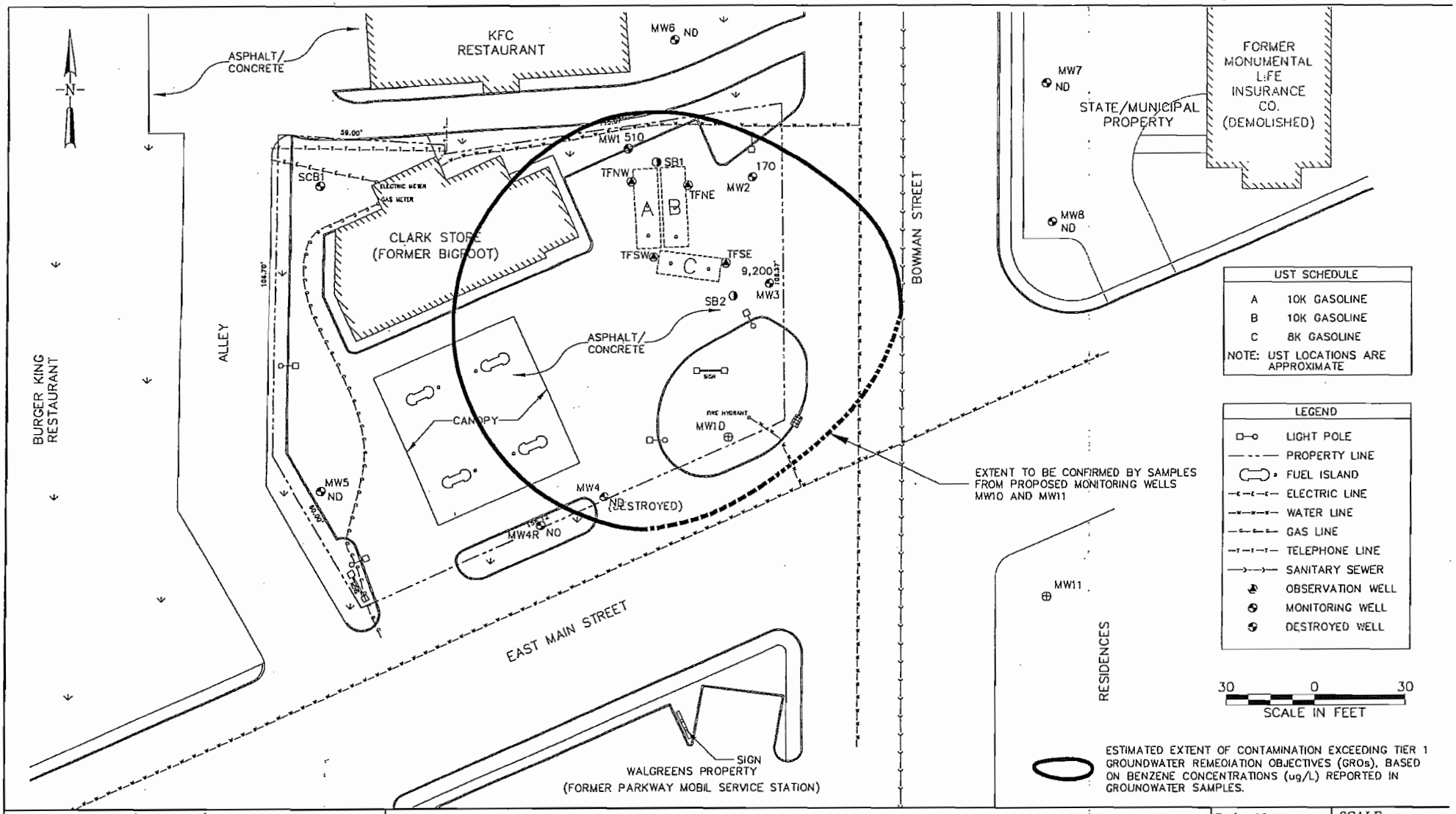
APPROXIMATE EXTENT OF SOIL PLUME

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 3
Date: 7/30/07	



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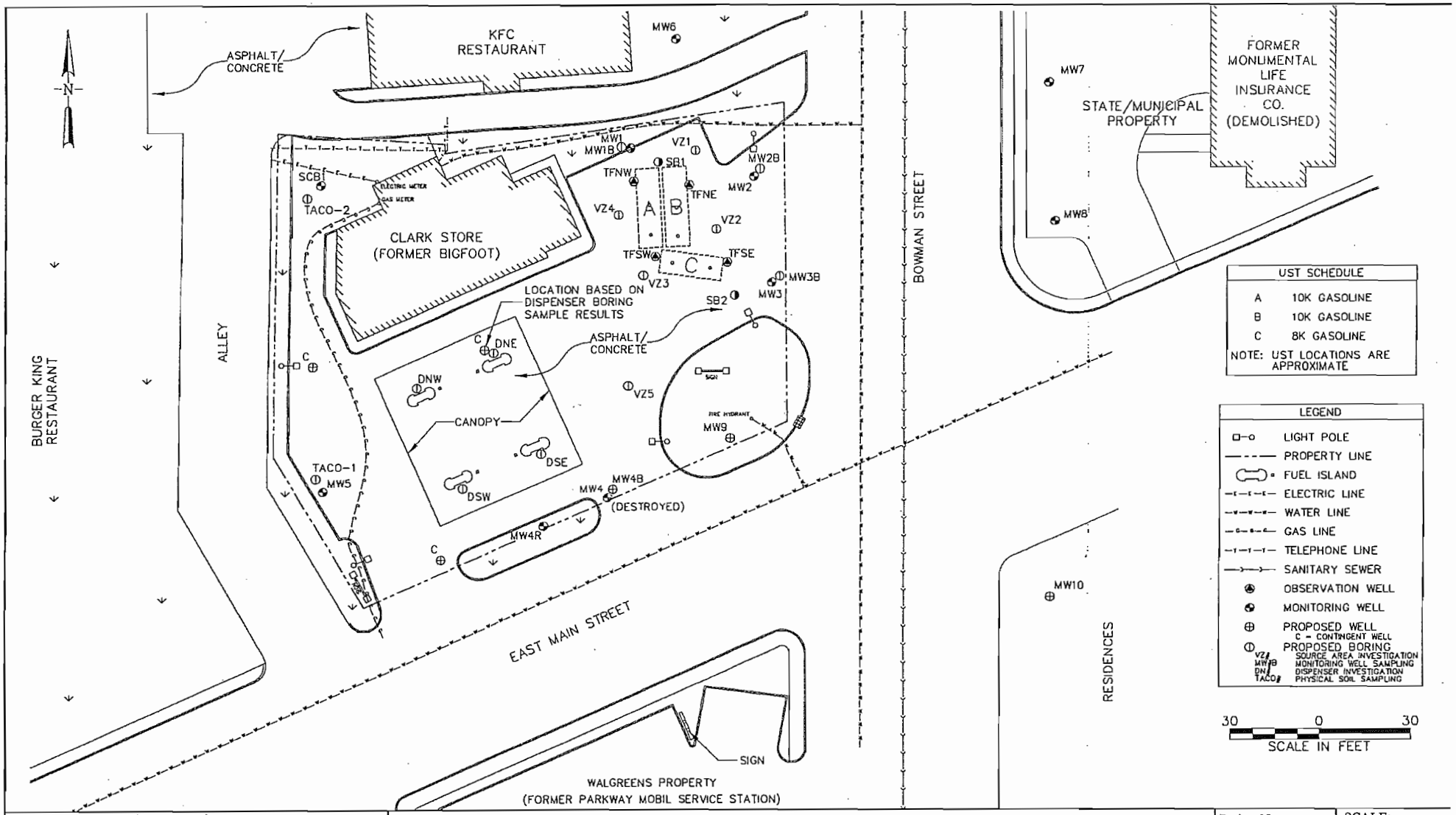
APPROXIMATE EXTENT OF GROUNDWATER PLUME

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 4
Date: 5/12/08	



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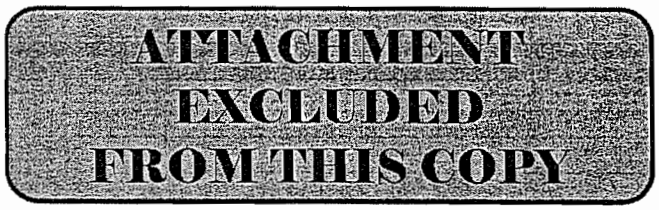
SITE PLAN WITH PROPOSED SAMPLING LOCATIONS

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 5
Date: 5/12/08	

APPENDIX B

COPIES OF LABORATORY REPORTS



APPENDIX C

TABLES

TABLE 1
SOIL LABORATORY ANALYSIS
JOHNSON OIL #148
DANVILLE, ILLINOIS

Sample ID	Maximum	Tier 1 Soil Remediation Objectives (SROs)							ON-SITE BORINGS									
Approximate Sample Depth (ft bgs)	Result	Soil Saturation	Industrial/ Commercial		Construction Worker		Soil Component of Groundwater Ingestion		MW1-1 4.5-5.0	MW2-2 5.5-6.0	MW3-1 4.3-4.8	MW4-1 4.0-4.5	MW5-2 9.0-9.5	SB1-1 3.5-4.0	SB1-2 9.0-9.5	SB2-1 3.0-3.5	SB2-2 7.5-8.0	MW4R-1 3.5-4.0	MW4R-2 6.5-7.0
Max Depth to Groundwater (ft bgs)									3.10	2.74	3.10	2.75	5.33					4.58	4.58
Sample Date		Limit	Ingestion	Inhalation	Ingestion	Inhalation	Class I	Class II	2/28/2001	2/28/2001	2/28/2001	2/27/2001	2/27/2001	3/8/2006	3/8/2006	3/8/2006	3/8/2006	3/8/2006	3/8/2006
Units	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg
8260B Volatile Compounds																			
Benzene	2,300	870,000	100,000	1,600	2,300,000	2,200	30	170	331	19	129	445	ND	ND	140	2,300	480	78	ND
Toluene	121,000	650,000	410,000,000	650,000	410,000,000	42,000	12,000	29,000	2,320	7	20,400	121,000	ND	6.6	7.9	45,000	140	72	7.2
Ethylbenzene	125,000	400,000	200,000,000	400,000	20,000,000	58,000	13,000	19,000	15,500	312	26,000	125,000	ND	10	50	48,000	1,100	6,400	ND
Xylenes (total)	318,000	410,000	410,000,000	410,000	41,000,000	5,600	150,000	150,000	59,500	150	96,900	318,000	ND	37	ND	220,000	630	14,000	ND
Methyl-tert-butyl-ether (MTBE)	95	8,800,000	20,000,000	8,800,000	2,000,000	140,000	320	320	19	ND	ND	ND	ND	ND	18	ND	ND	95	19
8270 Base/Neutral Extractables																			
Naphthalene	24,000		41,000,000	270,000	4,100,000	1,800	12,000	18,000	3,260	ND	3,170	14,500	ND	ND	2,000	24,000	970	16,000	ND
Acenaphthylene	ND								ND	ND	ND	ND	ND						
Acenaphthene	ND		120,000,000		120,000,000		570,000	2,900,000	ND	ND	ND	ND	ND						
Fluorene	154		82,000,000		82,000,000		560,000	2,800,000	ND	ND	ND	154	ND						
Phenanthrene	ND								ND	ND	ND	ND	ND						
Anthracene	ND		610,000,000		610,000,000		12,000,000	59,000,000	ND	ND	ND	ND	ND						
Fluoranthene	ND		82,000,000		82,000,000		4,300,000	21,000,000	ND	ND	ND	ND	ND						
Pyrene	ND		61,000,000		61,000,000		4,200,000	21,000,000	ND	ND	ND	ND	ND						
Chrysene	ND		8,000		170,000		2,000	8,000	ND	ND	ND	ND	ND						
Benzo (a) anthracene	ND		780,000		17,000,000		160,000	800,000	ND	ND	ND	ND	ND						
Benzo (b) fluoranthene	ND		8,000		170,000		5,000	25,000	ND	ND	ND	ND	ND						
Benzo (k) fluoranthene	ND		78,000		1,700,000		49,000	250,000	ND	ND	ND	ND	ND						
Benzo (a) pyrene	ND		800		17,000		8,000	82,000	ND	ND	ND	ND	ND						
Indeno (1,2,3-cd) pyrene	ND		8,000		170,000		14,000	69,000	ND	ND	ND	ND	ND						
Dibenzo (a,h) anthracene	ND		800		17,000		2,000	7,600	ND	ND	ND	ND	ND						
Benzo (g,h,i) perylene	ND								ND	ND	ND	ND	ND						
Total Metals							Statewide Background*												
Lead	8,900		800,000		700,000		20,900							8,900	7,000	6,500	4,900		
Synthetic Precipitation Leaching Procedure Metals																			
Lead (ug/L)	75		N/A (see total lead results)				7.5	100						75	ND	ND	29		

Sample ID	Maximum	Tier 1 Soil Remediation Objectives (SROs)							OFF-SITE SAMPLES/BORINGS									
Approximate Sample Depth (ft bgs)	Result	Soil Saturation	Industrial/ Commercial		Construction Worker		Soil Component of Groundwater Ingestion		E1 6	E4 5	E6 4	E7 5	MW6-1 3.0-3.5	MW6-2 7.5-8.0	MW7-1 3.5-4.0	MW7-2 6.0-6.5	MW8-1 4.0-4.5	MW8-2 6.5-7.0
Max Depth to Groundwater (ft bgs)													3.18	3.18	6.63	6.63	7.02	7.02
Sample Date		Limit	Ingestion	Inhalation	Ingestion	Inhalation	Class I	Class II	10/8/2003	10/8/2003	10/8/2003	10/8/2003	3/9/2006	3/9/2006	3/8/2006	3/8/2006	3/9/2006	3/9/2006
Units	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg	ug/Kg
8260B Volatile Compounds																		
Benzene	1,500	870,000	100,000	1,600	2,300,000	2,200	30	170	*ND*	ND	190	1,500	ND	ND	ND	ND	ND	ND
Toluene	660	650,000	410,000,000	650,000	410,000,000	42,000	12,000	29,000	ND	ND	440	660	ND	ND	ND	6.6	ND	93
Ethylbenzene	9,300	400,000	200,000,000	400,000	20,000,000	58,000	13,000	19,000	ND	ND	9,000	9,300	ND	ND	ND	ND	ND	ND
Xylenes (total)	19,000	410,000	410,000,000	410,000	41,000,000	5,600	150,000	150,000	ND	ND	1,800	19,000	ND	ND	ND	ND	ND	97
Methyl-tert-butyl-ether (MTBE)	32	8,800,000	20,000,000	8,800,000	2,000,000	140,000	320	320	ND	ND	ND	ND	ND	32	ND	ND	ND	ND
8270 Base/Neutral Extractables																		
Naphthalene	16,000		41,000,000	270,000	4,100,000	1,800	12,000	18,000	790	120	16,000	3,300	ND	ND	ND	ND	ND	300
Fraction Organic Carbon (ASTM:D2974-87)																		
FOC (%)	1.2												1.2				0.8	
$FOC_{corrected}$ (mg/Kg)**	8,960												6,960				4,640	

ND indicates compound not reported above laboratory reporting limit (RL).
Italics ND indicates laboratory RL exceeds at least one Tier 1 SRO.
BOLD indicates exceedence of one or more TACO Tier 1 SRO(s).
* Statewide background concentrations for non-metropolitan areas established in 35 IAC, Part 742, Appendix A, Table G. The statewide background is used in lieu of route-specific SROs per 35 IAC, Section 742.415(b).
** $FOC_{corrected}$=FOC*0.58*10,000 (Note: also corrects % to mg/Kg, i.e. 1% = 0.01 mg/mg = 10,000 mg/Kg)

TABLE 2
GROUNDWATER LABORATORY ANALYSIS
JOHNSON OIL #148
DANVILLE, ILLINOIS

Well/Sample ID	Maximum	Tier 1 GRO		MW1			MW2			MW3			MW4		MW4R	MW5			MW6	MW7	MW8
Sample Date	Result	Class 1	Class 2	3/14/2001	8/3/2001	4/12/2006	3/14/2001	8/3/2001	4/12/2006	3/14/2001	8/3/2001	4/14/2006	3/14/2001	8/3/2001	4/12/2006	3/14/2001	8/3/2001	4/12/2006	4/12/2006	4/12/2006	4/12/2006
Units	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L
8260B Volatile Compounds																					
Benzene	9,200	5	25	2,510		510	696		170	1,610		9,200	4,250		ND	ND		ND	ND	ND	ND
Toluene	32,000	1,000	2,500	220		12	112		ND	4,910		32,000	5,370		ND	ND		ND	ND	ND	ND
Ethylbenzene	5,000	700	1,000	1,970		390	3,920		1,100	960		5,000	1,770		ND	ND		ND	ND	ND	ND
Xylenes (total)	23,900	10,000	10,000	5,510		410	2,700		550	3,860		23,000	6,540		ND	ND		ND	ND	ND	ND
Methyl-tert-butyl-ether (MTBE)	1,360	70	70	1,360		110	356		58	8		ND	ND		62	ND		18	26	ND	ND
8270 Polynuclear Aromatic (PNA) Compounds																					
Naphthalene	690	25	39	588		640	ND		490	ND		690	ND		ND	ND		ND	ND	ND	ND
Acenaphthylene	ND			ND			ND			ND			ND			ND					
Acenaphthene	ND	420	2,100	ND			ND			ND			ND			ND					
Fluorene	ND	280	1,400	ND			ND			ND			ND			ND					
Phenanthrene	ND			ND			ND			ND			ND			ND					
Anthracene	ND	2,100	10,500	ND			ND			ND			ND			ND					
Fluoranthene	ND	280	1,400	ND			ND			ND			ND			ND					
Pyrene	ND	210	1,050	ND			ND			ND			ND			ND					
Chrysene	ND	1.5	7.5	ND			ND			ND			ND			ND					
Benzo (a) anthracene	ND	0.13	0.65	ND			ND			ND			ND			ND					
Benzo (b) fluoranthene	ND	0.18	0.9	ND			ND			ND			ND			ND					
Benzo (k) fluoranthene	ND	0.17	0.85	ND			ND			ND			ND			ND					
Benzo (a) pyrene	ND	0.2	2	ND			ND			ND			ND			ND					
Indeno (1,2,3-cd) pyrene	ND	0.43	2.15	ND			ND			ND			ND			ND					
Dibenzo (a,h) anthracene	ND	0.3	1.5	ND			ND			ND			ND			ND					
Benzo (g,h,i) perylene	ND			ND			ND			ND			ND			ND					
Total Metals																					
Lead		7.5	100		1.0			2.0			3.0			6.0			ND				
Water Level Data																					
Depth to Water (ft from TOC)				2.78	2.91	2.05	2.50	2.42	1.52	2.87	2.37	2.49	2.27	2.17	4.10	2.52	4.98	2.46	2.87	8.29	8.61
Relative Water Elevation (ft)				97.14	96.98	97.85	96.80	96.88	97.78	96.94	97.44	97.32	96.46	96.56	94.63	95.68	93.42	95.84	96.54	93.39	93.54

ND indicates compound not reported above laboratory reporting limit (RL).
Italics ND indicates laboratory RL exceeds a Tier 1 Groundwater Remediation Objective (GRO).
Bold values indicate exceedence of Tier 1 GRO for Class 1 Groundwater.

TABLE 3
GROUNDWATER / SATURATED SOIL MEASUREMENTS
Former Johnson Oil Company #148
Danville, Illinois

	Top of Casing Elevation (TOC)	Surface Elevation	Depth to Groundwater from Top of Casing		Well Depth from TOC	Surface Depth to		Depth to Groundwater from Surface		Depth to Wet Zone in Core
			3/14/2001	8/3/2001		Top of Screen	Top of Sand	3/14/2001	8/3/2001	
MW1	99.9	100.09	2.76	2.91	14.74	4.93	3.93	2.95	3.1	5+
MW2	99.3	99.54	2.5	2.42	14.65	4.89	3.89	2.74	2.66	3.5
MW3	99.81	100.04	2.87	2.37	14.6	4.83	3.83	3.1	2.6	4.5
MW5	98.4	98.75	2.52	4.98	19.08	9.43	8.43	2.87	5.33	10

MW4 was destroyed during IDOT roadwork- replaced with MW4R on March 8, 2006.
All measurements are in feet

APPENDIX D

SOIL BORING LOGS and MONITORING WELL CONSTRUCTION DIAGRAMS

ATTACHMENT EXCLUDED FROM THIS COPY

Illinois Environmental Protection Agency

Owner/Operator and Professional Engineer Budget Certification Form for Leaking Underground Storage Tank Sites

In accordance with 415 ILCS 5/57, if an owner or operator intends to seek payment from the UST Fund, an owner or operator must submit to the Agency, for the Agency's approval or modification, a budget which includes an accounting of all costs associated with the implementation of the investigative, monitoring and/or corrective action plans.

I hereby certify that I intend to seek payment from the UST Fund for performing Corrective Action activities at Johnson #148 (IEMA #20000875) LUST site. 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 and no costs are included in this budget which are not described in the corrective action plan. I further certify that costs ineligible for payment from the Fund pursuant to 35 Illinois Administrative Code Section 732.606 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 defense costs.
Costs incurred prior to July 28, 1989.
Costs associated with installation of new USTs or the repair of existing USTs.

Owner/Operator: Johnson Oil Company, LLC of Indiana Rick Johnson Title: Manager

Signature: Date: 9-5-08

Subscribed and sworn to before me the 5th day of Sept 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal: NANCY L. SEABORNE NOTARY PUBLIC INDIANA

P.E.: Simon P. Broomhead, P.G. Seal: LICENSED PROFESSIONAL GEOLOGIST SIMON P. BROOMHEAD 196-000536 ILLINOIS

P.E. Signature: Simon P. Broomhead Date: 9-9-08

Subscribed and sworn to before me the 9th day of September, 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal: OFFICIAL SEAL LYNETTE S MELLOR NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/30/12

The Agency is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder. This form has been approved by the Forms Management Center.

IL 532 2264
LPC 495 Rev. March 2000

Office of the Illinois
State Fire Marshal

General Office
217 785-0969
FAX
217-782-1062
Divisions
ARSON INVESTIGATION
217-782-0115
BOILER and PRESSURE
VESSEL SAFETY
217-782-2688
FIRE PREVENTION
217-785-4714
MANAGEMENT SERVICES
217-782-0889
INFIRS
217-785-5825
HUMAN RESOURCES
217-785-1026
PERSONNEL STANDARDS
and EDUCATION
217-782-4642
PETROLEUM and
CHEMICAL SAFETY
217-785-5878
PUBLIC INFORMATION
217-785-1021
WEB SITE
www.state.il.us/sfm

CERTIFIED MAIL - RECEIPT REQUESTED # Z 082 412 112

September 13, 2000

Johnson Oil Company of Indiana, Inc.
PO Box 347
Columbus, IN 47202

In Re: Facility No. 4-027863
IEMA Incident No. 00-0875
Clark #2211
851 E. Main
Danville, Vermilion Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on August 28, 2000 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 $10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 1 10,000 gallon Gasoline
Tank 2 10,000 gallon Gasoline
Tank 3 8,000 gallon Gasoline

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 Vicki Cox-Fraase.

Sincerely,

Melvin H. Smith

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

MHS: vlcf

cc: IEPA
Facility File

BUDGET FORM FOR LEAKING UNDERGROUND STORAGE TANK SITES

A. SITE INFORMATION

Site Name: *Johnson Oil Company*

Site Address: *851 East Main Street* City: *Danville*

Zip: *61832*

County: *Vermilion* IEPA Generator No.: *1830205198*

IEMA Incident No.: *20000875* IEMA Notification Date: *5/11/00*

Date this Form was Prepared: *09/3/08*

This form is being submitted as a:

____ Budget Proposal

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

Amendment Number: *4*

____ 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

XX 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.

This form must be submitted in duplicate

IEMA No. 20000875

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

Pay to the order of: Mr. Rick Johnson

Send in care of: Johnson Oil Company, LLC

Address: P.O. Box 27

City: Columbus State: IN Zip: 47202

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

Fewer than 101: _____ 101 or more: XX (at the time release reported)

Number of USTs at the site: 3 (Number of USTs includes USTs presently at the site and USTs that have been removed.)

Number of incidents reported to IEMA: 3

Incident Numbers assigned to the site due to releases from USTs: 20000875, 20020386

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? [1]		Incident No.	Type of Release [1]
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	8,000	Yes	No	20000875	Overfills
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		

[1] This information is to the best of our knowledge.

This form must be submitted in duplicate

IEMA No. *20000875*

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1.	Investigation Costs:	$	*9,223.99*
2.	Analysis Costs:	$	*2,657.18*
3.	Personnel Costs:	$	*57,374.72* *
4.	Equipment Costs:	$	*865.00*
5.	Field Purchases and Other Costs:	$	*2,668.09*
6.	Handling Charges:	$	*To be determined*

TOTAL PROPOSED BUDGET = $ *72,788.98*

* Includes $38,640.95 additional personnel costs for completed investigations and plan and report preparation.

This form must be submitted in duplicate

IEMA No. *20000875*

E. INVESTIGATION COSTS

Method I _____ Method II _____ Method III _____ Not Applicable *XX*

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).

4	borings to	*5*	feet =	*20*	feet to be bored for	*MW1B-4B (MW soil sampling)*
5	borings to	*5*	feet =	*25*	feet to be bored for	*VZ1-5 (Source area sampling)*
4	borings to	*8*	feet =	*32*	feet to be bored for	*Dispenser sampling*
3	borings to	*15*	feet =	*45*	feet to be bored for	*MW9, MW10 & MW4B*
2	borings to	*8*	feet =	*16*	feet to be bored for	*TACO borings*

Total Feet to be Bored: *138*

Borings: *138* feet x $ *25.08* per foot = $ *3,461.04* (or)

Hours *0* x $ *0* per hour = $ *0.00*

0 borings through *0* ft of bedrock = *0* Ft bedrock to be bored

0 borings through *0* ft of bedrock = *0* Ft bedrock to be bored

Total Feet bedrock to be Bored: *0*

Borings: *0* Feet bedrock x $ *1,000.00* per ft bedrock = $ *0.00* (or)

0 Hours x $ *0.00* per Hour = $ *0.00*

0 # of Mobilizations @ $ *300.00* per mobilization = $ *0.00*

Other costs	Number of Units	Unit Cost	Total Cost
Soil Borings for Contingent Wells (3 x 15 ft)	*Minimum*	*$1,635.75*	*$1,635.75*
(To be completed if soil from dispenser boring(s) exceeds Tier 1 SROs)			

2. **Professional Services (e.g., P.E., geologist) -** These costs must be listed in Section G, the Personnel section of the forms.

This form must be submitted in duplicate

IEMA No. *20000875*

3. **Monitoring Well Installation Materials** - Costs listed here must be costs associated with well casing, well screens, filter pack, annular seal, surface seal, well covers, etc. List the items below in a time and materials format.

Material	Number of Units	Unit Cost	Total Cost
Monitoring wells MW9, MW10 & MW4B	*45*	*$17.99*	*$809.55*
			$0.00
Contingent monitoring wells	*45*	*$17.99*	*$809.55*
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00

4. **Disposal Costs** - This includes the costs for disposing of boring cuttings and any water generated while performing borings or installing wells.

Disposal of Cuttings: *8* drums X $ *272.62* per drum = $ *2,180.96*

Disposal of Water: *110* (2 drums) gallons X $ *2.97* ($163.57/drm) per gallon = $ *327.14*

Transportation Costs: *$0.00*

Describe how the water/soil will be disposed *Soil and water will be drummed and taken to a permited landfill and waste water disposal facility if required*

Total Investigation Costs:

$ *9,223.99*

This form must be submitted in duplicate

IEMA No. *20030293*

F. ANALYSIS COST

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

0	Moisture Content samples	x $	*10.00*	per sample = $	*0.00*
0	Soil Classification samples	x $	*140.00*	per sample = $	*0.00*
	Indicate the method to be performed:				
0	Soil Particle Size samples		*90.00*	per sample = $	*0.00*
0	Exsitu Hydraulic Conductivity/Permeability samples	x	*175.00*	per sample = $	*0.00*
	Indicate the method to be performe		*ASTM D2434/D5084*		
0	Rock Hydraulic Conductivity/Permeability samples	x $	*0.00*	per sample = $	*0.00*
	Indicate the method to be performe		*Flexible wall membrane or flowing air*		
2	Natural Organic Carbon Fraction (foc) samples	x	*41.44*	per sample = $	*82.88*
	Indicate the ASTM or SW-846 method to be performed:				
0	*Total Porosity* samples	x $	*31.76*	per sample = $	*0.00*
1	*Bulk Density* samples	x $	*23.99*	per sample = $	*23.99*
1	*Soil Particle Density* samples	x $	*100.00*	per sample = $	*100.00*
0	samples	x $	*0.00*	per sample = $	*0.00*
0	samples	x $	*0.00*	per sample = $	*0.00*

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

15	BTEX samples	Dispensers: 4 (1 per boring) MW9-10: 2 (1 per boring)	x $	*92.69*	per sample = $	*1,390.35*
0	PNA samples	VZ1-5, MW1B-4B: 9 (1 per boring)	x $	*160.93*	per sample = $	*0.00*
0	LUST Pollutant samples		x $	*0.00*	per sample = $	*0.00*

This form must be submitted in duplicate

IEMA No. 20030293

0	pH Samples		x $	14.82	per sample = $	0.00
0	Paint Filter samples		x $	10.00	per sample = $	0.00
0	TCLP Lead samples		x $	80.00	per sample = $	0.00
0	Flash Point samples		x $	25.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0	Total Plate Count	samples x $		27.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

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

12	BTEX samples MW1-10 + 2 contingent wells		x $	88.33	per sample = $	1,059.96
0	PNA samples		x $	160.00	per sample = $	0.00
0	LUST Pollutant samples		x $	0.00	per sample = $	0.00
0	pH Samples		x $	5.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	Flash Point samples		x $	25.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

TOTAL ANALYSIS COSTS = $ 2,657.18

This form must be submitted in duplicate

IEMA No. 20000875

G. PERSONNEL

All personnel costs that are not included elsewhere in the budget/billing forms 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 oversite for _____(i.e., drilling/well installation, corrective action, or early action), of maintenance of _____. The above list in not inclusive of all possible tasks.

Costs from December 31, 2002 Reimbursement Claim Beyond Budget - COMPLETED

Engineer III : *9.25* : hours x $ *90.00* per hour = $ *832.50*
(Title)

Task to be performed for the above hours: *Arrange add'l analysis (0.75 hr), update status (1.25 hr), TC w/OSFM (0.5 hr), review/edit reimb claim/tracking (5 hr), review budget amend/HPCAP & Budget (1.75 hr)*

Additional Engineer III time is for an amended budget review/preparation and discussions with IEPA

Project Manager : *17.5* : hours x $ *80.00* per hour = $ *1,400.00*
(Title)

Task to be performed for the above hours: *Call Clark Oil/edit site plan (3 hrs), disc w/ station owner for site access (4.5 hr), review IDOT plans/permit response/call IDOT re: access/wells for change of scope (10 hrs)*

Additional PM time is to deal with on-site and off-site access due to sale of the site and IDOT construction

Project Manager : *24.50* : hours x $ *80.00* per hour = $ *1,960.00*
(Title)

Task to be performed for the above hours: *Sample wells/prep (3 hrs), mail lab cert (0.5 hr), review IEPA letter (1.25 hrs), TC: IEPA project manager (0.75 hrs), research/prep/review license agreements (19 hrs)*

Additional PM time is to deal with access difficulties, additional well sampling, and discussion with IEPA

Project Manager : *23.25* : hours x $ *80.00* per hour = $ *1,860.00*
(Title)

Task to be performed for the above hours: *Prep status/review (1 hr), prepare/review/send claim (12.25 hrs), prepare budget amendment (3.75 hrs), prep/mail letter to IEPA (6.25 hrs)*

Additional PM time is for an additional reimbursement claim and responding to IEPA requirements

Scientist III : *4.5* : hours x $ *65.00* per hour = $ *292.50*
(Title)

Task to be performed for the above hours: *Perform measurements, field notes, update reimbursement (This additional time is for measurements for off-site access agreements & claim prep)*

Costs approved in redacted June 2004 Approved Budget - COMPLETED

Project Manager : *59.75* : hours x $ *83.00* per hour = $ *4,959.25*
(Title)

Task to be performed for the above hours: *Prepare CAP and Budget (34.25), landfill profile (10 hrs), disc soil exc. w/IEPA & owner (6 hrs), field oversight/reimb review (8.25 hr), disc w/OSFM (1.25 hrs)*

Additional PM time is for preparation of a CAP and coordination of excavation, sampling, and landfill profiling

Scientist II : *26.0* : hours x $ *65.00* per hour = $ *1,690.00*
(Title)

Task to be performed for the above hours: *Observe/sample/document sewer line excavation (17.25 hrs) drill/log/sample for landfill characterization (8.75 hrs)*

Additional Sci II time includes documentation and sampling of IDOT sewer line excavation through unremediated LUST release area across street.

Project Manager : *9.5* : hours x $ *83.00* per hour = $ *788.50*
(Title)

Task to be performed for the above hours: *Sewer excavation oversight (6 hrs), locates/JULIE (3.5 hrs) (these costs are for coordination with IDOT during a sewer line excavation in the ROW)*

This form must be submitted in duplicate

IEMA No. 20000875

Additional personnel time for claims, access agreements and research - COMPLETED

Project Manager : *60.0* : hours x $ *83.00* per hour = $ *4,980.00*
(Title)

Task to be performed for the above hours: *Off-site access (16.5 hrs), claim rvw (3.75 hrs), site visits/ meet w/property owners (15.75 hrs), research info on unremediated downgradient LUST (24 hrs)*

Additional PM time is for an difficulties locating off-site owners & complexity of access agreements and historical research of adjacent LUST

Engineer III : *7.0* : hours x $ *90.00* per hour = $ *630.00*
(Title)

Task to be performed for the above hours: *Claim review (1.5 hr), reimb tracking (3 hrs), oversight (2.5 hrs) (1 additional claim - Feb 2002 budget could not account for delays due to IDOT construction)*

Sr Acct Technician : *31.5* : hours x $ *55.00* per hour = $ *1,732.50*
(Title)

Task to be performed for the above hours: *Reimbursement tracking (15.5 hrs), prep reimb claim (16 hrs) (1 additional claim - Feb 2002 budget could not account for delays due to IDOT construction)*

Technician IV/ Scientist I : *30.0* : hours x $ *67.61* per hour = $ *2,028.30*
(Title)

Task to be performed for the above hours: *Additional time for drilling, well develop & sampling (50 hours in Feb 2002 Budget - Actual time 80 hours)*

Prepare Corrective Action Plan & Budget Amendment #4 - COMPLETED

Project Manager : *57.00* : hours x $ *92.51* per hour = $ *5,273.07*
(Title)

Task to be performed for the above hours: *TCs w/ IEPA PM (2 hrs), TACO Calculations (10 hrs), exposure route evaluation (11 hrs), remedial design (34 hrs)*

Project Manager : *59.25* : hours x $ *95.29* per hour = $ *5,645.93*
(Title)

Task to be performed for the above hours: *Remedial design/ prepare HPCAP & Budget*

Sr Professional Geologist : *38.0* : hours x $ *116.46* per hour = $ *4,425.48*
(Title)

Task to be performed for the above hours: *Evaluate complex groundwater saturation conditions/ soil sample depths*

Sr. Administrative Asst : *3.0* : hours x $ *47.64* per hour = $ *142.92*
(Title)

Task to be performed for the above hours: *Copy/assemble/ship HPCAP & Budget*

TOTAL PERSONNEL COSTS: $ *See page 3 for total*

$ 38,640.95 Completed Personnel Costs

This form must be submitted in duplicate

IEMA No. 20000875

Project Manager (Title)	: 66.75	: hours x $	98.14	per hour = $	6,550.85

Task to be performed for the above hours: *Prepare off-site access agreement for MW10 (24 hrs), prepare for drill/locate borings (8 hrs) drilling/develop/sample oversight (6 hrs), review/tabulate sampling data (6 hrs), disc/edit CAP w/ IEPA PM (22.75 hrs)*

Geologist III (Title)	: 49.0	: hours x $	95.96	per hour = $	4,702.04

Task to be performed for the above hours: *Prep/JULIE (3 hrs), logging/sampling/well install (30 hrs), sample wells/measure DO&ORP for plume delineation (10 hrs), review boring logs (6 hrs)*

Geologist II (Title)	: 38.0	: hours x $	81.79	per hour = $	3,108.02

Task to be performed for the above hours: *Develop/survey wells/borings(12 hrs), sample wells(10 hrs), prepare boring/well logs(16 hrs)*

Sr. Prof. Geologist (Title)	: 6.00	: hours x $	119.95	per hour = $	719.70

Task to be performed for the above hours: *Prepare potentiometric maps (2 hrs), analytical data review/vadose zone evaluation (4 hrs)*

Senior Draftsperson (Title)	: 19.50	: hours x $	65.43	per hour = $	1,275.89

Task to be performed for the above hours: *Prepare updated site plans & figures (19.5 hrs)*

Account Technician (Title)	: 18.00	: hours x $	59.98	per hour = $	1,079.64

Task to be performed for the above hours: *Reimbursement tracking, prepare reimbursement claims (2)*

Professional Engineer (Title)	: 5.0	: hours x $	141.76	per hour = $	708.80

Task to be performed for the above hours: *Review/stamp reimbursement claims (2)*

Project Manager (Title)	: 6.00	: hours x $	98.14	per hour = $	588.84

Task to be performed for the above hours: *Review reimbursement claims (2)*

TOTAL PERSONNEL COSTS: $ 57,374.72

This form must be submitted in duplicate

IEMA No. *20000875*

H. EQUIPMENT COSTS

All equipment used must be listed below in a time and materia **Handling charges should not be added here; use Section J.**

Equipment	Own or Rent?	Time Used (days)	Unit Rate	Total Cost/Item
Costs from Redacted Budget and Additional Completed Costs			*$0.00*	*$0.00*
OVM / PID (Sewer Line excavation)	*Own*	*1*	*$75.00*	*$75.00*
Digital Camera+Disk (Sewer Line excavation)	*Own*	*1*	*$25.00*	*$25.00*
OVM / PID (Drilling for landfill char)	*Own*	*1*	*$75.00*	*$75.00*
OVM / PID (Additional for extent drilling)	*Own*	*1*	*$75.00*	*$75.00*
Digital Camera+Disk (Neighboring prop research)	*Own*	*1*	*$25.00*	*$25.00*
	Own	*0*	*$0.00*	*$0.00*
Costs for Vadose Zone Investigation			*$0.00*	*$0.00*
OVM / PID (drill:3)	*Own*	*3*	*$75.00*	*$225.00*
Surveying Equipment	*Own*	*1*	*$75.00*	*$75.00*
Water Level Indicator(drill, develop, sample: 2)	*Own*	*3*	*$30.00*	*$90.00*
Digital Camera	*Own*	*2*	*$25.00*	*$50.00*
Dissolved Oxygen Meter (two sets of readings)	*Own*	*2*	*$30.00*	*$60.00*
ORP Meter (two sets of readings)	*Own*	*2*	*$25.00*	*$50.00*
pH/Conductivity/Temp Meter (two sets of readings)	*Own*	*2*	*$20.00*	*$40.00*
	Own	*0*	*$0.00*	*$0.00*
	Own	*0*	*$0.00*	*$0.00*
	Own	*0*	*$0.00*	*$0.00*
	Own	*0*	*$0.00*	*$0.00*
	Own	*0*	*$0.00*	*$0.00*
	Own	*0*	*$0.00*	*$0.00*
		Subtotal Page H-1:		***$865.00***

This form must be submitted in duplicate

IEMA No. 20000875

Equipment	Own or Rent?	Time Used	Unit Rate	Total Cost/Item
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00
	Own	0.0	$0.00	$0.00

Subtotal Page H-2:	$0.00
Total (Pages H-1 and H-2):	$865.00

This form must be submitted in duplicate

IEMA No. *20000875*

I. FIELD PURCHASES AND OTHER COSTS

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

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?
Completed Costs not in October 2001 Budget			*$0.00*	*No*
Ship reimbursement claim	*1*	*$8.37*	*$8.37*	*Yes*
Per Diem (meals)- sewer line excavation	*1*	*$25.00*	*$25.00*	*No*
Per Diem (lodging)- sewer line excavation	*1*	*$66.47*	*$66.47*	*Yes*
Mileage (IDOT excavations,off-site research,mtgs)	*991*	*$0.50*	*$495.50*	*No*
*Disposable Gloves - per **pair***	*12*	*$1.00*	*$12.00*	*No. Stock*
Copy HPCAP & Budget (3 x 3 copies x 45 pages)	*405*	*$0.15*	*$60.75*	*No*
Ship HPCAP & Budget to IEPA	*3*	*$9.00*	*$27.00*	*No*
Method 5035 Samplers (sewer line excavation)	*7*	*$17.00*	*$119.00*	*Yes*
			$0.00	*No*
Costs for Vadose Zone Investigation			*$0.00*	*No*
Mileage (5 tripsx240 mi: drill:2, develop, sample:2)	*1200*	*$0.50*	*$600.00*	*No*
*Disp. Nitrile Glove **pairs** (drill, develop, sample)*	*100*	*$1.00*	*$100.00*	*No. Stock*
PVC Well Bailer (develop:4, sample:12)	*16*	*$10.00*	*$160.00*	*No. Stock*
Per Diem Lodging (drilling:2x2ppl)	*4.0*	*$70.00*	*$280.00*	*Yes*
Per Diem Meals (drilling:3x2ppl)	*6.0*	*$25.00*	*$150.00*	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
		Subtotal Page I-1:		***$2,104.09***

This form must be submitted in duplicate

IEMA No. *20000875*

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. This listing should include a cost breakdown in time and materials format.

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?
SUBCONTRACTED LOCATING SERVICES				
Mobilization to site	*6*	*$30.00*	*$180.00*	*Yes*
Locate non-JULIE utilities and UST lines	*4*	*$96.00*	*$384.00*	*Yes*

TOTAL: OTHER COSTS = $ *564.00*

Subtotal Pages I-1:	*$2,104.09*
Total Pages I-1 and I-2:	*$2,668.09*

This form must be submitted in duplicate

IEMA No. *20000875*

M. JUSTIFICATION FOR BUDGET AMENDMENTS

This Budget replaces the April 16, 2004 High Priority Corrective Action Budget to remove costs for soil excavation (since tank removal no longer required by OSFM) and to account for additional personnel costs for obtaining access agreements with off-site owners, for monitoring and sampling completed in conjunction with right-of-way improvements, preparation of Corrective Action Plans and budgets, and for additional costs to complete the field investigation, including calculation of Tier II remediation objectives and preparation of potentiometric maps and other figures. Costs for proposed vadose zone investigation are also included.

The total amendment amount is $ 72,788.98 .

Exhibit B

HIGH PRIORITY CORRECTIVE ACTION PLAN AND BUDGET – AMENDMENT #5

Johnson Oil #148
851 East Main Street
Danville, Illinois
LPC # 1830205198 – Vermilion County
IEMA Incident Number: 20000875
American Environmental Corporation
Project Number: J-207022

November 25, 2008

SUBMITTED TO:

Illinois Environmental Protection Agency
Bureau Of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois

PREPARED BY:

American Environmental Corporation
3700 West Grand Avenue, Suite A
Springfield, Illinois 62711

PREPARED FOR:

Johnson Oil Company, LLC of Indiana
P.O. Box 27
Columbus, Indiana 47202

American Environmental

From Springfield Regional Office

November 25, 2008

Illinois Environmental Protection Agency
Bureau of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Attention: Carol Hawbaker, LUST Project Manager

Re: **High Priority Corrective Action Plan and Budget – Amendment #5**
LPC #1830205198 – Vermilion County
Johnson Oil #148 – Danville/Johnson Oil Company, LLC of Indiana
851 East Main Street
IEMA Incident Number: 20000875
American Environmental Project Number: J-207022

Dear Ms. Hawbaker:

On behalf of Johnson Oil Company, LLC of Indiana (Johnson Oil), American Environmental Corporation (American Environmental) is pleased to submit this Amended High Priority Corrective Action Plan (HPCAP) and Budget for the above-referenced LUST Incident.

The September 10, 2008 HPCAP and Budget are amended to include costs for additional investigation to further define contamination on the neighboring property north of the Johnson Oil site. Two direct-push soil borings (OS1 and OS2) and one monitoring well (MW11) are proposed to be installed as close as utilities allow to the property line between the site and the adjacent property to the north. Proposed locations for the borings and well are depicted in the attached Figure 1. The above-referenced borings and well will be completed/installed in conjunction with previously-proposed investigation and in accordance with the procedures described in the September 10, 2008 HPCAP and Budget. The attached budget includes costs for drilling and well installation, soil and groundwater sample analysis, and associated personnel costs.

Please contact the undersigned if you have questions or concerns. In addition, please send copies of future correspondence to me at the Springfield Office of American Environmental.

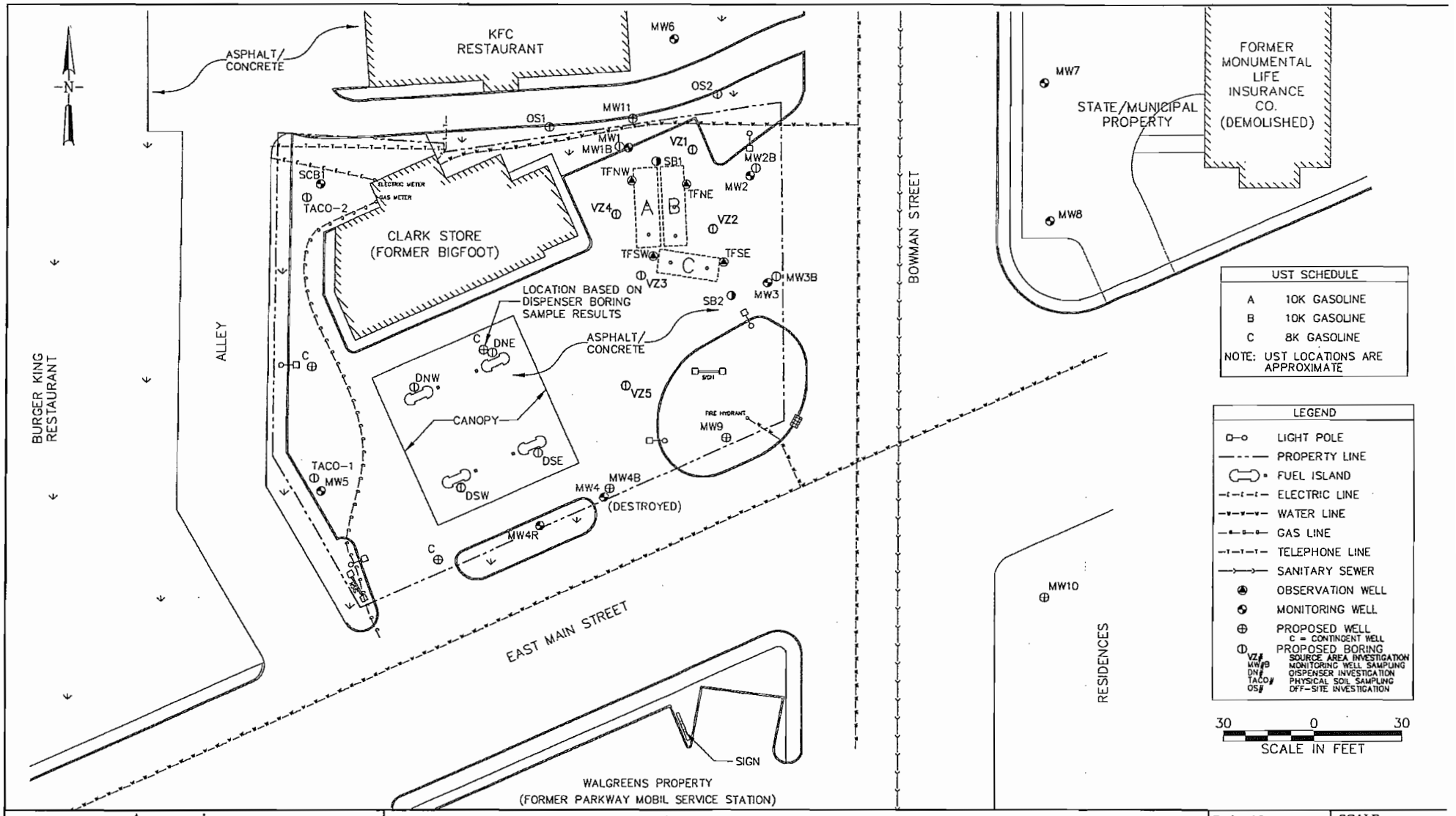
Sincerely,
AMERICAN ENVIRONMENTAL CORPORATION

Simon P. Broomhead

Simon P. Broomhead, P.G.
Project Manager

Attachments

pc: Rick Johnson, Johnson Oil Company, LLC of Indiana
Jeffrey M. Davis, Esq., Meyer Capel, P.C.



American Environmental
Corporate Office Indianapolis, Indiana (317) 871-4090
Regional Offices Louisville, Kentucky Cincinnati, Ohio
Regional Office Springfield, Illinois (217) 585-9517

SITE PLAN WITH PROPOSED SAMPLING LOCATIONS

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 1
Date: 11/21/08	

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
Corrective Action Plan

A. Site Identification

IEMA Incident # (6- or 8-digit): 20000875 IEPA LPC# (10-digit): 1830205198

Site Name: Johnson Oil #148

Site Address (Not a P.O. Box): 851 East Main Street

City: Danville County: Vermilion ZIP Code: 61832

Leaking UST Technical File

B. Site Information

1. Will the owner or operator seek reimbursement from the Underground Storage Tank Fund? Yes ☑ No ☐
2. If yes, is the budget attached? Yes ☑ No ☐
3. Is this an amended plan? Yes ☑ No ☐
4. Identify the material(s) released: Gasoline
5. This Corrective Action Plan is submitted pursuant to:
   - a. 35 Ill. Adm. Code 731.166 ☐
     The material released was:
     -petroleum ☐
     -hazardous substance (see Environmental Protection Act Section 3.215) ☐
   - b. 35 Ill. Adm. Code 732.404 ☑
   - c. 35 Ill. Adm. Code 734.335 ☐

C. Proposed Methods of Remediation

1. Soil Natural Attenuation with Institutional Controls (pending additional characterization)
2. Groundwater Oxygen-Enhanced Bioremediation (OEB)

D. Soil and Groundwater Investigation Results (for incidents subject to 35 Ill. Adm. Code 731 only or 732 that were classified using Method One or Two, if not previously provided)

Provide the following:

1. Description of investigation activities performed to define the extents of soil and/or groundwater contamination;
2. Analytical results, chain-of-custody forms, and laboratory certifications;

3. Tables comparing analytical results to applicable remediation objectives;

4. Boring logs;

5. Monitoring well logs; and

6. Site maps meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440 and showing:
   a. Soil sample locations;
   b. Monitoring well locations; and
   c. Plumes of soil and groundwater contamination.

E. Technical Information - Corrective Action Plan

Provide the following:

1. Executive summary identifying the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives;
   a. The major components (e.g., treatment, containment, removal) of the corrective action plan;
   b. The scope of the problems to be addressed by the proposed corrective action; and
   c. A schedule for implementation and completion of the plan;

2. Identification of the remediation objectives proposed for the site;

3. A description of the remedial technologies selected:
   a. The feasibility of implementing the remedial technologies;
   b. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
   c. A schedule of when the technologies are expected to achieve the applicable remediation objectives;

4. A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored during their implementation and after their completion;

5. A description of the current and projected future uses of the site;

6. A description of engineered barriers or institutional controls that will be relied upon to achieve remediation objectives:
   a. an assessment of their long-term reliability;
   b. operating and maintenance plans; and
   c. maps showing area covered by barriers and institutional controls;

7. The water supply well survey:
   a. Map(s) showing locations of community water supply wells and other potable wells and the setback zone for each well;
   b. Map(s) showing regulated recharge areas and wellhead protection areas;
   c. Map(s) showing the current extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   d. Map(s) showing the modeled extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   e. Tables listing the setback zone for each community water supply well and other potable water supply wells;
   f. A narrative identifying each entity contacted to identify potable water supply wells, the name and title of each person contacted, and any field observations associated with any wells identified; and
   g. A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the survey was conducted in accordance with the requirements and that documentation submitted includes information obtained as a result of the survey (certification of this plan satisfies this requirement);

8. Appendices:
   a. References and data sources report that are organized; and
   b. Field logs, well logs, and reports of laboratory analyses;

9. Site map(s) meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440;

10. Engineering design specifications, diagrams, schematics, calculations, manufacturer's specifications, etc.;

11. A description of bench/pilot studies;

12. Cost comparison between proposed method of remediation and other methods of remediation;

13. For the proposed Tier 2 or 3 remediation objectives, provide the following:
   a. The equations used;
   b. A discussion of how input variables were determined;
   c. Map(s) depicting distances used in equations; and
   d. Calculations;

14. Provide documentation to demonstrate the following for alternative technologies:
   a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives;
   b. The proposed alternative technology will not adversely affect human health and safety or the environment;
   c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;
   d. The owner or operator will implement a program to monitor whether the requirements of subsection (14)(a) have been met;
   e. Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (14)(a); and
   f. Demonstration that the cost of alternative technology will not exceed the cost of conventional technology and is not substantially higher than at least two other alternative technologies, if available and technically feasible.

15. Property Owner Summary form.

F. Exposure Pathway Exclusion

Provide the following:

1. A description of the tests to be performed in determining whether the following requirements will be met:
   a. Attenuation capacity of the soil will not be exceeded for any of the organic contaminants;
   b. Soil saturation limit will not be exceeded for any of the organic contaminants;
   c. Contaminated soils do not exhibit any of the reactivity characteristics of hazardous waste per 35 Ill. Adm. Code 721.123;
   d. Contaminated soils do not exhibit a pH $\leq$ 2.0 or $\geq$ 12.5; and
   e. Contaminated soils which contain arsenic, barium, cadmium, chromium, lead, mercury, or selenium (or their associated salts) do not exhibit any of the toxicity characteristics of hazardous waste per 35 Ill. Adm. Code 721.124.

2. A discussion of how any exposure pathways are to be excluded.

G. Signatures

All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

UST Owner or Operator

Name: Johnson Oil Company, LLC of IN
Contact: Rick Johnson, Manager
Address: P.O. Box 27
City: Columbus
State: Indiana
ZIP Code: 47202
Phone: (812) 373-4036
Signature:
Date: 11-21-08

Consultant

Company: American Environmental Corp.
Contact: Simon P. Broomhead, P.G.
Address: 3700 West Grand Avenue, Suite A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Signature: Simon P. Broomhead
Date: 11/25/08

I certify under penalty of law that all activities that are the subject of this plan 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 and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in this plan has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 731, 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].

Licensed Professional Engineer or Geologist

Name: Simon P. Broomhead, P.G.
Company: American Environmental Corp.
Address: 3700 West Grand Avenue, Ste. A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Ill. Registration No.: 196-000536
License Expiration Date: 03/31/09
Signature: Simon P. Broomhead
Date: 11/25/08

L.P.E. or L.P.G. Seal

Johnson Oil #148
11/25/08

Office of the Illinois
State Fire Marshal

General Office
217 785-0969
FAX
217-782-1062
Divisions
ARSON INVESTIGATION
217-782-0118
BOILER and PRESSURE
VESSEL SAFETY
217-782-2688
FIRE PREVENTION
217-785-4714
MANAGEMENT SERVICES
217-782-0889
INFIRS
217-785-5825
HUMAN RESOURCES
217-785-1026
PERSONNEL STANDARDS
and EDUCATION
217-782-4642
PETROLEUM and
CHEMICAL SAFETY
217-785-5878
PUBLIC INFORMATION
217-785-1021
WEB SITE
www.state.il.us/osfm

CERTIFIED MAIL - RECEIPT REQUESTED # Z 082 412 112

September 13, 2000

Johnson Oil Company of Indiana, Inc.
PO Box 347
Columbus, IN 47202

In Re: Facility No. 4-027863
IEMA Incident No. 00-0875
Clark #2211
851 E. Main
Danville, Vermilion Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on August 28, 2000 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 $10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 1 10,000 gallon Gasoline
Tank 2 10,000 gallon Gasoline
Tank 3 8,000 gallon Gasoline

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 Vicki Cox-Fraase.

Sincerely,

Melvin H. Smith

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

MHS: vlcf

cc: IEPA
Facility File

Illinois Environmental Protection Agency

Owner/Operator and Professional Engineer Budget Certification Form for Leaking Underground Storage Tank Sites

In accordance with 415 ILCS 5/57, if an owner or operator intends to seek payment from the UST Fund, an owner or operator must submit to the Agency, for the Agency's approval or modification, a budget which includes an accounting of all costs associated with the implementation of the investigative, monitoring and/or corrective action plans.

I hereby certify that I intend to seek payment from the UST Fund for performing Corrective Action activities at Johnson #148 (IEMA #20000875) LUST site. 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 and no costs are included in this budget which are not described in the corrective action plan. I further certify that costs ineligible for payment from the Fund pursuant to 35 Illinois Administrative Code Section 732.606 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 defense costs.
Costs incurred prior to July 28, 1989.
Costs associated with installation of new USTs or the repair of existing USTs.

Owner/Operator: Johnson Oil Company, LLC of Indiana Rick Johnson Title: Manager

Signature: Date: 11-21-08

Subscribed and sworn to before me the 21 day of November 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal: NANCY L. SEABORNE NOTARY PUBLIC INDIANA

P.E.: Simon P. Broomhead, P.G. Seal: LICENSED PROFESSIONAL GEOLOGIST SIMON P. BROOMHEAD 196-000536

P.E. Signature: Simon P. Broomhead Date: 11/25/08

Subscribed and sworn to before me the 25th day of November 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal: OFFICIAL SEAL LYNETTE S MELLOR NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/30/12

The Agency is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder. This form has been approved by the Forms Management Center.

IL 532 2264
LPC 495 Rev. March 2000

BUDGET FORM FOR LEAKING UNDERGROUND STORAGE TANK SITES

A. SITE INFORMATION

Site Name: *Johnson Oil Company*

Site Address: *851 East Main Street* City: *Danville*

Zip: *61832*

County: *Vermilion* IEPA Generator No.: *1830205198*

IEMA Incident No.: *20000875* IEMA Notification Date: *5/11/00*

Date this Form was Prepared: *11/21/08*

This form is being submitted as a:

____ Budget Proposal

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

Amendment Number: *5*

____ 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

XX 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.

This form must be submitted in duplicate

IEMA No. 20000875

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

Pay to the order of: Mr. Rick Johnson

Send in care of: Johnson Oil Company, LLC

Address: P.O. Box 27

City: Columbus State: IN Zip: 47202

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

Fewer than 101: _____ 101 or more: XX (at the time release reported)

Number of USTs at the site: 3 (Number of USTs includes USTs presently at the site and USTs that have been removed.)

Number of incidents reported to IEMA: 3

Incident Numbers assigned to the site due to releases from USTs: 20000875, 20020386

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? [1]		Incident No.	Type of Release [1]
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	8,000	Yes	No	20000875	Overfills
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		

[1] This information is to the best of our knowledge.

This form must be submitted in duplicate

IEMA No. *20000875*

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1.	Investigation Costs:	$	*1,943.69*
2.	Analysis Costs:	$	*366.40*
3.	Personnel Costs:	$	*2,185.32*
4.	Equipment Costs:	$	*0.00*
5.	Field Purchases and Other Costs:	$	*68.00*
6.	Handling Charges:	$	*To be determined*

TOTAL PROPOSED BUDGET = $ *4,563.41*

This form must be submitted in duplicate

IEMA No. *20000875*

E. INVESTIGATION COSTS

Method I _____ Method II _____ Method III _____ Not Applicable *XX*

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).

1	borings to	*15*	feet =	*15*	feet to be bored for	*MW11*
2	borings to	*15*	feet =	*30*	feet to be bored for	*OS1, OS2*
0	borings to	*0*	feet =	*0*	feet to be bored for	
0	borings to	*0*	feet =	*0*	feet to be bored for	
0	borings to	*0*	feet =	*0*	feet to be bored for	

Total Feet to be Bored: *45*

Borings: *45* feet x $ *25.08* per foot = $ *1,128.60* (or)

Hours *0* x $ *0* per hour = $ *0.00*

0	borings through	*0*	ft of bedrock =	*0*	Ft bedrock to be bored	
0	borings through	*0*	ft of bedrock =	*0*	Ft bedrock to be bored	

Total Feet bedrock to be Bored: *0*

Borings: *0* Feet bedrock x $ *1,000.00* per ft bedrock = $ *0.00* (or)

0 Hours x $ *0.00* per Hour = $ *0.00*

0 # of Mobilizations @ $ *300.00* per mobilization = $ *0.00*

Other costs	Number of Units	Unit Cost	Total Cost
Soil Borings for Contingent Wells (3 x 15 ft)			*$0.00*
(To be completed if soil from dispenser boring(s) exceeds Tier 1 SROs)			

2. **Professional Services (e.g., P.E., geologist) -** These costs must be listed in Section G, the Personnel section of the forms.

This form must be submitted in duplicate

IEMA No. *20000875*

3. **Monitoring Well Installation Materials** - Costs listed here must be costs associated with well casing, well screens, filter pack, annular seal, surface seal, well covers, etc. List the items below in a time and materials format.

Material	Number of Units	Unit Cost	Total Cost
Monitoring wells MW11	*15*	*$17.99*	*$269.85*
			$0.00
Contingent monitoring wells		*$17.99*	*$0.00*
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00

4. **Disposal Costs** - This includes the costs for disposing of boring cuttings and any water generated while performing borings or installing wells.

Disposal of Cuttings: *2* drums X $ *272.62* per drum = $ *545.24*

Disposal of Water: *0* gallons X $ *2.97* per gallon = $ *0.00*

(2 drums) ($163.57/drm)

Transportation Costs: *$0.00*

Describe how the water/soil will be disposed *Soil and water will be drummed and taken to a permited landfill and waste water disposal facility if required*

Total Investigation Costs:

$ *1,943.69*

This form must be submitted in duplicate

IEMA No. 20030293

F. ANALYSIS COST

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

0	Moisture Content samples	x $	0.00	per sample = $	0.00
0	Soil Classification samples	x $	0.00	per sample = $	0.00
	Indicate the method to be performed:				
0	Soil Particle Size samples		0.00	per sample = $	0.00
0	Exsitu Hydraulic Conductivity/Permeability samples	x	0.00	per sample = $	0.00
	Indicate the method to be performe		ASTM D2434/D5084		
0	Rock Hydraulic Conductivity/Permeability samples	x $	0.00	per sample = $	0.00
	Indicate the method to be performe		Flexible wall membrane or flowing air		
0	Natural Organic Carbon Fraction (foc) samples	x	41.44	per sample = $	0.00
	Indicate the ASTM or SW-846 method to be performed:				
0	Total Porosity samples	x $	31.76	per sample = $	0.00
0	Bulk Density samples	x $	23.99	per sample = $	0.00
0	Soil Particle Density samples	x $	100.00	per sample = $	0.00
0	samples	x $	0.00	per sample = $	0.00
0	samples	x $	0.00	per sample = $	0.00

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

3	BTEX samples (MW11, OS1,	x $	92.69	per sample = $	278.07
0	PNA samples	x $	160.93	per sample = $	0.00
0	LUST Pollutant samples	x $	0.00	per sample = $	0.00

This form must be submitted in duplicate

IEMA No. 20030293

0	pH Samples		x $	14.82	per sample = $	0.00
0	Paint Filter samples		x $	0.00	per sample = $	0.00
0	TCLP Lead samples		x $	0.00	per sample = $	0.00
0	Flash Point samples		x $	0.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0	Total Plate Count	samples x $		27.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

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

1	BTEX samples		x $	88.33	per sample = $	88.33
0	PNA samples		x $	0.00	per sample = $	0.00
0	LUST Pollutant samples		x $	0.00	per sample = $	0.00
0	pH Samples		x $	0.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	Flash Point samples		x $	0.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

TOTAL ANALYSIS COSTS = $ 366.40

This form must be submitted in duplicate.

IEMA No. 20000875

G. PERSONNEL

All personnel costs that are not included elsewhere in the budget/billing forms 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 oversite for _____(i.e., drilling/well installation, corrective action, or early action), of maintenance of _____. The above list in not inclusive of all possible tasks.

Sr. Project Manager : *11.00* : hours x $ *109.05* per hour = $ *1,199.55*
(Title)
Task to be performed for the above hours: *Discussion w/ offsite owner & IEPA project manager- after 9/10/08 CAP submittal (3 hrs), Prepare CAP & Budget amendement (8 hrs)*

Geologist III : *8.0* : hours x $ *95.96* per hour = $ *767.68*
(Title)
Task to be performed for the above hours: *Logging/sampling/well install (3 hrs), develop/survey borings & well (2 hr), sample well/ measure DO & ORP for plume delineation (1 hr), prepare boring/well logs (2 hrs)*

Sr. Prof. Geologist : *1.00* : hours x $ *119.95* per hour = $ *119.95*
(Title)
Task to be performed for the above hours: *Review amended CAP & Budget, sign/stamp forms*

Sr. Administrative Asst. : *2.00* : hours x $ *49.07* per hour = $ *98.14*
(Title)
Task to be performed for the above hours: *Copy/assemble/ship amended CAP & Budget*

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

IEMA No. *20000875*

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

______ : ______ : hours x $ ______ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: ______

TOTAL PERSONNEL COSTS: $ *2,185.32*

This form must be submitted in duplicate

IEMA No. *20000875*

I. FIELD PURCHASES AND OTHER COSTS

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

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?
Costs for Off-site Investigation			*$0.00*	*No*
Copy HPCAP & Budget (4 copies x 25 pages)	*100*	*$0.15*	*$15.00*	*No*
Ship HPCAP & Budget	*2*	*$9.00*	*$18.00*	*Yes*
*Disposable Gloves - per **pair***	*15*	*$1.00*	*$15.00*	*No. Stock*
PVC Well Bailer (develop:1, sample:1)	*2*	*$10.00*	*$20.00*	*No. Stock*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
		Subtotal Page I-1:		***$68.00***

This form must be submitted in duplicate

IEMA No. *20000875*

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. This listing should include a cost breakdown in time and materials format.

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?

TOTAL: OTHER COSTS = $ *0.00*

Subtotal Pages I-1:	*$68.00*
Total Pages I-1 and I-2:	*$68.00*

This form must be submitted in duplicate

HIGH PRIORITY CORRECTIVE ACTION PLAN AND BUDGET – AMENDMENT #5

Johnson Oil #148
851 East Main Street
Danville, Illinois
LPC # 1830205198 – Vermilion County
IEMA Incident Number: 20000875
American Environmental Corporation
Project Number: J-207022

November 25, 2008

SUBMITTED TO:

Illinois Environmental Protection Agency
Bureau Of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois

PREPARED BY:

American Environmental Corporation
3700 West Grand Avenue, Suite A
Springfield, Illinois 62711

PREPARED FOR:

Johnson Oil Company, LLC of Indiana
P.O. Box 27
Columbus, Indiana 47202

American Environmental

From Springfield Regional Office

November 25, 2008

Illinois Environmental Protection Agency
Bureau of Land/LUST Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Attention: Carol Hawbaker, LUST Project Manager

Re: **High Priority Corrective Action Plan and Budget – Amendment #5**
LPC #1830205198 – Vermilion County
Johnson Oil #148 – Danville/Johnson Oil Company, LLC of Indiana
851 East Main Street
IEMA Incident Number: 20000875
American Environmental Project Number: J-207022

Dear Ms. Hawbaker:

On behalf of Johnson Oil Company, LLC of Indiana (Johnson Oil), American Environmental Corporation (American Environmental) is pleased to submit this Amended High Priority Corrective Action Plan (HPCAP) and Budget for the above-referenced LUST Incident.

The September 10, 2008 HPCAP and Budget are amended to include costs for additional investigation to further define contamination on the neighboring property north of the Johnson Oil site. Two direct-push soil borings (OS1 and OS2) and one monitoring well (MW11) are proposed to be installed as close as utilities allow to the property line between the site and the adjacent property to the north. Proposed locations for the borings and well are depicted in the attached Figure 1. The above-referenced borings and well will be completed/installed in conjunction with previously-proposed investigation and in accordance with the procedures described in the September 10, 2008 HPCAP and Budget. The attached budget includes costs for drilling and well installation, soil and groundwater sample analysis, and associated personnel costs.

Please contact the undersigned if you have questions or concerns. In addition, please send copies of future correspondence to me at the Springfield Office of American Environmental.

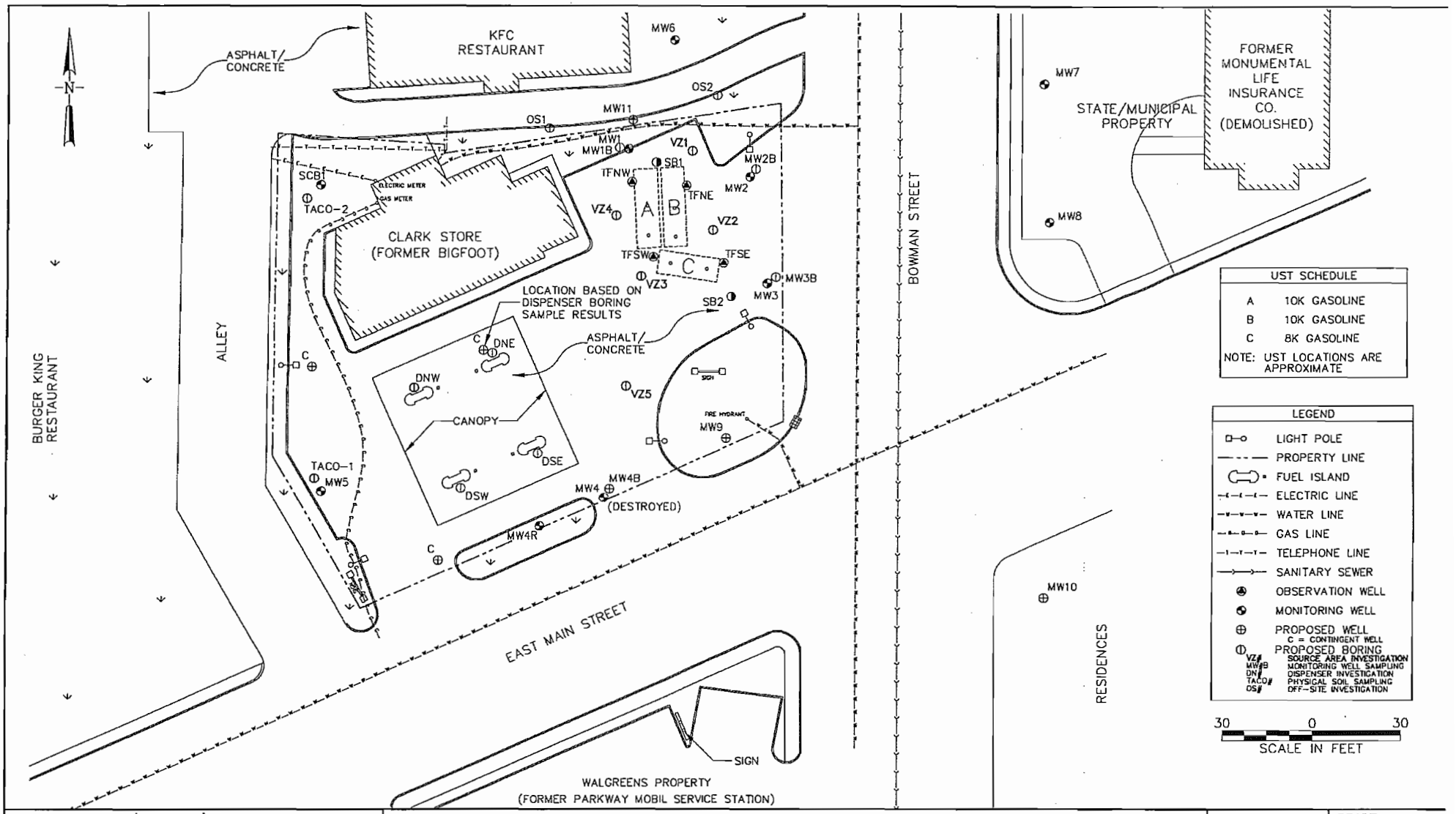
Sincerely,
AMERICAN ENVIRONMENTAL CORPORATION

Simon P. Broomhead

Simon P. Broomhead, P.G.
Project Manager

Attachments

pc: Rick Johnson, Johnson Oil Company, LLC of Indiana
Jeffrey M. Davis, Esq., Meyer Capel, P.C.



American Environmental

Corporate Office
Indianapolis, Indiana
(317) 871-4090

Regional Offices
Louisville, Kentucky
Cincinnati, Ohio

Regional Office
Springfield, Illinois
(217) 585-9517

SITE PLAN WITH PROPOSED SAMPLING LOCATIONS

JOHNSON OIL #148
851 EAST MAIN STREET
DANVILLE, ILLINOIS

Project No.: 207022	SCALE: AS SHOWN
Drawing File: 207022_4.DWG	FIGURE: 1
Date: 11/21/08	

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program
Corrective Action Plan

A. Site Identification

IEMA Incident # (6- or 8-digit): 20000875 IEPA LPC# (10-digit): 1830205198

Site Name: Johnson Oil #148

Site Address (Not a P.O. Box): 851 East Main Street

City: Danville County: Vermilion ZIP Code: 61832

Leaking UST Technical File

B. Site Information

1. Will the owner or operator seek reimbursement from the Underground Storage Tank Fund? Yes ☑ No ☐
2. If yes, is the budget attached? Yes ☑ No ☐
3. Is this an amended plan? Yes ☑ No ☐
4. Identify the material(s) released: Gasoline
5. This Corrective Action Plan is submitted pursuant to:
   - a. 35 Ill. Adm. Code 731.166 ☐
     The material released was:
     -petroleum ☐
     -hazardous substance (see Environmental Protection Act Section 3.215) ☐
   - b. 35 Ill. Adm. Code 732.404 ☑
   - c. 35 Ill. Adm. Code 734.335 ☐

C. Proposed Methods of Remediation

1. Soil Natural Attenuation with Institutional Controls (pending additional characterization)
2. Groundwater Oxygen-Enhanced Bioremediation (OEB)

D. Soil and Groundwater Investigation Results (for incidents subject to 35 Ill. Adm. Code 731 only or 732 that were classified using Method One or Two, if not previously provided)

Provide the following:

1. Description of investigation activities performed to define the extents of soil and/or groundwater contamination;
2. Analytical results, chain-of-custody forms, and laboratory certifications;

3. Tables comparing analytical results to applicable remediation objectives;

4. Boring logs;

5. Monitoring well logs; and

6. Site maps meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440 and showing:
   a. Soil sample locations;
   b. Monitoring well locations; and
   c. Plumes of soil and groundwater contamination.

E. Technical Information - Corrective Action Plan

Provide the following:

1. Executive summary identifying the objectives of the corrective action plan and the technical approach to be utilized to meet such objectives;
   a. The major components (e.g., treatment, containment, removal) of the corrective action plan;
   b. The scope of the problems to be addressed by the proposed corrective action; and
   c. A schedule for implementation and completion of the plan;

2. Identification of the remediation objectives proposed for the site;

3. A description of the remedial technologies selected:
   a. The feasibility of implementing the remedial technologies;
   b. Whether the remedial technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
   c. A schedule of when the technologies are expected to achieve the applicable remediation objectives;

4. A confirmation sampling plan that describes how the effectiveness of the corrective action activities will be monitored during their implementation and after their completion;

5. A description of the current and projected future uses of the site;

6. A description of engineered barriers or institutional controls that will be relied upon to achieve remediation objectives:
   a. an assessment of their long-term reliability;
   b. operating and maintenance plans; and
   c. maps showing area covered by barriers and institutional controls;

7. The water supply well survey:
   a. Map(s) showing locations of community water supply wells and other potable wells and the setback zone for each well;
   b. Map(s) showing regulated recharge areas and wellhead protection areas;
   c. Map(s) showing the current extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   d. Map(s) showing the modeled extent of groundwater contamination exceeding the most stringent Tier 1 remediation objectives;
   e. Tables listing the setback zone for each community water supply well and other potable water supply wells;
   f. A narrative identifying each entity contacted to identify potable water supply wells, the name and title of each person contacted, and any field observations associated with any wells identified; and
   g. A certification from a Licensed Professional Engineer or Licensed Professional Geologist that the survey was conducted in accordance with the requirements and that documentation submitted includes Information obtained as a result of the survey (certification of this plan satisfies this requirement);

8. Appendices:
   a. References and data sources report that are organized; and
   b. Field logs, well logs, and reports of laboratory analyses;

9. Site map(s) meeting the requirements of 35 Ill. Adm. Code 732.110(a) or 734.440;

10. Engineering design specifications, diagrams, schematics, calculations, manufacturer's specifications, etc.;

11. A description of bench/pilot studies;

12. Cost comparison between proposed method of remediation and other methods of remediation;

13. For the proposed Tier 2 or 3 remediation objectives, provide the following:
   a. The equations used;
   b. A discussion of how input variables were determined;
   c. Map(s) depicting distances used in equations; and
   d. Calculations;

14. Provide documentation to demonstrate the following for alternative technologies:
   a. The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and remediation objectives;
   b. The proposed alternative technology will not adversely affect human health and safety or the environment;
   c. The owner or operator will obtain all Illinois EPA permits necessary to legally authorize use of the alternative technology;
   d. The owner or operator will implement a program to monitor whether the requirements of subsection (14)(a) have been met;
   e. Within one year from the date of Illinois EPA approval, the owner or operator will provide to the Illinois EPA monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (14)(a); and
   f. Demonstration that the cost of alternative technology will not exceed the cost of conventional technology and is not substantially higher than at least two other alternative technologies, if available and technically feasible.

15. Property Owner Summary form.

F. Exposure Pathway Exclusion

Provide the following:

1. A description of the tests to be performed in determining whether the following requirements will be met:
   a. Attenuation capacity of the soil will not be exceeded for any of the organic contaminants;
   b. Soil saturation limit will not be exceeded for any of the organic contaminants;
   c. Contaminated soils do not exhibit any of the reactivity characteristics of hazardous waste per 35 Ill. Adm. Code 721.123;
   d. Contaminated soils do not exhibit a pH ≤ 2.0 or ≥ 12.5; and
   e. Contaminated soils which contain arsenic, barium, cadmium, chromium, lead, mercury, or selenium (or their associated salts) do not exhibit any of the toxicity characteristics of hazardous waste per 35 Ill. Adm. Code 721.124.

2. A discussion of how any exposure pathways are to be excluded.

G. Signatures

All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

UST Owner or Operator

Name: Johnson Oil Company, LLC of IN
Contact: Rick Johnson, Manager
Address: P.O. Box 27
City: Columbus
State: Indiana
ZIP Code: 47202
Phone: (812) 373-4036
Signature:
Date: 11-21-08

Consultant

Company: American Environmental Corp.
Contact: Simon P. Broomhead, P.G.
Address: 3700 West Grand Avenue, Suite A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Signature: Simon P. Broomhead
Date: 11/25/08

I certify under penalty of law that all activities that are the subject of this plan 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 and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in this plan has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 731, 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].

Licensed Professional Engineer or Geologist

Name: Simon P. Broomhead, P.G.
Company: American Environmental Corp.
Address: 3700 West Grand Avenue, Ste. A
City: Springfield
State: Illinois
ZIP Code: 62711
Phone: (217) 585-9517
Ill. Registration No.: 196-000536
License Expiration Date: 03/31/09
Signature: Simon P. Broomhead
Date: 11/25/08

L.P.E. or L.P.G. Seal

Johnson Oil #148
11/25/08

Office of the Illinois
State Fire Marshal

General Office
217 785-0969
FAX
217-782-1057
Divisions
ARSON INVESTIGATION
217-782-0118
BOILER and PRESSURE
VESSEL SAFETY
217-782-2688
FIRE PREVENTION
217-785-4714
MANAGEMENT SERVICES
217-782-0889
INFIRS
217-785-5825
HUMAN RESOURCES
217-785-1026
PERSONNEL STANDARDS
and EDUCATION
217-782-4642
PETROLEUM and
CHEMICAL SAFETY
217-785-5878
PUBLIC INFORMATION
217-785-1021
WEB SITE
www.state.il.us/osfm

CERTIFIED MAIL - RECEIPT REQUESTED # Z 082 412 112

September 13, 2000

Johnson Oil Company of Indiana, Inc.
PO Box 347
Columbus, IN 47202

In Re: Facility No. 4-027863
IEMA Incident No. 00-0875
Clark #2211
851 E. Main
Danville, Vermilion Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on August 28, 2000 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 $10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 1 10,000 gallon Gasoline
Tank 2 10,000 gallon Gasoline
Tank 3 8,000 gallon Gasoline

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 Vicki Cox-Fraase.

Sincerely,

Melvin H. Smith

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

MHS: vlcf

cc: IEPA
Facility File

Illinois Environmental Protection Agency

Owner/Operator and Professional Engineer Budget Certification Form for Leaking Underground Storage Tank Sites

In accordance with 415 ILCS 5/57, if an owner or operator intends to seek payment from the UST Fund, an owner or operator must submit to the Agency, for the Agency's approval or modification, a budget which includes an accounting of all costs associated with the implementation of the investigative, monitoring and/or corrective action plans.

I hereby certify that I intend to seek payment from the UST Fund for performing Corrective Action activities at Johnson #148 (IEMA #20000875) LUST site. 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 and no costs are included in this budget which are not described in the corrective action plan. I further certify that costs ineligible for payment from the Fund pursuant to 35 Illinois Administrative Code Section 732.606 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 defense costs.
Costs incurred prior to July 28, 1989.
Costs associated with installation of new USTs or the repair of existing USTs.

Owner/Operator: Johnson Oil Company, LLC of Indiana Rick Johnson Title: Manager

Signature: Date: 11-21-08

Subscribed and sworn to before me the 21 day of November 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal:

NANCY L. SEABORNE NOTARY PUBLIC INDIANA

P.E.: Simon P. Broomhead, P.G. Seal:

P.E. Signature: Simon P. Broomhead Date: 11/25/08

Subscribed and sworn to before me the 25th day of November 2008.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

(Notary Public) Seal:

LICENSED PROFESSIONAL GEOLOGIST SIMON P. BROOMHEAD 196-000536

OFFICIAL SEAL LYNETTE S MELLOR NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/30/12

The Agency is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder. This form has been approved by the Forms Management Center.

IL 532 2264
LPC 495 Rev. March 2000

BUDGET FORM FOR LEAKING UNDERGROUND STORAGE TANK SITES

A. SITE INFORMATION

Site Name: *Johnson Oil Company*

Site Address: *851 East Main Street* City: *Danville*

Zip: *61832*

County: *Vermilion* IEPA Generator No.: *1830205198*

IEMA Incident No.: *20000875* IEMA Notification Date: *5/11/00*

Date this Form was Prepared: *11/21/08*

This form is being submitted as a:

_____ Budget Proposal

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

Amendment Number: *5*

_____ 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

_____ Low Priority Corrective Action

_____ Other (indicate activities) _____

_____ Site Classification

XX High Priority Corrective Action

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

This form must be submitted in duplicate

IEMA No. 20000875

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

Pay to the order of: Mr. Rick Johnson

Send in care of: Johnson Oil Company, LLC

Address: P.O. Box 27

City: Columbus State: IN Zip: 47202

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

Fewer than 101: _____ 101 or more: XX (at the time release reported)

Number of USTs at the site: 3 (Number of USTs includes USTs presently at the site and USTs that have been removed.) _____

Number of incidents reported to IEMA: 3

Incident Numbers assigned to the site due to releases from USTs: 20000875, 20020386

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? [1]		Incident No.	Type of Release [1]
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	10,000	Yes	No	20000875	Overfills
Gasoline	8,000	Yes	No	20000875	Overfills
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		
		Yes	No		

[1] This information is to the best of our knowledge.

This form must be submitted in duplicate

IEMA No. *20000875*

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1.	Investigation Costs:	$	*1,943.69*
2.	Analysis Costs:	$	*366.40*
3.	Personnel Costs:	$	*2,185.32*
4.	Equipment Costs:	$	*0.00*
5.	Field Purchases and Other Costs:	$	*68.00*
6.	Handling Charges:	$	*To be determined*

TOTAL PROPOSED BUDGET = $ *4,563.41*

This form must be submitted in duplicate

IEMA No. *20000875*

E. INVESTIGATION COSTS

Method I _____ Method II _____ Method III _____ Not Applicable *XX*

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).

1	borings to	*15*	feet =	*15*	feet to be bored for	*MW11*
2	borings to	*15*	feet =	*30*	feet to be bored for	*OS1, OS2*
0	borings to	*0*	feet =	*0*	feet to be bored for	
0	borings to	*0*	feet =	*0*	feet to be bored for	
0	borings to	*0*	feet =	*0*	feet to be bored for	

Total Feet to be Bored: *45*

Borings: *45* feet x $ *25.08* per foot = $ *1,128.60* (or)

Hours *0* x $ *0* per hour = $ *0.00*

0	borings through	*0*	ft of bedrock =	*0* Ft bedrock to be bored
0	borings through	*0*	ft of bedrock =	*0* Ft bedrock to be bored

Total Feet bedrock to be Bored: *0*

Borings: *0* Feet bedrock x $ *1,000.00* per ft bedrock = $ *0.00* (or)

0 Hours x $ *0.00* per Hour = $ *0.00*

0 # of Mobilizations @ $ *300.00* per mobilization = $ *0.00*

Other costs	Number of Units	Unit Cost	Total Cost
Soil Borings for Contingent Wells (3 x 15 ft)			*$0.00*
(To be completed if soil from dispenser boring(s) exceeds Tier 1 SROs)			

2. **Professional Services (e.g., P.E., geologist) -** These costs must be listed in Section G, the Personnel section of the forms.

This form must be submitted in duplicate

IEMA No. *20000875*

3. **Monitoring Well Installation Materials** - Costs listed here must be costs associated with well casing, well screens, filter pack, annular seal, surface seal, well covers, etc. List the items below in a time and materials format.

Material	Number of Units	Unit Cost	Total Cost
Monitoring wells MW11	*15*	*$17.99*	*$269.85*
			$0.00
Contingent monitoring wells		*$17.99*	*$0.00*
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00

4. **Disposal Costs** - This includes the costs for disposing of boring cuttings and any water generated while performing borings or installing wells.

Disposal of Cuttings: *2* drums X $ *272.62* per drum = $ *545.24*

Disposal of Water: *0* gallons X $ *2.97* per gallon = $ *0.00*
(2 drums) ($163.57/drm)

Transportation Costs: *$0.00*

Describe how the water/soil will be disposed *Soil and water will be drummed and taken to a permited landfill and waste water disposal facility if required*

Total Investigation Costs:

$ *1,943.69*

This form must be submitted in duplicate

IEMA No. 20030293

F. ANALYSIS COST

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

0	Moisture Content samples	x $	0.00	per sample = $	0.00
0	Soil Classification samples	x $	0.00	per sample = $	0.00
	Indicate the method to be performed:				
0	Soil Particle Size samples		0.00	per sample = $	0.00
0	Exsitu Hydraulic Conductivity/Permeability samples	x	0.00	per sample = $	0.00
	Indicate the method to be performe		ASTM D2434/D5084		
0	Rock Hydraulic Conductivity/Permeability samples	x $	0.00	per sample = $	0.00
	Indicate the method to be performe		Flexible wall membrane or flowing air		
0	Natural Organic Carbon Fraction (foc) samples	x	41.44	per sample = $	0.00
	Indicate the ASTM or SW-846 method to be performed:				
0	Total Porosity	samples x $	31.76	per sample = $	0.00
0	Bulk Density	samples x $	23.99	per sample = $	0.00
0	Soil Particle Density	samples x $	100.00	per sample = $	0.00
0		samples x $	0.00	per sample = $	0.00
0		samples x $	0.00	per sample = $	0.00

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

3	BTEX samples (MW11, OS1,	x $	92.69	per sample = $	278.07
0	PNA samples	x $	160.93	per sample = $	0.00
0	LUST Pollutant samples	x $	0.00	per sample = $	0.00

This form must be submitted in duplicate

IEMA No. 20030293

0	pH Samples		x $	14.82	per sample = $	0.00
0	Paint Filter samples		x $	0.00	per sample = $	0.00
0	TCLP Lead samples		x $	0.00	per sample = $	0.00
0	Flash Point samples		x $	0.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0	Total Plate Count	samples x $		27.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

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

1	BTEX samples		x $	88.33	per sample = $	88.33
0	PNA samples		x $	0.00	per sample = $	0.00
0	LUST Pollutant samples		x $	0.00	per sample = $	0.00
0	pH Samples		x $	0.00	per sample = $	0.00
0	Lab and/or Field Blank samples		x $	65.00	per sample = $	0.00
0	Flash Point samples		x $	0.00	per sample = $	0.00
0	*Bioremediation Design Parameters*	samples x $		*	per sample = $	0.00
0	*(see attached Breakdown)*	samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00
0		samples x $		0.00	per sample = $	0.00

TOTAL ANALYSIS COSTS = $ 366.40

This form must be submitted in duplicate.

IEMA No. 20000875

G. PERSONNEL

All personnel costs that are not included elsewhere in the budget/billing forms 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 oversite for _____(i.e., drilling/well installation, corrective action, or early action), of maintenance of _____. The above list in not inclusive of all possible tasks.

Sr. Project Manager : *11.00* : hours x $ *109.05* per hour = $ *1,199.55*
(Title)
Task to be performed for the above hours: *Discussion w/ offsite owner & IEPA project manager- after 9/10/08 CAP submittal (3 hrs), Prepare CAP & Budget amendement (8 hrs)*

Geologist III : *8.0* : hours x $ *95.96* per hour = $ *767.68*
(Title)
Task to be performed for the above hours: *Logging/sampling/well install (3 hrs), develop/survey borings & well (2 hr), sample well/ measure DO & ORP for plume delineation (1 hr), prepare boring/well logs (2 hrs)*

Sr. Prof. Geologist : *1.00* : hours x $ *119.95* per hour = $ *119.95*
(Title)
Task to be performed for the above hours: *Review amended CAP & Budget, sign/stamp forms*

Sr. Administrative Asst. : *2.00* : hours x $ *49.07* per hour = $ *98.14*
(Title)
Task to be performed for the above hours: *Copy/assemble/ship amended CAP & Budget*

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

This form must be submitted in duplicate

IEMA No. *20000875*

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

_____ : _____ : hours x $ _____ per hour = $ *0.00*
(Title)
Task to be performed for the above hours: _____

TOTAL PERSONNEL COSTS: $ *2,185.32*

This form must be submitted in duplicate

IEMA No. *20000875*

I. FIELD PURCHASES AND OTHER COSTS

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

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?
Costs for Off-site Investigation			*$0.00*	*No*
Copy HPCAP & Budget (4 copies x 25 pages)	*100*	*$0.15*	*$15.00*	*No*
Ship HPCAP & Budget	*2*	*$9.00*	*$18.00*	*Yes*
*Disposable Gloves - per **pair***	*15*	*$1.00*	*$15.00*	*No. Stock*
PVC Well Bailer (develop:1, sample:1)	*2*	*$10.00*	*$20.00*	*No. Stock*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
			$0.00	*No*
		Subtotal Page I-1:		***$68.00***

This form must be submitted in duplicate

IEMA No. *20000875*

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. This listing should include a cost breakdown in time and materials format.

Field Purchases	Quantity	Price/Item	Total Cost	Do Handling Charges Apply?

TOTAL: OTHER COSTS = $ *0.00*

Subtotal Pages I-1:	*$68.00*
Total Pages I-1 and I-2:	*$68.00*

This form must be submitted in duplicate

Exhibit C

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

217/782-6762

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

CERTIFIED MAIL

JAN 0 9 2009

7008 1830 0004 1767 8138

Johnson Oil Company
Attention: Rick Johnson
P.O. Box 27
Columbus, IN 47202

RECEIVED
JAN 12 2009
[illegible] TYPES, INC.

Re: LPC #1830205198 -- Vermilion County
Danville / Johnson Oil
851 East Main Street
Leaking UST Incident No. 20000875
Leaking UST Technical File

Dear Mr. Johnson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plans (plans) submitted for the above-referenced incident. These plans, dated September 10, 2008 and November 25, 2008, were received by the Illinois EPA on September 12, 2008 and November 26, 2008. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is modified. The following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

1. Pursuant to 35 Ill. Adm. Code 732.505(a), the Illinois EPA cannot approve any proposed method of remediation at this time. The owner/operator has not fully defined and characterized the extent of soil and groundwater contamination resulting from the release. Until the full extent and characterization of the plume is determined, the Illinois EPA cannot determine if the proposed methods of remediation will fulfill the requirements of 35 Ill. Adm. Code 732.404(b).

2. The proposed expanded well search pursuant to 35 Ill. Adm. Code 732.404(e) should not be completed until the full extent of soil and groundwater plumes are determined. Until the plumes have been defined and modeled, 732.404(e)(1) cannot be satisfied.

3. The Illinois EPA modifies the plan to require installation of the 3 proposed contingent monitoring wells in order to more fully characterize and define the groundwater contamination extent. The Illinois EPA requests the dispenser island contingency monitoring well be installed in the dispenser boring with the most elevated PID readings.

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 for the High Priority Corrective Action Plan is modified pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are 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(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

Please note that, if the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c) of the Act. Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if payment from the Fund will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

NOTE: The plan proposes activities that are technically acceptable as modified in this letter. However, for the purpose of payment from the Fund, some of the activities are in excess of those necessary to meet the minimum requirements of the Act and regulations. Owners and operators are advised that they may not be entitled to full payment for this reason. The Illinois EPA will review your complete request for partial or final payment from the Fund after it is submitted to the Illinois EPA. In addition, please note that amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid.

Specifically, the activities in excess of those necessary to meet the minimum requirements of the Act and regulations are:

1. Proposed soil borings VZ1 – VZ4 will not assist in determining the full extent of soil contamination resulting from the release. Soil analysis from proposed soil borings MW1B – MW3B is adequate to characterize the extent of unsaturated soil contamination in the area.

2. When conducting physical soil sampling to comply with 35 Ill. Adm. Code 732.408, only 1 foc sample is required to determine site-specific parameters.

While it is technically acceptable that these activities be performed, payment from the Fund is not approved.

Further, pursuant to 35 Ill. Adm. Code 732.112, 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 35 Ill. Adm. Code 732.401, the site investigation results and a High Priority Corrective Action Plan demonstrating compliance with the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404 must be submitted within 90 days of the date of this letter 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.

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

If you have any questions or need further assistance, please contact Carol Hawbaker at 217/782-5713.

Sincerely,

Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC: CLH

Attachment: A

c: American Environmental
Leaking UST Claims Unit
BOL File

Attachment A

Re: LPC # 1830205198 -- Vermilion County
Danville / Johnson Oil Company
851 East Main Street
Leaking UST Incident No. 20000875
Leaking UST Technical File

SECTION 1

The budget was previously approved in a letter dated June 1, 2004 for:

$7,915.00	Investigation Costs
$3,850.00	Analysis Costs
$19,886.00	Personnel Costs
$850.00	Equipment Costs
$54,147.00	Field Purchases and Other Costs
$1,389.43	Handling Charges

The owner or operator has requested the amended budget approved in the June 1, 2004 letter be redacted. Therefore, the following amounts have been redacted:

$-0.00	Investigation Costs
$-2,085.00	Analysis Costs
$-8,736.00	Personnel Costs
$-375.00	Equipment Costs
$-53,359.25	Field Purchases and Other Costs
$-369.43	Handling Charges

As a result of review of the budgets at-hand and the Illinois EPA's modification(s) in Section 2 of this attachment, the following amounts are approved:

$7,197.04	Investigation Costs
$2,029.88	Analysis Costs
$34,319.17	Personnel Costs
$585.00	Equipment Costs
$2,149.39	Field Purchases and Other Costs

Therefore, the total cumulative budget is approved for:

$15,112.04	Investigation Costs
$3,791.88	Analysis Costs
$45,469.17	Personnel Costs
$1,135.00	Equipment Costs
$2,937.14	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

1. $872.36 for costs for VZ1 – VZ4 activities, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

   The following costs have been deducted:
   -$501.60 Drilling Costs (Investigation)
   -$370.76 BTEX Soil Costs (Analysis)

2. $200.64 for costs for 1 TACO boring, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

   The following costs have been deducted:
   -$200.64 Drilling Costs (Investigation)

3. $1,330.25 for costs for Investigation that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.505(c).

   The associated plan states the soil borings will be advanced with direct push technology. The following costs have been modified from the Hollow Stem Auger Subpart H rate of $25.08 per foot to the Direct Push Subpart H rate of $19.63 per foot:

   -$446.90 Drilling Costs 82 feet modified MW1b – MW4b, 1 TACO boring, 3 Dispenser Sampling, OS1 and OS2 (Investigation)

   Additionally, based on the Illinois EPA's modification to the plan regarding the contingency wells, costs have been allowed for 2 additional hollow stem auger borings/well materials and 1 additional well material for the dispenser well. Therefore, the minimum charge of $1,635.75 for the contingency wells is not appropriate. The following cost has been deducted:

-$883.35 Drilling Costs Contingency Borings (Investigation)

4. $5,985.09 for corrective action costs for activities associated with MW9, MW10, and MW11 that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh).

   Costs for these activities have been previously approved in the Illinois EPA letter dated February 15, 2002 based on the review of a Corrective Action plan and budget dated October 29, 2001 and received by the Illinois EPA on October 31, 2001. Duplicative costs are unreasonable.

   The following costs have been deducted:

   -$1,128.60 Drilling Costs (Investigation)
   -$809.55 Monitoring Well Costs (Investigation)
   -$540.06 BTEX Soil and Water analyses (Analysis)
   -$2,355.36 Project Manager – Off-Site Access for MW10 (Personnel)
   -$1,151.52 Geologist III – Logging/Sampling/Well Install/Develop/Survey Boring and Well/Prepare Boring/Well Logs for MW11 (Personnel)

5. $82.88 for corrective action costs for foc sampling that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh).

   Costs for this activity have been previously approved in the Illinois EPA letter dated February 15, 2002 based on the review of a Corrective Action plan and budget dated October 29, 2001 and received by the Illinois EPA on October 31, 2001. Duplicative costs are unreasonable.

6. $3,542.00 for costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(gg). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act; therefore, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they may be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

   Additionally, costs for this activity have been previously approved in the Illinois EPA letter dated February 15, 2002 based on the review of a Corrective Action plan and budget dated October 29, 2001 and received by the Illinois EPA on October 31, 2001. Duplicative costs are unreasonable.

   The Illinois EPA cannot determine what additional activities were conducted outside the scope of the plan and budget approved in the February 15, 2002 letter to necessitate additional access agreement costs. Therefore, the following costs have been deducted:

   -$360.00 Project Manager – Site Access (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)

-$1,520.00 Project Manager – Research/Prep./Review License Agreements (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$292.50 Scientist III – Measurement for Off-site Access Agreements (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$1,369.50 Project Manager – Off-site Access (Additional Personnel Time for Claims, Access Agreements and Research)

7. $4,183.05 for costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(gg). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act; therefore, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they may be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Illinois EPA cannot determine what additional activities were conducted outside the scope of the plan and budget approved in the February 15, 2002 letter to necessitate additional costs. Therefore, the following costs have been deducted:

-$67.50 Engineer III – Arrange additional analysis (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$240.00 Project Manager – Sample Wells (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$40.00 Project Manager – Mail lab. Cert. (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$500.00 Project Manager – Prep./Mail letter to IEPA (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)
-$1,307.25 Project Manager – Site Visits (Additional Personnel Time for Claims, Access Agreements and Research)
-$2,028.30 Technician IV – Additional Time for Drilling/Well Develop/Sampling (Additional Personnel Time for Claims, Access Agreements and Research)

8. $2,760.09 for corrective action costs for Personnel reimbursement activities that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh).

Costs for this activity have been previously approved in the Illinois EPA letter dated February 15, 2002 based on the review of a Corrective Action plan and budget dated October 29, 2001 and received by the Illinois EPA on October 31, 2001. Duplicative costs are unreasonable. Additionally, reimbursement costs should be proposed at an accounting rate, not a project management rate. The regulations do not require the project manager to conduct reimbursement activities. The following modifications have been made:

-$980.00 Project Manager – Prepare/Review/Send Claim (Costs from December 31, 2002 Reimbursement Claim Beyond Budget)

-$311.25 Project Manager – Claim Review (Additional Personnel Time for Claims, Access Agreements and Research)
-$880.00 Sr. Acct. Technician – Prep. Reimbursement Claim (Additional Personnel Time for Claims, Access Agreements and Research)
-$588.84 Project Manager – Review Reimbursement Claim (Proposed Budget)

Please note that additional reimbursement hours are approved from the Proposed Budget for Sr. Account Technician and Engineer for reimbursement activities.

9. $5,088.06 for costs for Personnel activities, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

Additionally, these activities were not conducted in accordance with the applicable regulations:

-$1,942.72 Project Manager – TACO Calculations/Exposure Route Evaluation. Pursuant to 35 Ill. Adm. Code 742.300(b), no exposure route may be excluded from consideration until characterization of the extent and concentrations of contaminants of concern at a site has been performed. The actual steps and methods taken to characterize a site shall be determined by the specific program requirements under which site remediation is being addressed. TACO calculations conducted prior to characterization of the extent and concentrations of contaminants of concern exceed the minimum requirements to comply with the Act. Additionally, the TACO calculations were not conducted in accordance with 35 Ill. Adm. Code 732.408.
-$3,145.34 Project Manager – Remedial Design (biofeasibility). Pursuant to 35 Ill. Adm. Code 742.300(b), no exposure route may be excluded from consideration until characterization of the extent and concentrations of contaminants of concern at a site has been performed. The actual steps and methods taken to characterize a site shall be determined by the specific program requirements under which site remediation is being addressed. Conducting remedial design activities before characterization of the extent and concentrations of contaminants of concern have been performed exceeds the minimum requirements to comply with the Act. Remediation objectives may not be developed until characterization of the extent has been satisfied. Remedial design prior to characterization cannot determine if the design will satisfy all the requirements necessary in 35 Ill. Adm. Code 732 and 35 Ill. Adm. Code 742.

10. $2,083.50 for costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(gg). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act; therefore, such costs are not approved pursuant to Section

57.7(c)(4)(C) of the Act because they may be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The following Personnel costs have no supporting documentation:

-$830.00 Project Manager – Landfill Profile
-$568.75 Scientist II – Landfill Prep.
-$684.75 Project Manager - Field Oversight and Reimbursement Review

Please provide copies of landfill profile laboratory analysis and landfill manifests for the soils requiring a landfill profile. As the proposed tank removal/soil excavation did not occur, it is unclear of the necessity of field oversight and reimbursement review. Additionally, Project Manager is not an appropriate title/rate for reimbursement.

11. $543.42 for corrective action costs for Personnel activitities that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh).

The following items have been deducted:

-$249.00 Project Manager – Locate JULIE (Costs for work completed in redacted budget). Please note that JULIE notification costs were not approved in the redacted budget as they are unreasonable costs.
-$294.42 Geologist III – Prep JULIE (Proposed Budget)

12. $3,473.92 for indirect corrective action costs for personnel, materials, service, or equipment charged as direct costs. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(v). In addition, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they are not reasonable

The following items are indirect corrective action costs for Personnel:
Telephone Calls: $617.17
Update Status: $112.50
Prep./Status Review: $80.00
Review IEPA letter: $140.00
Discussions with IEPA, Owner, or OSFM: $601.75
Reimbursement Tracking: $1,122.50
Review IDOT plans/Permit Response/Call IDOT re: access/wells: $800.00

13. $155.00 for costs for Equipment, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

The following Equipment items exceed the minimum requirements to comply with the Act and its regulations:

-$60.00 Dissolved O2 Meter

-$50.00 ORP Meter
-$20.00 pH/Temp/Conductivity Meter

Measurement from this equipment is not required. Additionally, the use of 2 digital cameras exceeds the minimum requirements to comply with the Act and its regulations. Therefore, the Illinois has deducted 1 digital camera ($25.00).

14. $125.00 for costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(gg). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act; therefore, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they may be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

No digital pictures of the sewer line excavation and neighboring property research were submitted justifying the cost of the Digital Camera. Therefore, the item has been deducted from Equipment. Additionally, OVM/PID for landfill characterization has no supporting documentation indicating soil was manifested from the site. This item has been deducted

15. The EnCore Sampler rate has been reduced to $10.90 per sampler. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 732. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(ccc). In addition, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they are not reasonable.

$42.70 has been deducted from Analysis costs.

16. $564.00 for costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606(gg). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act; therefore, such costs are not approved pursuant to Section 57.7(c)(4)(C) of the Act because they may be used for corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

It is unclear why on-site subcontracting utility locator services are required during High Priority corrective action activities. This activity is normally conducting during Early Action activities, prior to initiation of any drilling on-site.

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4)(D) 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