



Bryan A. Heath, PG
Site Manager, RM&R
ConocoPhillips Company
1362 Phillips Building
420 S. Keeler Ave
Bartlesville, OK 74004
phone 918.661.3753

October 22, 2009

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

PCB 10-26

RECEIVED
CLERK'S OFFICE

OCT 26 2009

STATE OF ILLINOIS
Pollution Control Board

Attention: Dorothy Gunn

Subject: **Request for Appeal**
Warrenville-2581/ Phillips Petroleum Company
Incident-Claim No: 972502—57107
Queue Date: July 29, 2009
28 West Aurora Road

ORIGINAL

Dear Ms. Gunn:

ConocoPhillips has prepared this response to request reconsideration of denied charges outlined in the October 16, 2009 fund payment letter.

Deduction Reason:

A \$1,890.00, deduction for costs for Personnel Costs associated with 21 hours by the Project Manager that are inconsistent with the associated technical plan.


Response:

The 21 hours of time billed by Deb Hagerty was for the preparation and submittal of High Priority Corrective Action budget. Time for this activity was billed in March and April of 2005 and the High Priority Corrective Action Plan (HPCAP) was approved on May 9, 2005. Deb inadvertently listed Site Characterization Work Plan (SCWP) as opposed to HPCAP as an honest mistake.

We respectfully requests reconsideration of \$1,890.00, currently not approved. If you have any questions or require further information, please contact the Kelley Baker with Delta Consultants at 770-825-1230.

Sincerely,

ConocoPhillips Company



Bryan Heath
RM&R Site Manager

Enclosure: Fund Letter 10/16/09
HPCAP Budget Approval Letter



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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

OCT 16 2009

CERTIFIED MAIL #

7008 1830 0001 4719 7848

ConocoPhillips
Mr. Bryan Heath
1362 Phillips Building
Bartlesville, OK 74004

Re: LPC #0430835012 – Du Page County
Warrenville/ Phillips Petroleum Company
28 West 244 Aurora Road
Incident-Claim No.: 972502 -- 57107
Queue Date: July 29, 2009
Leaking UST Fiscal File

Dear Mr. Heath:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code 732.Subpart F. This application for payment is dated July 24, 2009 and was received by the Illinois EPA on July 29, 2009. It covers the period from March 8, 2005 to March 31, 2007. The amount requested is \$37,825.59.

As a result of the Illinois EPA's review of the application for payment, a voucher for \$32,323.55 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received the application for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

Following are costs that are not approved for payment and the reasons the costs are not approved:

1. The amount of \$2672.80 was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Page 2

amount greater than the amount approved in the budget. The line-item amount for Analysis Costs was reduced to that approved in the budget.

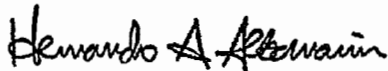
2. The amount of \$939.24 was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an amount greater than the amount approved in the budget. The line-item amount for Field Purchases and Costs was reduced to that approved in the budget.
3. \$1890.00, deduction for costs for Personnel Costs associated with 21 hours by the Project Manager 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 are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

Cost associated with preparation of a Site Classification Work Plan and Budget are not High Priority Corrective Action activities.

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 require further assistance, please contact Dave Myers of my staff at 217/785-7491.

Sincerely,



Hernando A. Albarracin, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:dm

Attachment: Appeal Rights

c: Delta Environmental Consultants, Inc.
Leaking UST Claims Unit

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 57.8(i) 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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

MAY 09 2005

RECEIVED
MAY 11 2005
BY:

CERTIFIED MAIL

7002 3150 0000 1108 4282

Phillips Petroleum Company
Mr. William Prevatt
ConocoPhillips 1218PB
Bartlesville, OK 74004

Re: LPC #0430835012 -- DuPage County
 Warrenville/ Phillips Petroleum
 28W244 Warrenville Rd.
 LUST Incident No. 972502
 LUST Technical File

Dear Mr Prevatt:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Site Investigation Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated April 22, 2005, was received by the Illinois EPA on April 25, 2005. Supplemental information was received by e-mail on May 2, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is approved. The site investigation activities proposed in the plan are appropriate to develop a High Priority Corrective Action Plan that demonstrates compliance with Title XVI of the Act and 35 Ill. Adm. Code 732. Please note that the activities proposed in the plan are for investigative purposes only. Final approval for corrective action activities is contingent upon the submittal of a High Priority Corrective Action Plan that documents the results of the proposed investigation and satisfies the requirements set forth in Section 57.7(c)(1) of the Act and 35 Ill. Adm. Code 732.404.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • Des PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Please note, review of previous investigations indicate soil sample SB-1 was taken from a depth below the groundwater table and not representative of the most contaminated soil based on PID screenings. The proposed soil boring and associated soil sampling should adequately define the concentrations and extent at the source. Additionally, Lab Certification forms for the analysis performed in 2003 and 2004 are of an old format that do not certify to lab accreditation pursuant to 35 Ill. Adm. Code 732.106. The revised Lab Certifications should be included in the next submittal.

In addition, the budget for the High Priority Site Investigation Corrective Action Plan is modified pursuant to Section 57.7(c)(4) 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 reimbursement 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)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e), if reimbursement 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: 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 reimbursable.

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.

Page 3

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 Dave Myers at 217/785-7491.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:DM:drm\HPSICAPappBUDmod.doc

Attachment: A
Appeal Rights

c: Delta Environmental Consultants, Inc.
Division File

Attachment A

Re: LPC #0430835012 -- DuPage County
Warrenville/ Phillips Petroleum
28W244 Warrenville Rd.
LUST Incident No. 972502
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

SECTION 1

The budget was previously approved for:

\$2440.00	Investigation Costs
\$395.00	Analysis Costs
\$9930.00	Personnel Costs
\$200.00	Equipment Costs
\$55.50	Field Purchases and Other Costs
\$346.80	Handling Charges

\$13,367.30

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

\$12,544.00	Investigation Costs
\$1714.00	Analysis Costs
\$7835.00	Personnel Costs
\$1013.53	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$1354.40	Handling Charges

\$24,460.93

Therefore, the total cumulative budget is approved for:

\$14,984.00	Investigation Costs
\$2109.00	Analysis Costs
\$17,765.00	Personnel Costs
\$1213.53	Equipment Costs
\$55.50	Field Purchases and Other Costs
\$1701.20	Handling Charges

TOTAL
\$37,828.23

SECTION 2

1. \$900.00 for an adjustment in Investigation costs associated with mobilizations. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are reasonable (35 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.
2. \$3790.00 for an adjustment in Personnel costs associated with preparation of the Site Classification Completion Report. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act) and 35 Ill. Adm. Code 732 (Section 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)).

A Site Classification Completion Report for this incident has already been budgeted and approved. The results and proper documentation of the proposed MTBE investigation should be included in a High Priority Corrective Action Plan that addresses the remaining contamination at the site.

3. \$90.00 for an adjustment in Field Purchases and Other costs associated with the potable well search. These costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act) and 35 Ill. Adm. Code 732 (Section 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for reimbursement from the Fund (35 Ill. Adm. Code 732.606(o)).

These activities have already been budgeted and approved during Site Classification.

4. \$99.00 for an adjustment in handling charges. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act and 35 Ill. Adm. Code 732.607):

Subcontract or Field Purchase Cost:	Eligible Handling Charges as a Percentage of Cost:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 plus 10% of amount over \$5,000
\$15,001 - \$50,000	\$1,600 plus 8% of amount over \$15,000
\$50,001 - \$100,000	\$4,400 plus 5% of amount over \$50,000
\$100,001 - \$1,000,000	\$6,900 plus 2% of amount over \$100,000

Following the above deductions, the amount subject to handling charges equals \$12,544.00. Per table, handling charges allowed equal \$1354.40 for a deduction of \$99.00.

DM:drm\HPSICAPappBUDmodA.doc

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