

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

BROADUS OIL COMPANY,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

**RECEIVED
CLERK'S OFFICE**

JUL 24 2012

ORIGINAL

**STATE OF ILLINOIS
Pollution Control Board**

PCB No. 12-124

(UST Appeal - Petition for Review and
Hearing/Appeal)

RETURN TO CLERK'S OFFICE

PETITION FOR REVIEW AND HEARING/APEAL

NOW COMES Broadus Oil Company (“Broadus”), by its attorneys, Elias, Meginness, Riffle & Seghetti, P.C., and as and for its Petition for Review and Hearing/Appeal of the Illinois Environmental Protection Agency’s final decision with respect to the budget for a High Priority Corrective Action Plan for a certain leaking underground storage tank (LUST) site, states as follows:

BACKGROUND

1. Broadus Oil Company retained Midwest Environmental Consulting & Remediation Services, Inc. (Midwest) to remediate the property located at 1006 West Main Street, Streator, Illinois, LPC #0994905030, LUST Incident No. 891209, 910936 and 980746 (the Property).

2. The Property was the site of early action activities to include UST removal, contaminated backfill removal/disposal and pavement replacement, all within IEPA approved guidelines. The final report of early action activities detailed the work performed. No work was performed outside the early action guidelines (four (4) foot rule) and was within acceptable IEPA LUST Fund reimbursement requirements.

3. By letter dated November 9, 2011, Midwest submitted a Corrective Action Budget Amendment, seeking payment in the amount of \$104,163.03, which was the amount reasonably and necessarily expended to complete the work on the project. A true and correct copy of that Budget is attached hereto as Exhibit A.

4. By letter dated March 20, 2012, the IEPA rejected the \$104,163.03 Budget submitted on November 9, 2011. A true and accurate copy of the March 20, 2012 letter and attachments is attached hereto as Exhibit B. That letter was designated as a final and appealable order (the Final Decision).

ARGUMENT

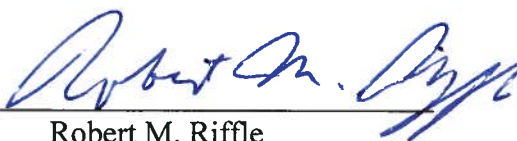
The IEPA rejected the Budget based upon the reasons stated on Attachment A to the denial letter. Broadus and Midwest disagree with these determinations, and affirmatively state that the reimbursement amounts expended were reasonable, customary, and necessary for the proper completion of the project and site closure. Specifically, all of the costs listed on Exhibit A were actually and legitimately expended and performed. Additionally, the scope of the additional work performed was within the guidelines pre-approved by the IEPA.

CONCLUSION

For all of the foregoing reasons, Broadus respectfully requests a hearing in this matter, which will provide it the opportunity to establish the propriety of the costs, and that the Final Decision be reversed or modified by increasing and accepting the budget as proposed in Exhibit A, thereby allowing payment of the approved budget in the amount of \$104,163.03.

Respectfully submitted,

Broadus Oil Company, Petitioner

By: 
Robert M. Riffle
Its Attorney

ROBERT M. RIFFLE
Elias, Meginnis, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
612-630

CERTIFICATE OF SERVICE

The undersigned certifies that on July 23, 2012, a copy of the foregoing document was served upon each party to this case by

X

Via Federal Express - Express Package Service - Priority Overnight


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

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CLERK'S OFFICE
JUL 24 2012
STATE OF ILLINOIS
Pollution Control Board

X

E-mail and enclosing a true copy of same in an envelope addressed to the attorney of record of each party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.

James G. Richardson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276



Robert M. Riffle
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
612-630

Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614
Tremont, IL 61568-0614
Phone: (309) 925-5551 • Fax: (309) 925-5606

November 9, 2011

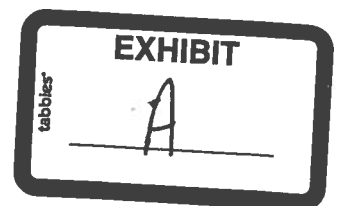
Mr. Sam Hale III
Illinois Environmental Protection Agency
Bureau of Land # 24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

RE: LPC #0994905030 - LaSalle County
Streator/Pit Stop West (Broadus Oil Corporation)
1006 West Main Street
LUST Incident Nos. 980746, 910936, and 891209
LUST Technical File

Dear Mr. Hale,

Midwest Environmental Consulting & Remediation Services, Inc, is in the process of preparing the Corrective Action Completion Report for the subject site. As part of that process, a detailed comparison of the project budget approved, the reimbursement amounts approved, the outstanding costs incurred and the anticipated future costs has been completed. A reimbursement application has been prepared for reimbursement of approved costs incurred but not yet requested for reimbursement. The purpose of this budget amendment is to provide justification for outstanding costs dating back to 2006 and for the additional costs anticipated for closing the site.

Enclosed please find the High Priority Corrective Action Plan (CAP) Budget amendment for the subject site.



As always, if you have any questions, please contact our office. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Midwest Environmental Consulting & Remediation Services, Inc.

A handwritten signature in cursive script, appearing to read "Allan M. Green".

Allan M. Green
President

PLS
Job No. 05-17
Attachments
cc: Mr. Steve Broadus, Broadus Oil Corporation

**Leaking Underground Storage Tank Program
High Priority Corrective Action Budget Amendment**

Incident Location: Former Pit Stop West
1006 West Main Street
Streator, Illinois 61364

Prepared for: Broadus Oil Corporation of Illinois
Mr. Steve Broadus
201 Danny's Drive, Suite 5
Streator, Illinois 61364

Prepared by: Midwest Environmental Consulting
& Remediation Services, Inc.
Post Office Box 614
22200 Illinois Route 9
Tremont, Illinois 61568
Contact: Mr. Allan Green

For Review by: Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Contact: Mr. Sam Hale III

Section 1. Work Completed To Date

Five underground storage tanks (USTs) were removed from the site between 1992 to 1998.

Contaminated soil from around and below the former USTs was removed to the extent possible. Excavation activities were limited by the building to the west, by the property line to the south, and utilities to the north and east. The final dimensions of the excavation were approximately 24'x 42'x 15' (average depth). Approximately 323 cubic yards of contaminated soil were excavated from the former UST pit area.

One 560 gallon waste oil tank was removed from the site in May, 1991. All visibly contaminated soil was excavated at the time of tank removal. The final excavation dimensions were approximately 16' x 9' x 18' (average depth). Approximately 45 cubic yards of visibly contaminated soil were excavated from the former waste oil tank pit area.

In April/May 2003 and August 2004, Midwest Environmental conducted subsurface investigations to complete definition of the extent of contamination at the site. Results of the site investigation activities were reported in the Site Investigation Completion Report dated September 15, 2004.

A TACO study was presented to the IEPA in the Corrective Action Plan (CAP) dated February 15, 2005. The TACO study included exclusion of exposure pathways, calculation of Tier 2 CUOs and contaminant migration models. The CAP, including the TACO study, was approved by the IEPA in a letter dated May 4, 2005.

Between August 28 through September 27, 2006, 11,285.26 tons of non-hazardous, petroleum contaminated soil were excavated and transported for disposal to Tazewell County Recycling and Disposal Facility (Tazewell RDF) in East Peoria, Illinois.

During the course of excavation, contamination above cleanup objectives was identified in an area previously thought to be free from petroleum contamination. An additional 2,241 tons of grossly contaminated soil was removed from the offsite property.

A contamination reception trench was installed on the former Pit Stop West property. The purpose of the trench is to intercept possible future contamination prior to migrating offsite and impacting the adjacent property owners property. The reception trench is approximately 8 feet in depth and has a length of 170 feet. Approximately 250 tons of contaminated soil were removed from the excavated trench and were disposed at Tazewell County Landfill in East Peoria, Illinois. A six (6) inch perforated tile was placed near the bottom of the trench allowing for future access to the trench in case future remediation efforts are necessary to prevent contaminant migration to offsite properties. The trench was then backfilled with a self-compacting clean gravel, and finished on the surface with concrete.

Subsequent remedial efforts included introduction of enhanced bioremediation by introduction of an oxygen releasing agent into the subsurface, specifically beneath the offsite building, located on the adjacent property to the east. Following application of the oxygen releasing compound, the soils surrounding the offsite building were sampled to confirm the remediation process.

The first sampling event revealed three locations around the building that exceeded cleanup objectives. Approximately 14 months later, the second round of confirmatory soil sampling indicated cleanup objectives were exceeded at only one of those prior sampling locations. The final sampling event took place on April 29, 2010. A soil sample was taken (CB-12, 6') from the elevation beneath the building that had previously been identified as above cleanup objectives. The sample taken in April, 2010 did not contain BTEX above IEPA Tier 1 residential cleanup objectives.

Following confirmatory sampling, in May, 2010, the site was paved.

Section 2. Budget Amendment for Costs not Previously Approved.

Corrective action at this site was complicated by off-site issues resulting in many personnel hours spent to meet the demands of the off-site property owners. The IEPA should be well aware of the complicated issues and the time required, both on the part of IEPA personnel and Midwest personnel, to keep the remedial activities moving forward. The tasks completed or to be completed as described in the attached budget amendment have been described in previous amendments. The scope of the project has not changed, but the time to complete those tasks was originally under-estimated. The personnel time requested is broken down by dates to show how the personnel time was spent over time.

In summary, the following additional personnel costs are requested:

1. Personnel Costs Cut From the Reimbursement dated 2/16/07 - At the time this reimbursement was submitted, \$90,291.26 remained in the personnel budget. However, \$94,971.92 in personnel time were incurred to complete the excavation, tables, maps and reports. An additional \$4,680.66 in personnel time for that time period is requested.
2. Personnel Costs Over budget at the time of the reimbursement dated 8/20/08 - At the time this reimbursement was submitted, \$49,167.00 remained in the personnel budget. However, \$53,873 in personnel time were incurred to complete the excavation, tables, maps and reports. An additional \$4706.00 in personnel time for that time period is requested.
3. Additional personnel time was required to complete the corrective action plan between 8/6/08 and 12/22/08. An additional \$8,825.00 in personnel time for that time period is requested.
4. December 22, 2008 to January 28, 2009, Reimbursement Application. An additional \$2,156.00 in personnel time for that time period is requested.

5. January 16, 2009 to May 24, 2009, preparation of CAP & budget Dated 05/28/09. An additional \$16,714.00 in personnel time for that time period is requested.
6. July 6, 2009 to May 5, 2010 For Corrective Action Plan & Budget Dated 4/12/10. An additional \$22,129.50 in personnel time for that time period is requested.
7. Preparation of CACR, in process, May 5, 2010 to Present Time. An additional \$28,273.00 in personnel time for closure of the site is requested.

In addition to the personnel time, additional costs were incurred for the transportation, disposal and back-filling of an additional 500 tons of soil not included in the original budget. For Phase I of the excavation, the original proposal anticipated 15,500 tons to be excavated with 9000 tons going to the land fill and 6500 tons of clean overburden remaining on site. In reality, 9500 tons went to the land fill and 6000 ton of clean overburden remained on site. The difference is 500 tons for transportation, disposal and backfill. With a conversion factor of 1.5 tons/yd³, 500 tons = approximately 333.3 yd³. Costs associated with the excavation of this soil were included in the original budget and are not included in this budget amendment. Only the costs associated with the transportation, disposal and backfill of the additional 333.3 yd³ are included.

The formal budget amendment forms are attached for your approval.

**BUDGET AND BILLING FORM FOR
LEAKING UNDERGROUND STORAGE
TANK SITES**

A. SITE INFORMATION

Site Name: Pit Stop West (Broadus Oil Corporation of Illinois)

Site Address: 1006 West Main Street City: Streator

Zip: 61364

County: LaSalle EPA Generator No.: 17900355011

IEMA Incident No: 891209; 910936; 980746 IEMA Notification Date: 1989; 4/91; 4/6/98

Date this Form was Prepared: November 7, 2011

This form is being submitted as a:

Budget Proposal

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

Amendment Number: 9

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

Name(s) of report(s) documenting the costs requested: _____

Date(s): _____

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

Early Action

Site Classification

Low Priority Corrective Action

High Priority Corrective Action

Other (indicate activities): Corrective Action

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

A-1

IL 532-2263
LPC 494 Rev. 2/99

This form must be submitted in duplicate.
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.

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

Pay to the order of: Broadus Oil Corporation of Illinois

Send in care of: Steve Broadus

Address: 201 Danny's Drive, Suite 5

City: Streator State: IL Zip: 61364

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

Fewer than 101: X 101 or more: _____

Number of USTs at the site: 10 (Number of USTs included 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: 891209; 910936; 980746

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

Product Stored	Size (gallons)	Did UST have a release?		Incident No.	Type of Release
<u>gasoline</u>	<u>8,000</u>	<u>Yes</u>	No	<u>891209, 910936</u>	<u>Overfills</u>
<u>gasoline</u>	<u>8,000</u>	<u>Yes</u>	No	<u>891209, 910936</u>	<u>Overfills</u>
<u>gasoline</u>	<u>4,000</u>	<u>Yes</u>	No	<u>891209, 910936</u>	<u>Overfills</u>
<u>diesel fuel</u>	<u>10,000</u>	<u>Yes</u>	No	<u>980746</u>	<u>Overfills</u>
<u>kerosene</u>	<u>1,000</u>	<u>Yes</u>	No	<u>980746</u>	<u>Overfills</u>
<u>gasoline</u>	<u>10,000</u>	Yes	<u>No</u>	<u>N/A</u>	<u>No release</u>
<u>gasoline</u>	<u>8,000</u>	Yes	<u>No</u>	<u>N/A</u>	<u>No release</u>
<u>gasoline</u>	<u>8,000</u>	Yes	<u>No</u>	<u>N/A</u>	<u>No release</u>
<u>diesel fuel</u>	<u>12,000</u>	Yes	<u>No</u>	<u>N/A</u>	<u>No release</u>
<u>kerosene</u>	<u>2,000</u>	Yes	<u>No</u>	<u>N/A</u>	<u>No release</u>

B. PROPOSED BUDGET SUMMARY AND BUDGET TOTAL

1. Investigation Costs:	<u>\$0.00</u>
2. Analysis Costs:	<u>\$0.00</u>
3. Personnel Costs:	<u>\$87,484.16</u>
4. Equipment Costs:	<u>\$0.00</u>
5. Field Purchases and Other Costs:	<u>\$14,891.84</u>
6. Handling Charges:	<u>\$1,787.02</u>

TOTAL PROPOSED BUDGET = \$104,163.03

G. PERSONNEL

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

Budget Amendment for Personnel Costs Cut From the Reimbursement dated 2/16/07**Todd Birky**

Sr. Proj. Manager : 25.54 hours x \$95.00 per hour = \$2,426.66
 Task to be performed for the above hours : CAP & budget, reimbursement, CAP Amendment

Allan Green

Sr. Proj. Manager : 23 hours x \$98.00 per hour = \$2,254.00
 Task to be performed for the above hours : planning, permits, off-site access.

Subtotal = \$4,680.66

At the time this reimbursement was submitted, \$90,291.26 remained in the personnel budget. However, \$94,971.92 in personnel time were incurred to complete the excavation, tables, maps and reports. An additional \$4,680.66 in personnel time for the that time period is requested.

Budget Amendment for Personnel Costs Over budget at the time of the reimbursement dated 8/20/08**Allan Green**

Sr. Project Manager : 4 hours x \$98.00 per hour = \$392.00
 Task to be performed for the above hours : Corrective action budgets & planning

Todd Birky

Sr. Project Manager : 22.5 hours x \$98.00 per hour = \$2,205.00
 Task to be performed for the above hours : Corrective action budgets & planning

Allan Green

Sr. Project Manager : 21.520408 hours x \$98.00 per hour = \$2,109.00
 Task to be performed for the above hours : Corrective action budgets & planning

Subtotal = \$4,706.00

At the time this reimbursement was submitted, \$49,167.00 remained in the personnel budget. However, \$53,873 in personnel time were incurred to complete the excavation, tables, maps and reports. An additional \$4706.00 in personnel time for the that time period is requested.

The remainder of this budget amendment covers personnel time not included in the personnel budget to date.

August 6, 2008 to December 22, 2008, Preparation of Corrective Action Plan Dated 12/22/08

8/6/08-9/5/08

Todd Birky

Sr. Project Manager : 9.75 hours x \$98.00 per hour = \$955.50
 Task to be performed for the above hours: IEPA/Off-site correspondence, ELUC

Allan Green

Sr. Project Manager : 6.25 hours x \$98.00 per hour = \$612.50
 Task to be performed for the above hours: corrective action, TACO

9/11/08-10/29/08

Todd Birky

Sr. Project Manager : 41.25 hours x \$98.00 per hour = \$4,042.50
 Task to be performed for the above hours: Off-site, IEPA correspondence, corrective action plan and budget

Allan Green
Sr. Project Manager : 5.25 hours x \$98.00 per hour = \$514.50
 Task to be performed for the above hours: corrective action plan

11/3/08-12/22/08

Todd Birky
Sr. Project Manager : 18.75 hours x \$98.00 per hour = \$1,837.50
 Task to be performed for the above hours: corrective action plan and budget amendment

Allan Green
Sr. Project Manager : 7.5 hours x \$98.00 per hour = \$735.00
 Task to be performed for the above hours: corrective action, TACO, reports, reimbursement

Penny Silzer
Sr. Geologist, PG : 1 hours x \$100.00 per hour = \$100.00
 Task to be performed for the above hours: corrective action plan and budget amendment

Gaye Lynn Green
Manager : 0.5 hours x \$55.00 per hour = \$27.50
 Task to be performed for the above hours: budget

Subtotal = \$8,825.00

Additional personnel time was required to complete the corrective action plan between 8/6/08 and 12/22/08.

December 22, 2008 to January 28, 2009, Reimbursement Application

Todd Birky
Sr. Project Manager : 20.5 hours x \$98.00 per hour = \$2,009.00
 Task to be performed for the above hours: reimbursement, IEPA correspondence

Allan Green
Sr. Project Manager : 1.5 hours x \$98.00 per hour = \$147.00
 Task to be performed for the above hours: corrective action, CAP

Subtotal = \$2,156.00

Due to the complexity of the site, additional personnel was required to complete the reimbursement application.

January 16, 2009 to May 24, 2009, preparation of CAP & budget Dated 05/28/09

1/28/2009-3/4/09

Todd Birky
Sr. Project Manager : 22.75 hours x \$98.00 per hour = \$2,229.50
 Task to be performed for the above hours: reimbursement, IEPA correspondence

Allan Green
Sr. Project Manager : 6 hours x \$98.00 per hour = \$588.00
 Task to be performed for the above hours: corrective action, CAP, reimbursement, investigation planning

Gaye Lynn Green
Manager : 0.5 hours x \$55.00 per hour = \$27.50
 Task to be performed for the above hours: reimbursement

3/6/09 - 4/8/09

Todd Birky
Sr. Project Manager : 33.25 hours x \$98.00 per hour = \$3,258.50
 Task to be performed for the above hours: reimbursement, corrective action plan, off-site treatment, CAP & budget

Allan Green
Sr. Project Manager : 6.75 hours x \$98.00 per hour = \$661.50
 Task to be performed for the above hours: corrective action

4/9/09-6/24/09

Todd Birky

Sr. Project Manager	: 81.25	hours x	\$98.00	per hour =	\$7,962.50
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Task to be performed for the above hours:	<u>reimbursement, corrective action plan, off-site treatment, CAP & budget</u>				
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Allan Green

Sr. Project Manager	: 19.25	hours x	\$98.00	per hour =	\$1,886.50
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Task to be performed for the above hours:	<u>corrective action</u>				
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Penny Silzer

Sr. Professional Geologist	: 1	hours x	\$100.00	per hour =	\$100.00
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Task to be performed for the above hours:	<u>reimbursement</u>				
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Subtotal = \$16,714.00

July 6, 2009 to May 5, 2010 For Corrective Action Plan & Budget Dated 4/12/10

Todd Birky

Sr. Project Manager	: 8.75	hours x	\$98.00	per hour =	\$857.50
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Task to be performed for the above hours:	<u>reimbursement, corrective action plan</u>				
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Allan Green

Sr. Project Manager	: 2.25	hours x	\$98.00	per hour =	\$220.50
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Task to be performed for the above hours:	<u>corrective action</u>				
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August 6, 2009 to September 9, 2009

Todd Birky

Sr. Project Manager	: 26	hours x	\$98.00	per hour =	\$2,548.00
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Task to be performed for the above hours:	<u>corrective action plan budget, subcontractors, reimbursement, CAP</u>				
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Allan Green

Sr. Project Manager	: 7	hours x	\$98.00	per hour =	\$686.00
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Task to be performed for the above hours:	<u>corrective action</u>				
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Penny Silzer

Sr. Professional Geologist	: 1	hours x	\$100.00	per hour =	\$100.00
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Task to be performed for the above hours:	<u>review and certify budget</u>				
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September 17, 2009 to October 7, 2009

Todd Birky

Sr. Project Manager	: 22.5	hours x	\$98.00	per hour =	\$2,205.00
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Task to be performed for the above hours:	<u>reimbursement, corrective action plan</u>				
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Allan Green

Sr. Project Manager	: 3.5	hours x	\$98.00	per hour =	\$343.00
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Task to be performed for the above hours:	<u>corrective action</u>				
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10/8/09-11/4/09

Todd Birky

Sr. Project Manager	: 41.25	hours x	\$98.00	per hour =	\$4,042.50
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Task to be performed for the above hours:	<u>reimbursement, corrective action plan amendment, budget, subcontractors</u>				
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Allan Green

Sr. Project Manager	: 2	hours x	\$98.00	per hour =	\$196.00
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Task to be performed for the above hours:	<u>corrective action</u>				
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11/5/09-12/9/9

Todd Birky

Sr. Project Manager : 44.25 hours x \$98.00 per hour = \$4,336.50
 Task to be performed for the above hours: reimbursement, corrective action, site visit, CAP & Budget

Allan Green

Sr. Project Manager : 5.5 hours x \$98.00 per hour = \$539.00
 Task to be performed for the above hours: corrective action

Penny Silzer

Sr. Geologist, PG : 1 hours x \$100.00 per hour = \$100.00
 Task to be performed for the above hours: certify budget

12/10/09-1/14/10

Todd Birky

Sr. Project Manager : 14.75 hours x \$98.00 per hour = \$1,445.50
 Task to be performed for the above hours: corrective action plan & budget amendment, reimbursement

Allan Green

Sr. Project Manager : 4.5 hours x \$98.00 per hour = \$441.00
 Task to be performed for the above hours: corrective action

March 5, 2010 to May 5, 2010

Todd Birky

Sr. Project Manager : 31 hours x \$98.00 per hour = \$3,038.00
 Task to be performed for the above hours: corrective action plan & budget amendment, reimbursement, drilling, off-site sampling

Allan Green

Sr. Project Manager : 9.5 hours x \$98.00 per hour = \$931.00
 Task to be performed for the above hours: corrective action

Penny Silzer

Sr. Geologist, PG : 1 hours x \$100.00 per hour = \$100.00
 Task to be performed for the above hours: certify budget

Subtotal = \$22,129.50

Preparation of CACR May 5, 2010 to Present Time

May 12, 2010 to June 9, 2010

Todd Birky

Sr. Project Manager : 30.25 hours x \$98.00 per hour = \$2,964.50
 Task to be performed for the above hours: corrective action, HAA

Allan Green

Sr. Project Manager : 2.25 hours x \$98.00 per hour = \$220.50
 Task to be performed for the above hours: corrective action

June 9 to July 7, 2010

Todd Birky

Sr. Project Manager : 32.75 hours x \$98.00 per hour = \$3,209.50
 Task to be performed for the above hours: corrective action, HAA

Allan Green

Sr. Project Manager : 2.75 hours x \$98.00 per hour = \$269.50
 Task to be performed for the above hours: corrective action

July 8, 2010 to August 4, 2010

Todd Birky

Sr. Project Manager : 12.5 hours x \$98.00 per hour = \$1,225.00
 Task to be performed for the above hours: corrective action, HAA

Allan Green

Sr. Project Manager : 2.25 hours x \$98.00 per hour = \$220.50
 Task to be performed for the above hours: corrective action

August 5, 2010 to September 14, 2010

Todd Birky

Sr. Project Manager : 32 hours x \$98.00 per hour = \$3,136.00
 Task to be performed for the above hours: corrective action, HAA

Allan Green

Sr. Project Manager : 13.75 hours x \$98.00 per hour = \$1,347.50
 Task to be performed for the above hours: corrective action

September 9, 2010 to November 17, 2010

Todd Birky

Sr. Project Manager : 10 hours x \$98.00 per hour = \$980.00
 Task to be performed for the above hours: reimbursement, CACR, HAA budget amendment

Allan Green

Sr. Project Manager : 10.75 hours x \$98.00 per hour = \$1,053.50
 Task to be performed for the above hours: CACR

December 10, 2010 to January 5, 2011

Allan Green

Sr. Project Manager : 11.75 hours x \$98.00 per hour = \$1,151.50
 Task to be performed for the above hours: corrective action, CAP, CACR, reimbursement

January 6, 2011 to February 9, 2011

Allan Green

Sr. Project Manager : 12.25 hours x \$98.00 per hour = \$1,200.50
 Task to be performed for the above hours: CACR, Reimbursement, corrective action

February 28, 2011 to March 3, 2011

Allan Green

Sr. Project Manager : 5 hours x \$98.00 per hour = \$490.00
 Task to be performed for the above hours: CACR, Reimbursement, corrective action

April 18, 2011 to June 1, 2011

Allan Green

Sr. Project Manager : 8.25 hours x \$98.00 per hour = \$808.50
 Task to be performed for the above hours: reports, reimbursement, corrective action

June 16, 2011 to June 29, 2011

Allan Green

Sr. Project Manager : 5.25 hours x \$98.00 per hour = \$514.50
 Task to be performed for the above hours: ELUC, reimbursement, CACR, CAP

June 6, 2011 to August 2, 2011

Allan Green

Sr. Project Manager : 9.25 hours x \$98.00 per hour = \$906.50
 Task to be performed for the above hours: corrective action, reimbursement ELUC

9/1/2011 to closure

Allan Green

Sr. Project Manager : 60 hours x \$98.00 per hour = \$5,880.00
Task to be performed for the above hours: corrective action, reimbursement, appeal, reports, ELUC
CACR

Penny Silzer

Sr. Project Manager : 40 hours x \$98.00 per hour = \$3,920.00

Task to be performed for the above hours: CAP & Budget, reimbursement application

Subtotal = \$28,273.00

Total Personnel Time = \$87,484.16

I. FIELD PURCHASES AND OTHER COSTS

All field purchases must be listed below in a time and materials format. Handling charges should 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?
	0		\$0	
	0		\$0	
Subtotal Page I-1			\$0.00	

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

Phase 1 Excavation, August 2006

The original budget proposed 9000 tons to transport, dispose and backfill.
9500 tons were actually transported, disposed and backfilled.

The difference is 500 tons or 333.3 yd³.

Transport and Dispose of an additional 333.3 yd ³	<u>24.12</u> per yard x	<u>333.3</u> yards =	<u>\$8,039.20</u>
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Backfill an additional 333.3 yd ³	<u>20.56</u> per yard x	<u>333.3</u> yards =	<u>\$6,852.65</u>
--	-------------------------	----------------------	-------------------

Please note, the original proposal anticipated 15,500 tons to be excavated with 9000 tons going to the land fill and 6500 tons of clean overburden remaining on site. In reality, 9500 tons went to the land fill and 6000 tons of clean overburden remained on site. The difference is 500 tons for transportation, disposal and backfill.
500 tons = approximately 333.3 yd³.

Total Other Costs = \$14,891.84

Subtotal I-1 = \$0.00

Total pages I-1 and I-2: \$14,891.84

J. HANDLING CHARGES

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

Subcontractor or Field Purchase Cost	Eligible Charges as a Percentage Of Cost
\$1 - \$5000	12%
\$5,001 - \$15,000	\$600 + 10% of amt. Over \$5,000
\$15,001 - \$50,000	\$1,600 + 8% of amt. Over \$15,000
\$50,001 - \$100,000	\$4,400 + 5% of amt. Over \$50,000
\$100,001 - \$1,000,000	\$6,900 + 2% of amt. Over \$100,000

A. Subcontractor Charges

Subcontractor	Section in these Forms where Cost is Listed	Subcontractor Amount
Hoerr Construction Company	I	\$0.00
TMI Analytical Laboratories	F	\$0.00
Waste Management	I	\$14,891.84
Regenesis	I	\$0.00

Subtotal J-1 :	\$14,891.84
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M. JUSTIFICATION FOR BUDGET AMENDMENTS

If this form is being submitted for an amendment, you must submit a narrative justifying the need for the amendment. If the amendment includes a revision in a corrective action proposal, a new proposal must be submitted.

The justification for the budget amendment is included in the attached report.

Illinois Environmental Protection Agency

Owner/Operator and Professional Engineer Budget Certification Form for Leaking Underground Storage Tanks 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.

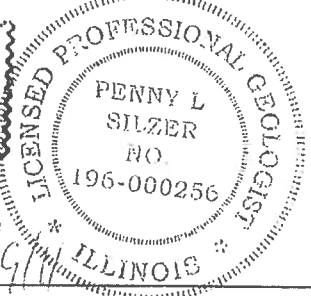
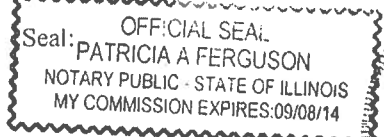
I hereby certify that I intend to seek payment from the UST Fund for performing Corrective Action activities at Pit Stop West (Broadus Oil Corporation of Illinois) LUST site. I further certify that the costs set forth in this budget are necessary activities and are reasonable and accurate to the best 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: Steve Broadus Title: President
Signature: [Signature] Date: 11/14/2011

Subscribed and sworn to before me the 14th day of November, 2011.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Signature]
(Patricia A. Ferguson)
(Notary Public)

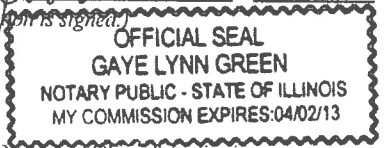


P.C. P.E.: Penny Silzer

P.C. P.E. Signature: [Signature] Date: 11/9/11

Subscribed and sworn to before me the 9th day of November, 2011.
(Budget Proposals and Budget Amendments must be notarized when the certification is signed.)

[Signature]
(Gaye Lynn Green)
(Notary Public)



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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/782-6761

April 12, 1993

Broadus Oil Corporation
Attn: Steve Broadus
1006 West Main
Streator, Illinois 61364

Re: LPC #0994905030 -- LaSalle County
Pitstop West
LUST Incident No. 910936
LUST File

Dear Mr. Broadus:

The Reimbursement Eligibility and Deductible Application 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 corrective action costs in excess of \$10,000.00. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

- 1 - 10,000 gallon gasoline
- 4 - 8,000 gallon gasoline
- 1 - 4,000 gallon gasoline
- 1 - 10,000 gallon diesel fuel
- 1 - 1,000 gallon kerosene

This decision constitutes the Agency's preliminary determination regarding your deductible. The Agency reserves the right to change its deductible determination should additional information that would change the determination become available. The final determination regarding your deductible will be made as your request for payment is reviewed.

When your request for payment is submitted, there will be an accounting review followed by a technical review. You will be notified if any additional information is needed to complete these reviews. Following the completion of these reviews, a payment voucher will be prepared. You will be notified of the amount of the voucher, plus any deductions from your request and the reasons for those deductions.

This constitutes the Agency's final decision regarding your eligibility. An underground storage tank owner or operator may appeal Agency eligibility decisions to the Illinois Pollution Control Board (Board), pursuant to

SCRF

Page 2

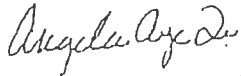
Sections 22.18b(g) and 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision (35 Illinois Administrative Code 105.102(a)(2)).

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

Sincerely,



Angela Aye Tin, Manager
State Sites Unit
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

AAT:^{SLH}SLH:jab/694v/62-63
_{KLP}

bcc: Division File
Rockford Region
Thelma Knoles
Stacey Hart

05-17



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, ILLINOIS 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-6762

CERTIFIED MAIL

MAR 20 2012

7009 3410 0002 3748 6978

Broadus Oil Corporation
Attn: Steve Broadus
201 Danny's Drive, Suite 5
Streator, Illinois 61364

Re: LPC #0994905030LaSalle - County
Streator/ Pit Stop West (Broadus Oil Corporation)
1006 West Main Street
Leaking UST Incident No. 980746, 910936, and 891209
Leaking UST Technical File

Dear Broadus:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated November 09, 2011, was received by the Illinois EPA on November 17, 2011. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

All future correspondence must be submitted to:

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

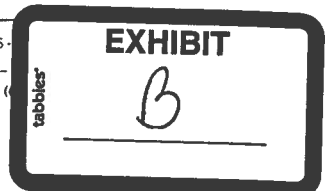
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Please be advised that, pursuant to Public Act 96-0908, effective June 8, 2010, all releases of petroleum from USTs are subject to Title XVI of the Act, as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Ill. Adm. Code 734.

ROCKFORD - 4302 N. MAIN ST., ROCKFORD, IL 61103 - (815) 987-7760
ELGIN - 595 SOUTH STATE, ELGIN, IL 60123 - (847) 608-3131
CHAMPAIGN - 2125 S. FIRST ST., CHAMPAIGN, IL 61820 - (217) 278-5800

DES PLAINES - 9511 HARRISON ST., DES PLAINES, IL 60016 - (708) 424-6000
PEORIA - 5407 N. UNIVERSITY, ARBOR HALL #113, PEORIA, IL 61614 - (309) 691-6000
MARION - 2309 W. MAIN ST., SUITE 116, MARION, IL 62959 - (618) 997-6000
COLLINSVILLE - 2009 MALL STREET, COLLINSVILLE, IL 62234 - (618) 346-5120

PRINTED ON RECYCLED PAPER

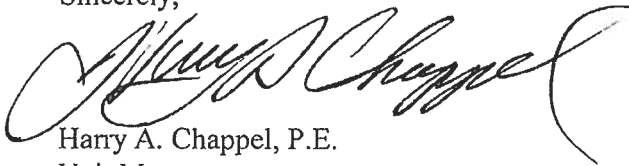


Page 2

The regulations at 35 Ill. Adm. Code 732 no longer exist, and the only releases subject to 35 Ill. Adm. Code 731 are those from hazardous substance USTs.

appeal If you have any questions or need further assistance, please contact Shirlene South at 217/558-0347.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Chappel". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

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

HAC:SLS\

Attachment: Attachment A

c: Midwest Environmental Consulting & Remediation Services, Inc.
BOL File

Appeal Rights

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

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

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

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

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

Attachment A

Re: Re: LPC #0994905030LaSalle - County
Streator/ Pit Stop West (Broadus Oil Corporation)
1006 West Main Street
Leaking UST Incident No. 980746, 910936, and 891209
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

1. The budget includes costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). 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)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

.

- The Illinois EPA requires justification for the increased hours and /or underestimation of the various tasks requested in this amended budget.
- Costs for the soil disposal increased yet there was not a similar reduction in the costs for clean overburden.

ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.
ATTORNEYS AT LAW

JOHN S. ELIAS
BRIAN J. MEGINNES
ROBERT M. RIFFLE
MICHAEL R. SEGHETTI
TROY N. PUDIK

416 MAIN STREET, SUITE 1400
PEORIA, ILLINOIS 61602-1611
TELEPHONE: (309) 637-6000
FACSIMILE: (309) 637-8514
www.emrslaw.com

DAVID N. SCHELLENBERG
JANAKI NAIR
LANE G. ALSTER
CYNTHIA L. ELIAS, OF COUNSEL

File No. 30927-007

July 23, 2012

VIA FEDERAL EXPRESS ONLY

Ms. Dorothy M. Gunn
State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

RECEIVED
CLERK'S OFFICE
JUL 24 2012
STATE OF ILLINOIS
Pollution Control Board

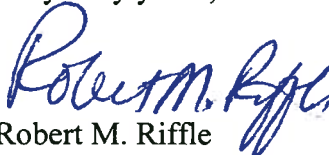
Re: Broadus Oil Company v. IEPA
PCB No. 10-48

Dear Clerk:

Enclosed please find the original and eleven (11) copies of a Petition for Review and Hearing/Appeal on behalf of Broadus Oil Company in the above-referenced matter. Our check in the amount of \$75.00 is also enclosed for cost of filing. Please return one-file-stamped copy of the undersigned in the return envelope enclosed.

Thank you for your anticipated cooperation.

Very truly yours,


Robert M. Riffle

RMR:tj

Enclosures

cc: Mr. Steve Broadus

Mr. Al Green

612-633