

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

ALLEN McAFEE,)	
Petitioner,)	
)	
v.)	PCB 15-84
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

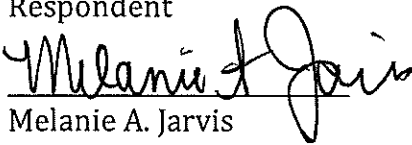
Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Patrick Shaw
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board the **SUPPLEMENTAL ADMINISTRATIVE RECORD**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: December 11, 2014



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

CERTIFIED MAIL

SEP 26 2014

7012 0470 0001 3004 8773

Allen McAfee
Attn: Allen McAfee
PO Box 157
Brighton, Illinois 62012

Re: LPC #1174100003 -- Jersey County
Brighton/ Allen McAfee
504 South Maple
Leaking UST Incident No. 20121322
Leaking UST Technical File

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

OCT 16 2014

Dear Mr. McAfee:

REVIEWER: EMI

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Stage 3 Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated May 28, 2014, was received by the Illinois EPA on July 24, 2014. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The Illinois EPA has determined that the modifications listed in Attachment A are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

The Illinois EPA has determined that the (PNA's) noted at MW-8 are not attributable to the UST release and are more likely from the railroad found to the south of the site. Therefore, further delineation is not required beyond MW-8. Furthermore, as MW-16 is not needed to delineate MW-8, the plan is modified as follows:

The boring proposed as MW-16 should ~~that~~ be moved across from MW-15 and placed on the east side of the street.

The boring proposed as MW-15 will become a contingency well if needed to delineate beyond MW-16 (modified location above). Please refer to attached map.

Please note, if there are no exceedences at MW-16 (modified location), costs for MW-15 as proposed will be considered to exceed the minimum requirements and will not be reimbursable.

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Further, the Illinois EPA has determined that the use of a project labor agreement (PLA) is required, as set forth in Attachment A. A *Standard Project-Labor Agreement for UST Fund Corrective Action Work* (model PLA) is available on the Illinois EPA's Leaking UST Program Web site. The model PLA has been reviewed and approved by the AFL-CIO Statewide PLA Committee, which is the central committee authorized by all respective crafts to negotiate and sign PLAs on behalf of the crafts (PLA Committee). You must submit a signed copy of the model PLA to the PLA Committee for the Committee's execution at the following address:

Michael T. Carrigan, President
Illinois AFL-CIO
534 South Second Street, Suite 200
Springfield, IL 62701-1764

Once the PLA is fully executed, a copy will be returned to the environmental consultant retained by the UST owner or operator so the environmental consultant will know when work conducted under the PLA may begin. Please note that, as more fully set forth in Attachment A, when submitting an application for payment from the UST Fund, the UST owner or operator will be required to certify that work for which a PLA is required was performed under a PLA. The environmental consultant should provide a copy of the fully executed PLA to the UST owner or operator so the UST owner or operator will be able to make the certification.

The actual costs for Stage 2 were not submitted to the Illinois EPA. Please be advised that budget forms reporting the actual costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund for any related costs (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, 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. 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 from the Fund.

In the event that the use of a PLA will impact the project costs set forth in the approved or modified budget, a revised budget may be submitted for Illinois EPA review and decision. As set forth at 35 Ill. Adm. Code 734.800(a)(2), if the revised costs exceed the maximum payment amounts at 35 Ill. Adm. Code 734.Subpart H (Subpart H amounts), bidding is required in order for payment from the UST Fund to exceed the Subpart H amounts. Any bidding must be done in accordance with 35 Ill. Adm. Code 734.855, and the requirement for a PLA must be part of the invitation for bid.

Page 3

Further, pursuant to 35 Ill. Adm. Code 734.145, it is required that the Illinois EPA be notified of field activities prior to the date the field activities take place. This notice must include a description of the field activities to be conducted; the name of the person conducting the activities; and the date, time, and place the activities will be conducted. This notification of field activities may be done by telephone, facsimile, or electronic mail—and must be provided at least three (3) working days prior to the scheduled field activities.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Site Investigation Completion Report within 30 days after completing the site investigation to:

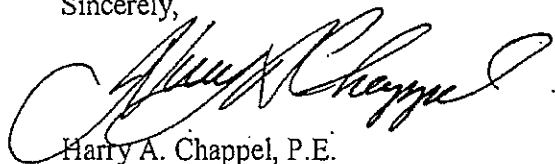
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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 Shirlene south at 217/558-0347.

Sincerely,



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: EMI
BOL File

Appeal Rights

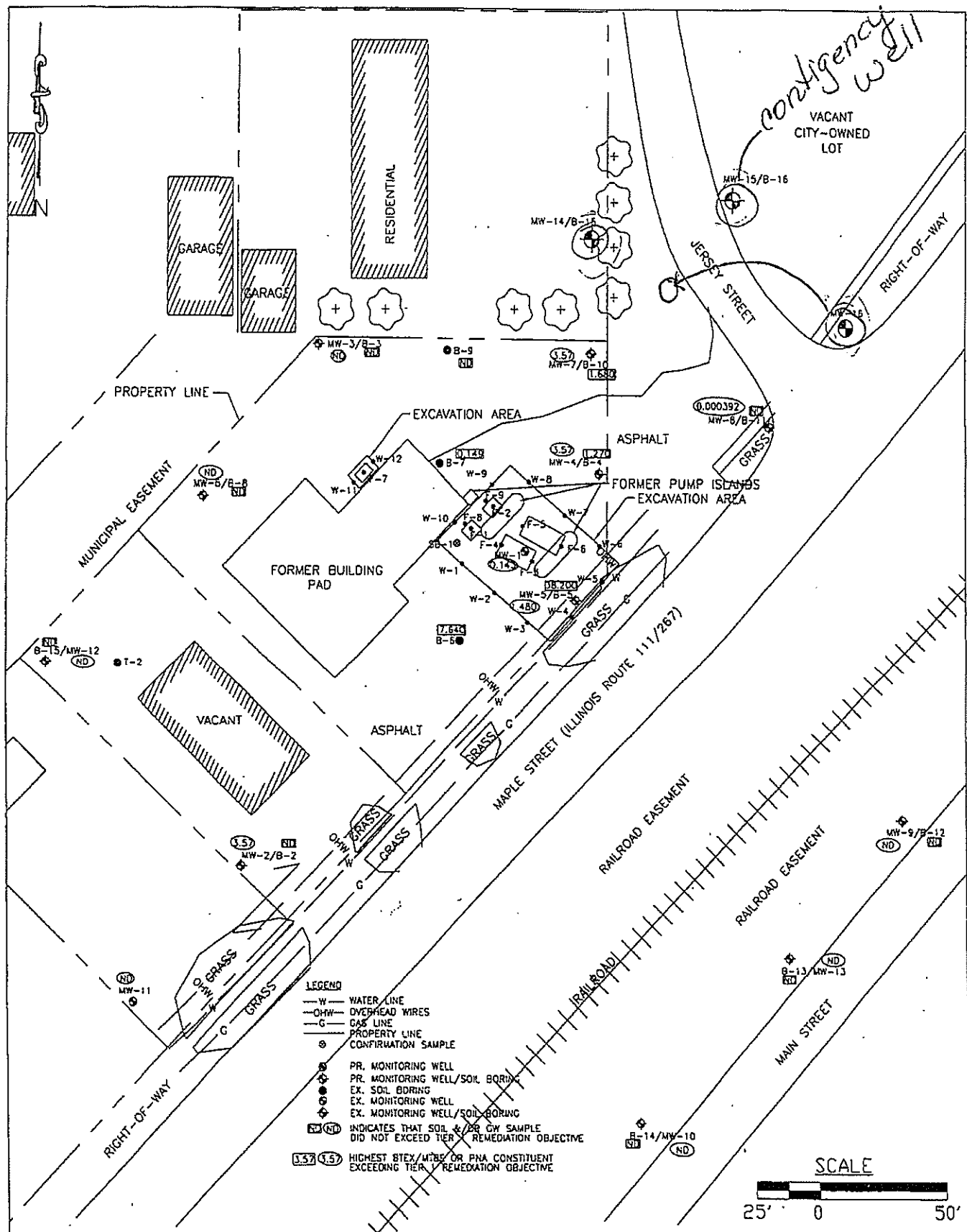
An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be 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



ENVIRONMENTAL MANAGEMENT, INC.

Civil/Environmental Engineers

Corporate Office
1154 N. Bradford Road • Springfield, IL 62711
217/726-9468 • 217/726-9472 (Fax)

St. Louis Office
12237 Rainshadow Drive • St. Louis, MO 63043
314/469-6973 • 314/469-6973 (Fax)

APPROVED BY: MRK DESIGNED BY: CAR DRAWN BY: MJD

**PROPOSED AMENDED
STAGE 3 MAP**

PLANS PREPARED FOR
ALLEN MCAFEE
BRIGHTON, ILLINOIS

REVISIONS

FIGURE 3

DATE: MAY 2014

JOB NO: 12-153

FILE NAME: PROP STAGE 3 PLAN.DWG

Attachment A

Re: LPC #1174150003 -- Jersey County
Brighton/ Allen McAfee
504 South Maple
Leaking UST Incident No. 20121322
Leaking UST Technical File

SECTION 1

Actual costs were not submitted. Said costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). The actual costs should be submitted on budget forms. Only the pages that apply should be completed and submitted.

STAGE 3 Proposed Budget

Costs must be incurred in accordance with the approved plan and must be determined in accordance with 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E.

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 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

HAC:SLSI

PROJECT LABOR AGREEMENT DETERMINATION

Reviewed by: Shirlene South
Date Reviewed: 9-18-14

File Heading: LPC #1174160003 -- Jersey County
Brighton/ Allen McAfee
504 South Maple
Leaking UST Incident No. 210121322
Leaking UST Technical File

Document reviewed:
dated May 28, 2014 received by the Illinois EPA on July 24, 2014

Pursuant to Section 57.7(c)(3) of the Environmental Protection Act (415 ILCS 5/57.7(c)(3)), the following considerations are made in determining whether a project labor agreement (PLA) will be utilized for the above-captioned work ("Project") for which the UST owner or operator is seeking payment from the UST Fund:

- ☐ 1) The use of a PLA will advance the State's interest in reducing Project costs paid from the UST Fund.
- ☐ 2) Use of a PLA will advance the State's interest in efficiency, timeliness, and quality of Project work based on the overall size, scope, complexity, and remediation objectives of the Project.
- ☐ 3) The Project presents safety concerns, including but not limited to the threat to human health and the environment, and the use of a PLA will advance the State's interest in promoting safety.
- ☒ 4) Use of a PLA will advance the State's interest in labor continuity and stability in completing the Project work in accordance with the plan approved by the Illinois EPA.
- ☐ 5) Use of a PLA will advance the State's interest in performance of the Project work by a skilled labor force, thereby achieving the remediation objectives of the Project.
- ☐ 6) Use of a PLA will provide timely completion of the Project work, thereby reducing the threat to human health and the environment that would result from delays in achieving the remediation objectives.
- ☒ 7) Use of a PLA will advance the State's interest of advancing minority-owned and women-owned businesses and minority and female employment.

COMMENTS :

Based upon the above determination(s), the Project work:

- ☒ shall include a PLA (if payment from the UST Fund is requested for the PLA-type activities).
- ☐ shall not include a PLA.


Hernando A. Albarracin

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

OCT 15 2014

REVIEWER: MIK

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CERTIFICATE OF SERVICE

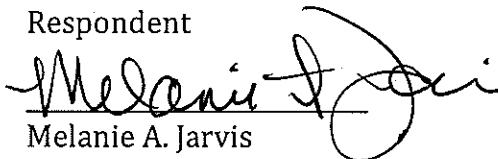
I, the undersigned attorney at law, hereby certify that on December 11, 2014, I served true and correct copies of a SUPPLEMENTAL ADMINISTRATIVE RECORD via the Board's COOL website, via email and by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

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