

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

WILLIAM AND RITA TRANKINA,))
 Petitioners,))
 v.)) PCB _____
)) (LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL))
PROTECTION AGENCY,))
 Respondent.))

NOTICE OF FILING AND PROOF OF SERVICE

To: John T. Therriault, Acting Clerk Division of Legal Counsel
 Illinois Pollution Control Board Illinois Environmental Protection Agency
 100 West Randolph Street 1021 North Grand Avenue East
 State of Illinois Building, Suite 11-500 P.O. Box 19276
 Chicago, IL 60601 Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a PETITION FOR REVIEW OF THE AGENCY LUST DECISION, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 20th day of October, 2016.

Respectfully submitted,
WILLIAM AND RITA TRANKINA,
Petitioners,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw
LAW OFFICE OF PATRICK D. SHAW
80 Bellerive Road
Springfield, IL 62704
217-299-8484
pdshaw1law@gmail.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WILLIAM AND RITA TRANKINA,)	
Petitioners,)	
)	
v.)	PCB _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PETITION FOR REVIEW OF AGENCY LUST DECISION

NOW COMES Petitioners, WILLIAM AND RITA TRANKINA, pursuant to Section 57.7(c)(4) of the Illinois Environmental Protection Act, 415 ILCS 5/57.7(c)(4), and hereby appeals the Agency’s final decision, refusing to approve a budget for corrective action, stating as follows:

1. Petitioners own a former service station in Fithian, County of Vermillion, Illinois, which has been assigned LPC #1830305009.
2. On February 13, 2015, Petitioners reported releases from the underground storage tanks at the site, which were subsequently removed. Incident Number 2015-0158 was assigned to the releases.
3. After performing early action, and site investigation, Petitioners submitted a corrective action plan and budget to the Agency on June 1, 2016. The plan and budget contained a cover letter explaining the consultant’s approach to staffing these jobs, and specific references to previous projects approved by the Agency using this approach.
4. On or before August 18, 2016, the project manager called Vince Smith, a professional engineer employed by consultant to ask about the budget.

5. On August 18, 2016, Smith e-mailed a response to each question raised, including explaining the budget reflects past experience from similar work and if less costs are incurred performing the work, the reimbursement request will be reduced accordingly. Smith indicated that some of the work had already been performed at this point and had come under budget. A true and correct copy is attached hereto as Exhibit A.

6. On October 4, 2016, the Agency issued its decision letter, approving the plan and modifying the budget by cutting the budget for consultant's time and materials approximately by half. A true and correct copy of the letter is attached hereto as Exhibit B.

7. Petitioners appeals from the budget cuts for the reasons given in the e-mail from Vince Smith to the extent the issues were raised beforehand, and further Petitioners states:

a. The Agency reviewer made numerous cuts to personnel time based upon second-guessing the consultant's staffing and job assignments. Many of these issues regarding the same consultant are currently being briefed before the Board in Abel Investments v. IEPA, PCB 2016-108. However, given this is a different Agency reviewer, different staffing preferences are claimed to be legally required.

i. The Agency improperly cut all costs for developing and preparing the corrective action plan. This left only the costs for the licensed professional engineer to certify the plan, and for the secretarial staff to assemble and distribute the plan, but no reimbursement for activities necessary to prepare the plan. Corrective action plans are required by the Act and regulations and their preparation is clearly a reimbursable item, and the Agency's refusal to pay for corrective action plans is unconscionable.

- ii. The Agency improperly cut costs for drafting maps, because there were too many, without identifying which maps it found excessive. Maps are an important tool in planning, not merely for Agency review, but for executing the plan. Cutting reimbursement for drafting maps by more than half because the Agency felt that ten maps was too many and six was just right is arbitrary and unreasonable.
 - iii. The Agency improperly cut all of the Senior Project Manager's time overseeing the corrective action plan, reimbursement applications and the corrective action completion report, as well as reviewing and recording the No Further Remediation Letter and preparing related correspondence. The only time not cut was for oversight of the budget. With respect to this and all of the cuts to personnel, the time budgeted by the consultant was reasonable, documented in the application and the subsequent e-mail, and should not have been eliminated.
- b. With respect to consultant's materials, the Agency improperly cut all copying costs because it believes fifteen cents a page is unreasonable, whereas fifteen cents a page, if not more, is what various state agencies charge. While the budget items for postage were entirely eliminated, the Agency failed to provide a detailed statement of its reason for all postage cuts, and in any event, the amounts budgeted were reasonable estimates based upon past experience. With respect to the NFR letter, the amount estimated was reasonable and would be charged based upon the actual fee assessed by the county. Moreover, the issuance of the NFR

letter poses a bar to amending the budget if the Agency is wrong in its estimate.

8. Vince Smith reviewed the work that had been performed by the time the Agency was reviewing the budget and offered 19 hours of reductions in the plan and budget, with the explanation that these reductions would have made at the reimbursement stage when actual costs are documented. Petitioner does not have strong objections to these cuts as restoring them will not materially change the final outcome, but it is incorrect to cut a budget item based upon the actual costs incurred because a budget item may ultimately be low or high, depending on ultimate performance.

9. In all cases, the application was complete, containing all of the information required pursuant to Section 57.7(a)(2) of the Illinois Environmental Protection Act (415 ILCS 5/57.7(a)(2)), pursuant to Section 734.135 of the Board's regulations (35 Ill. Adm. Code § 734.135), and in accordance with Illinois EPA forms.

10. The subject Illinois EPA letter was received by certified mail on October 11, 2016, which is less than 35 days from the date this appeal is being filed, and therefore timely.

WHEREFORE, Petitioners, WILLIAM AND RITA TRANKINA, prays that: (a) the Agency produce the Record; (b) a hearing be held; (c) the Board find the Agency erred in its decision, (d) the Board direct the Agency to approve the budget as submitted, (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioners such other and further relief as it deems meet and just.

WILLIAM AND RITA TRANKINA,
Petitioners

By its attorneys,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw
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80 Bellerive Road
Springfield, IL 62704
217-299-8484
pdshaw1law@gmail.com

cwm@cwmcompany.com [cwm@cwmcompany.com]

Sent: 8/18/2016 1:07 PM

To: Melinda.Weller@illinois.gov

Melinda,

Thank you for the call to our regarding the budget for the Corrective Action activities at the Trankina facility (2015-0158). The CAP was submitted June 1, 2016. Several questions were presented during that telephone call. We have discussed the questions and we offer the following explanations.

As requested, we have reviewed the number of photocopies for each line item. If the Agency is counting the number of photocopies based on only the plan in their hand then they are missing the total number of photocopies that are potentially generated. On the surface, it appears that only one copy stays at our office and two copies at the Agency. In actuality, portions of the drafts of the report and final versions are sent to the client for review and their record, respectively, to initiate signing of forms. Also, a final copy goes to the Marion office and the client. Interim copies required to generate the drafts and reports are counted in these estimates. The original is generated by printers and, upon review, we feel that the estimated number of photocopies listed in the budget is appropriate as an estimate only. Only the number of actual copies generated / logged is charged. This also includes copies of corresponding Agency correspondences and maps drawings and many other components of the report. Other pieces are copies of field generated documented such as analytical reports.

In terms of the actual number of copies requested in this budget estimate, the only individual item that may be high is the 200 requested for the budget, which could be reduced to 100, for a net potential savings of \$30.00. We understand that for some consultants, if the proposed budget says \$60.00 for copies, then \$60.00 will be charged at the time of reimbursement. We are not one of those consultants, whether we are talking copies, equipment, or personnel. We charge for what actually happened, and do not see if there is more left so we can charge more.

You also asked about the recording fee. Our most recent NFR recording in Vermillion County (2015) was \$44, so the \$70 estimate may be slightly high. We have no control over what the recording fees are, or when rates are changed. To do a budget amendment because a particular NFR was a page or two longer, or the fees went up a few dollars would not be cost effective nor even feasible after the NFR is issued. The actual cost will be presented in the reimbursement with a copy of the receipt from the County Recorder, and a copy of the payment of the fee. There is no way to inflate the actual cost, so we do not see the issue with approving an amount adequate or slightly more than adequate to complete the recording.

The next question was about personnel for NFR recording. We budgeted 3 hours for the Sr. Administrative Assistant, and 2 hours for the Sr. Project Manager, and had descriptions including the term "NFR". We understand that the Agency allows 2 hours for the NFR recording by a Sr. Administrative Assistant, so the number of hours for the Sr. Administrative Assistant can be reduced from 3 to 2. In our budget we had estimated 3 hours for the Sr. Administrative Assistant to contact the County, obtain the proper fee, secure the payment, and send the NFR and payment to the County Recorder. The 2 hours of Sr. Project Manager time was to review the NFR for errors when it is received, then to send copies of the recorded NFR back to the Agency and to the Owner / Operator.

The last question was on the overall time for CAP development. We have looked at what the preparation actually took, and can offer the following reductions:

CAP

Draftsperson/CAD I cut from 12 to 8 hours

Senior Administrative Assistant, cut from 4 to 2 hours

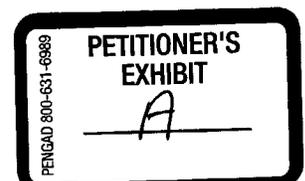
Engineer III cut from 10 to 8 hours

CAP Budget

Sr. Project Manager cut from 8 to 6 hours

Sr. Professional Engineer cut from 3 to 2 hours

Engineer I cut from 20 to 12 hours



Hopefully, these reductions will bring the overall costs more in line with what you are looking for.

Our goal is to come under budget by the time all activities are completed. As this is a budget of anticipated or estimated costs, our experience on other budgets is our best guide. If time is not utilized, it is not billed.

As requested, we respectfully submit the above comments for your consideration. If you have any other questions, feel free to contact me.

Vince E. Smith, P.E.
Sr. Environmental Engineer
CWM Company, Inc.
701 W. South Grand Ave.
Springfield, IL 62704
217-522-8001
FAX 217-522-8009
cwm@cwmcompany.com

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1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

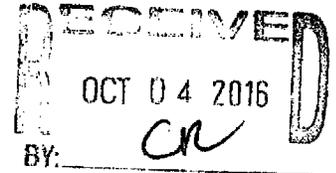
217/524-3300

CERTIFIED MAIL

OCT 04 2016

7014 2120 0002 3290 1211

William and Rita Trankina
100 South Main Street
P.O. Box 255
Fithian, Illinois 61844



Re: LPC #1830305009 -- Vermillion County
Fithian/William and Rita Trankina
101 West Sherman Street
Leaking UST Incident No. 20150158
Leaking UST Technical File

Dear Mr. and Mrs. Trankina:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated June 1, 2016, was received by the Illinois EPA on June 6, 2016. 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).

Pursuant to Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the plan is approved. The activities proposed in the plan are appropriate to demonstrate compliance with Title XVI of the Act. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

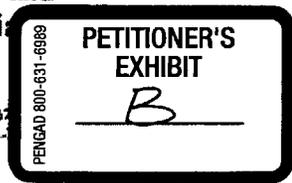
In addition, the budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must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

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

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 associ

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. Stone, Elgin, IL 60120 (847) 608-3131
2123 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Mall St., Collinsville, IL 62224 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60014 (847) 294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 672-2309
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-1000
100 W. Randolph, Suite 10-300, Chicago, IL 60601



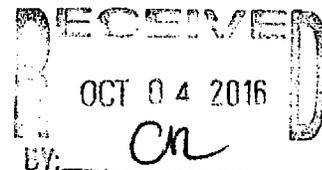
Page 2

a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

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 two weeks prior to the scheduled field activities.

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

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



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

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

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

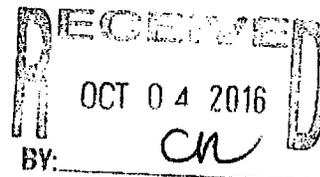
Page 3

If you have any questions or need further assistance, please contact Mindy Weller at 217/524-4647.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land



MTL:MW20150158-4.dot

Attachment: Attachment A

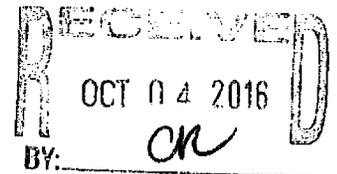
cc: Vince Smith, P.E., CW³M Company, Inc.
BOL File

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:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

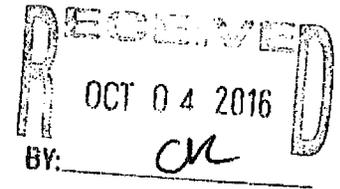


For information regarding the filing of an extension, please contact:

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: LPC #1830305009 -- Vermillion County
Fithian/William and Rita Trankina
101 West Sherman Street
Leaking UST Incident No. 20150158
Leaking UST Technical File



SECTION 1

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

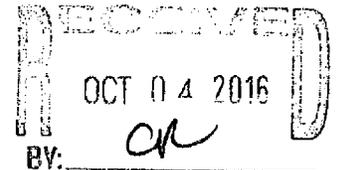
\$0.00	Drilling and Monitoring Well Costs
\$0.00	Analytical Costs
\$0.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$929.25	Paving, Demolition, and Well Abandonment Costs
\$10,644.01	Consulting Personnel Costs
\$44.00	Consultant's Materials Costs

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

SECTION 2

1. \$9,882.12 for costs for Consulting Personnel Costs, which 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. In addition, those costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The IEPA requested justification for the multiple charges of personnel and hours listed in CCAP, CCAP-Budget, and CACR categories. CWM provided an email to the IEPA from Vince Smith, P.E. on August 18, 2016 which failed to provide justification for



amount of hours/number of personnel conducting similar tasks for each category. Therefore, the IEPA has modified the following Consulting Personnel Costs to not be included in the budget since there is no supporting documentation or explanation of justification or reasonableness of such hours/tasks to be performed:

- a. CCAP category- 48 hours for Senior Project Manager, Engineer II, and Engineer III to develop/design/prepare/oversight and technical compliance/data input and assembly the corrective action plan. It is unclear to the IEPA as to the necessity for a total of 48 hours for CAP develop/design/prepare/oversight and technical compliance/data input and assembly that proposes an institutional control by imposing an on-site groundwater use restriction (without requiring any Tier II calculations/equation input) in order to achieve a "No Further Remediation" letter for this Leaking UST site.
- b. CCAP category- 12 hours for Draftsperson/CAD I to draft/complete/edit maps for the CAP. The plan includes 10 site maps. The email provided (mentioned above) did not include justification/reasonableness of why so many extra maps were completed. The IEPA has determined a total of six of those maps are not necessary, redundant, or not useful for the proposed corrective actions in this CAP. Based on the number of maps provided and the total number of hours charged for the Draftsperson/CAD I, it appears that each map took approximately 1.2 hours to complete. Therefore, the IEPA is modifying the number of hours to complete four site maps for Draftsperson/CAD I to a total of 5 hours.
- c. CCAP category- 4 hours for Senior Admin. Assistant to compile, assemble, and distribute the CAP. CWM provided an email to the IEPA from Vince Smith, P.E. on August 18, 2016 which indicated the hours for the CCAP be adjusted to include a total of two hours for Senior Admin. Assistant. Therefore, the IEPA has modified the budget to the adjustments as indicated in the email.
- d. CCAP-Budget category- 31 hours for Senior Project Manager, Engineer I and Senior Prof. Engineer to conduct CAP Budget development and oversight/calculations and inputs/certification. CWM provided an email to the IEPA from Vince Smith, P.E. on August 18, 2016 which indicated the hours for the CCAP-Budget be adjusted to include a total of six hours for Senior Project Manager, two hours for Senior Prof. Engineer and 12 hours for Engineer I. Therefore, the IEPA has modified the budget to the adjustments as indicated in the email.
- e. CA-Pay category- 12 hours for Senior Project Manager to conduct reimbursement technical compliance and oversight of CA-Pay since the budget also includes 24 hours for a Senior Acct. Technician to prepare the reimbursement and 4 hours for Senior Prof. Engineer to review and certify the CA-Pay. It is unclear to the IEPA as to the necessity to have a Senior Project Manager to conduct reimbursement technical compliance and oversight of CA-Pay. Therefore, the IEPA has modified the budget

OCT 04 2016

BY: *ce*

to not include the 12 hours for the Senior Project Manager to conduct reimbursement technical compliance and oversight of CA-Pay.

- f. CACR category- 8 hours for Senior Project Manager to coordinate/review and oversight/technical compliance of CACR since the budget also includes 30 hours for Engineer II and 8 hours for Engineer III to develop/prepare and input/research the CACR. It is unclear to the IEPA as to the necessity for a total of 46 hours for CACR coordinate/review and oversight/technical compliance/develop/prepare and input/research when the CACR will consist of an institutional control by imposing an on-site groundwater use restriction (without requiring any Tier II calculations/equation input) in order to achieve a "No Further Remediation" letter for this Leaking UST site. Therefore, the IEPA has modified the budget to not include the 8 hours for the Senior Project Manager to coordinate/review and oversight/technical compliance of the CACR.
 - g. CACR category- 2 hours for Senior Project Manager to conduct CACR correspondence/NFR recording/IEPA submittal in addition to 3 hours for a Senior Admin. Assistant to conduct NFR/county recorders fee/assessment correspondence. The IEPA allows for a total of 2 hours for a Senior Admin. Assistant to conduct NFR activities. Therefore, the IEPA has modified the budget to not include the 2 hours for Senior Project Manager to conduct CACR correspondence/NFR recording/IEPA submittal and has deducted the hours to 2 hours from 3 hours for the Senior Admin. Assistant for such activities.
2. \$447.50 for costs for Consultant's Materials Costs, which 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. In addition, those costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The IEPA requested justification for the rate of NFR recording fee and the number of copies, postages estimated, and rate per copy/distribution for each category. CWM provided an email to the IEPA from Vince Smith, P.E. on August 18, 2016 which failed to provide justification for such charges. Therefore, the IEPA has modified the following Consultant's Materials Costs to not be included in the budget since there is no supporting documentation, justification, or explanation of reasonableness of such charges:

- a. Copies for CCAP, CCAP-Budget, CACR, and CA-Pay at \$.15 per copy. The budget includes costs for 400 copies of CCAP, 200 copies of CCAP-Budget, 750 copies of CACR, 750 copies of CA-Pay, and 150 copies of CACR-NFR/county recording correspondence/IEPA submittal. This CCAP has a total of 35 pages. That equals 11

OCT 04 2016

BY:

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copies of the CCAP. This CCAP-Budget (budget) has a total of 12 pages. That equals 17 copies of the CCAP-Budget. The IEPA only requires 2 copies of each submittal- without separating out the budget from the CCAP (the budget is in the same submittal as the CCAP so there should not be a separate copy or distribution charge for the budget).

The IEPA would agree to a total of 4 copies of the CCAP, CACR, and CA-Pay with a reasonable estimation of copies. The CCAP can be considered at 35 pages, the CACR at 75 pages and the CA-Pay at 150 pages total since the CA-Pay will have supporting documentation such as receipts, personnel sheets, etc. Therefore, the IEPA would consider a total of 140 copies for CCAP, 300 copies for CACR, and 600 copies for CA-Pay. The budget also includes costs for CACR copies of NFR doc/recording correspondence/IEPA submittals at 150 copies for \$0.15 each. It is unclear to the IEPA as to the purpose of those costs as charged. The email did not provide reasonable justification for the number of copies in the budget or for the \$0.15 charge per copy.

- b. Rate for NFR recording fee. The IEPA contacted the Vermillion County Recorder's Office (office) on September 30, 2016 to inquire as to the cost for recording the NFR onto the deed. The office indicated the recording fee would be \$39/first 4 pages (government rate), then a \$1.00 per page after. The IEPA NFR form is a minimum of seven pages. If attachments must be included that will cause the NFR to be more than seven pages. This site will only require a site map and legal description in addition to the seven NFR pages. Therefore, the IEPA has modified the budget to include \$44.00 NFR recording cost.
- c. The budget includes distribution costs for postage at \$6.00 per copy of CCAP, CCAP-Budget, CACR and CACR-NFR. However, it is unclear to the IEPA as to how the estimation of the distribution charge was developed. The email did not provide reasonable justification for the cost per copy.

Please note, pursuant to 35 Ill. Adm. Code 734.850(b) for costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site specific basis and the owner/operator must demonstrate to the Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the corrective action budget as proposed pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

MTL:MW\20150158-4Attachment A.docx