

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RADHARANI, INC.,)	
Petitioner,)	
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 26th day of January, 2018.

Respectfully submitted,
RADHARANI, INC.,
Petitioner,

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
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RADHARANI, INC.,)	
Petitioner,)	
)	
v.)	PCB _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PETITION FOR REVIEW OF AGENCY LUST DECISION

NOW COMES Petitioner, RADHARANI, INC., pursuant to Section 57.8(i) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(i), and hereby appeals the Agency’s final decision, refusing to pay in full an application for payment, stating as follows:

1. Petitioner is the owner or operator of a former service station in the City of DuQuoin, County of Perry, Illinois, which has been assigned LPC # 1450105112.
2. On January 31, 2017, a release was reported at the facility from three underground storage tanks, which was assigned Incident Number 2017-0078.
3. Shortly thereafter, Petitioner’s consultants asked for permission to remove the canopy during early action and for an extension of the early action period to do so. According to the request, the decision to remove the canopy was made in conjunction with the Office of the State Fire Marshal to proceed with a safe and efficient means of removing the tanks which were under the canopy.
4. On February 10, 2017, the Agency extended the early action period to April 30, 2017.
5. On March 24, 2017, Petitioner’s consultant submitted a 45-day report, detailing early action activities taken up until that point in time.

6. On April 24, 2017, Petitioner's consultant requested additional time to complete early action activities. According to the request, all work had been completed except for the replacement of concrete, which had been delayed by rain. After removing the tanks and contaminated fill material within 4 feet from the outside dimensions of the tank, soils on the excavation walls met the most stringent remediation objectives and therefore, corrective action would be completed upon replacement of concrete.

7. On April 28, 2017, the Agency extended the early action period to May 30, 2017.

8. On May 24, 2017, Petitioner's consultant submitted a 45-Day Report Addendum and Corrective Action Completion Report, detailing early action activities that had taken place and demonstrating that site remediation objectives had been met and a no further remediation letter could be issued.

9. On June 9, 2017, the Agency approved the submittal and issued a no further remediation letter, which was subsequently recorded.

10. On August 18, 2017, Petitioner's consultant submitted an early action reimbursement claim for \$159,326.62. The report was hand-delivered and signed by an Agency employee. A true and correct copy of the signed receipt is attached hereto as Exhibit A.

11. On December 19, 2017, which is 123 days later, the Agency approved the application for payment in part by deducting \$10,994.96. The additional withholding of the applicable deductible is not disputed. A true and correct copy of the letter is attached hereto as Exhibit B.

12. Pursuant to the Board's regulations, "if the Agency fails to notify the owner or operator of its final action on an application for payment within 120 days after the receipt of a

complete application for payment, the owner or operator may deem the application for payment approved by operation of law.” (35 Ill. Adm. Code § 734.610(d))

13. A complete application must contain the items listed in Section 734.605(b) of the Board’s regulations. (35 Ill. Adm. Code § 734.605(b)) The application for payment was complete, and the Agency did not identify any listed item that was omitted, nor even cite to Section 734.605(b).

14. Therefore, the application for payment is deemed approved by operation of law.

15. Alternatively, the application for payment met all applicable statutory and regulatory requirements for reimbursement of early action activities. These requirements are set forth in Section 734.610(a) of the Board’s regulations. (35 Ill. Adm. § 734.610(a)(1)) The Agency did not reference Section 734.610 in its decision letter.

16. In all but the last itemized deduction involving a handling charge, the Agency expressly conducted its review pursuant to Section 57.7(c)(3) of the Act, which governs the review of plans and budgets. (415 ILCS 5/57.7(c)(3)) Early action activities are authorized by statute without a plan or budget, (415 ILCS 5/57.6(b)), and review of applications for payment are controlled by Section 57.8 of the Act. (415 ILCS 5/57.8) Yet, even while the Agency expressly denied costs herein “that were not approved in a budget,” the letter regurgitates boilerplate language “that no budget must be required for early action activities.” (Ex. B, Attachment A, Item 1)

17. Similarly, Sections 734.505(a), 734.510(b), and 734.630(dd) of the Board’s regulations apply to plans and budgets and have no applicability to applications for payment. (35 Ill. Adm. Code §734.505(a), § 734.510(b) & §734.630(dd))

18. Furthermore, while a number of deductions claim lack of unidentified supporting documentation, the only supporting documentation required for applications for payment is “supporting documentation required by Section 734.605(b) of this Part.” (35 Ill. Adm. Code § 734.610(a)(1) (standards for review of applications for payment, citing 35 Ill. Adm. Code § 734.605(b)) The Agency letter does not claim that any requirements of Section 734.605(b) were not met.

19. In all respects the costs were reasonable and supported by the application. With respect to three more specific reductions, Petitioner states:

- a. The Board has determined that charges for using a measuring wheel are not indirect costs. Abel Investments v. IEPA, PCB 16-108 (Dec. 15, 2016)
- b. The Board has determined that charges for using a digital camera are not indirect costs. Knapp Oil Company v. IEPA, PCB 16-103 (Sept. 22, 2016)
- c. The Board has determined that the Act does not require a senior account technician to prepare technical documents. Abel Investments v. IEPA, PCB 16-108 (Dec. 15, 2016)
- d. None of the provisions cited for reducing handling charges (the last deduction) provide any basis for the Agency’s decision.

20. The subject Illinois EPA letter was received by certified mail on December 23, 2017, and therefore the appeal deadline is January 27, 2018, and this appeal is thus timely.

WHEREFORE, Petitioner, RADHARANI, INC., 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 issue a voucher for \$10,994.96; (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioner such other and further relief as it deems meet and just.

RADHARANI, INC.,
Petitioner

By its attorneys,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw
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BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/524-3300

DEC 19 2017

CERTIFIED MAIL #

7014 2120 0002 3284 6871

Radharani, Inc.
Attn: CWM Company, Inc.
P.O. Box 571
Carlinville, IL 62626

Re: LPC #1450105112 -- Perry County
DuQuoin / Radharani, Inc.
201 West Main Street
Incident-Claim No.: 20170078 -- 68641
Queue Date: August 21, 2017
Leaking UST Fiscal File

Dear Mr. Patel:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated August 16, 2017 and was received by the Illinois EPA on August 21, 2017. The application for payment covers the period from January 1, 2017 to June 30, 2017. The amount requested is \$159,326.62.

On August 21, 2017, the Illinois EPA received your application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$143,331.66 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.8(a)(4) of the Act.



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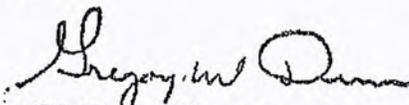
Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

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

If you have any questions or require further assistance, please contact Melissa Owens of my staff at (217)785-9351.

Sincerely,



Gregory W. Dunn, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

GWD:mao 

Attachments

c: Radharani, Inc.
Leaking UST Claims Unit

Appeal Rights

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

Re: LPC #1450105112 -- Perry County
DuQuoin / Radharani, Inc.
201 West Main Street
Incident-Claim No.: 20170078 -- 68641
Queue Date: August 21, 2017
Leaking UST FISCAL FILE

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$3,494.00, deduction for costs for mileage, per diem, Senior Project Manager time and Professional Geologist time that were not approved in a budget. The overall goal of the financial review must be to assure that costs associated with materials, activities, and services must be reasonable, must be consistent with the associated technical plan, must be incurred in the performance of corrective action activities, must not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and must not exceed the maximum payment amounts set forth in 35 Ill. Adm. Code 734.Subpart H. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b) and 35 Ill. Adm. Code 734.605(a).

Pursuant to 35 Ill. Adm. Code 734.605(a), costs for which payment is sought must be approved in a budget, provided, however, that no budget must be required for early action activities conducted pursuant to 35 Ill. Adm. Code 734.Subpart B other than free product removal activities conducted more than 45 days after confirmation of the presence of free product.

The application for payment included the use of mileage, per diem, Senior Project Manager time and Professional Geologist time under the canopy demolition rate. These costs were not part of the rate in the documentation provided the Agency in the Corrective Action Plan.

The identified costs lack supporting documentation demonstrating why these costs are include, in the canopy demolition rate. 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 mileage, per diem, Senior Project Manager time and Professional Geologist time 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).

Costs associated with items that exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

The following line items are not being reimbursed: Senior Project Manager \$31.28, Senior Project Manager \$62.56, Senior Project Manager \$31.28, Senior Project Manager \$62.56, Senior Project Manager \$62.56, Senior Project Manager \$1,251.20, Professional Geologist \$1,266.32, Professional Geologist \$1,266.32, Professional Geologist \$575.60, mileage \$93.38, mileage \$88.16, per diem \$42.00, mileage \$51.62, and mileage \$38.28.

2. \$250.24, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Two hours of Senior Project Manager time for C.L. Rowe for mobilization/review soil analytical results at \$125.12 per hour.

3. \$875.84, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Seven hours of Engineer III time for M.D. Rives for tank removal oversight/excavation/backfill oversight/mobilization/field prep/field reports at \$125.12 per hour.

4. \$1,564.00, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Twelve and a half hours of Senior Project Manager time for C.L. Rowe for reimbursement oversight/coordination/development at \$125.12 per hour.

5. \$250.24, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Two hours of Senior Project Manager time for W.T. Sinnott for EA documentation at \$125.12 per hour.

6. \$406.86, deduction for a reduction in the personnel title listed in Section 734.APPENDIX E Personnel Titles and Rates. Pursuant to Section 734.850(b) personnel costs must not exceed the amounts set forth in Appendix E and the personnel costs must be based on the work performed, regardless the title of the person performing the work. The Professional Engineer rate has been reduced to a Senior Account Technician rate of \$68.83 per hour.

The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable and 35 Ill. Adm. Code 734.630(dd).

Six hours for V.E. Smith for reimbursement preparation are being reduced from the Professional Engineer rate of \$136.64 to the Senior Account Technician rate of \$68.83 per hour.

7. \$625.60, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Five hours of Senior Project Manager time for W.T. Sinnott for PE review and certification at \$125.12 per hour.

8. \$1,032.24, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Eight and a quarter hours of Senior Project Manager time for W.T. Sinnott for PE reimbursement oversight/coordination at \$125.12 per hour.

9. \$250.24, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and

associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Two hours of Senior Project Manager time for G.T. Rowe for documentation at \$125.12 per hour.

10. \$772.73, deduction for costs for Consulting Personnel, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Four and three quarter hours of Senior Professional Engineer time for V.E. Smith for reimbursement oversight/coordination at \$162.68 per hour.

11. \$774.00 for costs for PID, 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.

Pursuant to 35 Ill. Adm. Code 734.850(b) 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 rate requested for a PID 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.

In addition, without supporting documentation for the rate requested the PID 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).

Six days of PID at \$129.00 per day are being cut.

12. \$192.00 for indirect corrective action costs for a measuring wheel charged as direct costs. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(v). In addition, such costs are not approved pursuant to 35 Ill. Adm. Code 734.630(dd) and Section 57.7(c)(3) of the Act because they are not reasonable

Four days at \$21.00 per day and 6 days at \$18.00 are being cut.

13. \$173.85 for costs for copy charges, 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.

Pursuant to 35 Ill. Adm. Code 734.850(b) 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 owner/operator has not provided sufficient documentation to support the rate requested for copy charges and/or the quantity of copies requested 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.

In addition, without supporting documentation the rate and/or the quantity of copies requested 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).

14. \$176.00, deduction for costs for Consultant's Materials, 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, the 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(ee).

Finally, the costs exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Two days of water level indicator at \$28.00 per day and five days at \$24.00 per day are being cut.

15. \$58.59, deduction for costs for Consultant's Materials, 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.

The agency will allow \$0.535 per mile for the 1,302 miles rather than the \$0.58 per mile requested.

16. \$83.00 for indirect corrective action costs for a camera charged as direct costs. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(v). In addition, such costs are not approved pursuant to 35 Ill. Adm. Code 734.630(dd) and Section 57.7(c)(3) of the Act because they are not reasonable

Three days of digital camera at \$11.00 per day and five days at \$10.00 per day are being cut.

17. \$15.53, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

The Agency does not pay handling charges on hotel costs.