

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

FORREST LAND TRUST,	)	
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 9<sup>th</sup> day of February, 2018.

Respectfully submitted,  
FORREST LAND TRUST,  
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  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FORREST LAND TRUST,	)	
Petitioner,	)	
	)	
v.	)	PCB _____
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**PETITION FOR REVIEW OF AGENCY LUST DECISION**

NOW COMES Petitioner, FORREST LAND TRUST, 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, modifying a budget for corrective action, stating as follows:

1. Petitioner is the owner/operator of a former service station in the City of Pontiac, County of Livingston, Illinois, also known as the Schrof Service Center, which has been assigned LPC # 1050605073.
2. On June 16, 1999, a release was reported from tanks at the site, which was assigned Incident #99-1451. All tanks present at the site were removed later that year.
3. Various activities were performed thereafter, and at some point in time the consultant dissolved through bankruptcy.
4. Thereafter, a new consultant was retained to perform remaining corrective action activities.
5. On August 29, 2017, a corrective action plan, which proposed soil gas sampling to investigate indoor vapor intrusion and resampling of a single boring. If the results are favorable, then the site will be suitable for completion utilizing conventional institutional controls.
6. At the request of the Agency, the plan and budget was divided into a main portion

that assumes the results are favorable and a contingent portion in the event additional soil removal is necessary.

7. On January 5, 2018, the Agency approved the plan and budget with modifications. A true and correct copy of the decision letter is attached hereto as Exhibit A.

8. The modifications to the plan pertain to the Agency's refinement of its contingency approach. Petitioner does not appeal that modification, nor the budget items that solely derive from it. However, Petitioner does not waive any potential relevance of the contingency approach with respect to the other budget modifications.

9. The Agency modified the main budget by cutting consulting personnel costs by \$8,980.64 from the main budget and \$4,790.56 from the contingency budget. It arbitrarily cut personnel time to perform the field work required, eliminated work required with respect to state and local government that the Agency apparently is unfamiliar with, misrepresented the tasks of the Senior Project Manager, and arbitrarily cut hours estimated for the senior administrative assistant for no apparent reason.

10. The personal costs were reasonable, and the time estimated was documented as required by the Agency budget forms.

11. The Agency also modified the budget by cutting \$1,145.96 in consulting materials costs.

12. The Agency cut the costs for a measuring wheel as an indirect cost, contrary to the Board's ruling Abel Investments v. IEPA, PCB 16-108 (Dec. 15, 2016).

13. The Agency cut all photocopying charges, because it disputes that \$0.15 per page "is the same rate the IEPA charges." The rate the IEPA charges has been applied to situations

where the person requesting the document reviews the file at the Agency office or where the Agency makes the copies itself. In any event, the copying rate was reasonable and did not exceed the requirements of the Act.

10. In all respects, consulting materials costs requested were reasonable and did not exceed the requirements of the Act.

11. The subject Illinois EPA letter was received by certified mail on January 8, 2018, and therefore the appeal deadline is February 12, 2018, and this appeal is thus timely.

WHEREFORE, Petitioner, FORREST LAND TRUST, 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 remove the modifications to the budget for consultant's time and materials; (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.

FORREST LAND TRUST,  
Petitioner

By its attorneys,  
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw  
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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

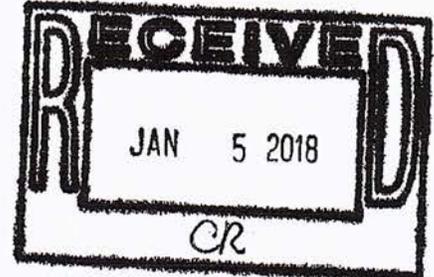
ALEC MESSINA, DIRECTOR

217/524-3300  
JAN 05 2018

CERTIFIED MAIL

7014 2120 0002 3291 3634

Forrest Land Trust/Schrof Service Center  
Attention: Carl Schrof  
2205 Hedgewood Drive  
Bloomington, Illinois 61704



Re: LPC #1050605073 - Livingston County  
Pontiac/Schrof Service Center  
402 West Howard Street  
Leaking UST Incident No. 991451  
Leaking UST Technical File

Dear Mr. Schrof:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated August 29, 2017, was received by the Illinois EPA on September 7, 2017. 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 following modifications are necessary, in addition to those provisions already outlined in the plan, to demonstrate compliance with Title XVI of the Act (Sections 57.7(b)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)):

1. The plan indicates new Tier 2 Cleanup Objectives (CUOs) have been completed based on the last Illinois EPA letter dated October 30, 2014 and discussions/meeting between the Illinois EPA and the owner/operator and CW3M conducted in 2017. However, the Illinois EPA is modifying the completed Tier 2 CUOs to include calculations for the PNA contamination above the Tier 1 CUOs found in the groundwater monitoring wells MW-11 and MW-18. The Illinois EPA's calculations indicate the "X" value for the equation R26 for the PNA groundwater contamination in MW-11 is 370 feet and 103 feet in MW-18 (in the direction of groundwater flow). The proposed groundwater ordinance distance/area shall be modified to include the distance the Illinois EPA has calculated for the PNA groundwater contamination. Please note, the plan did not include a draft copy of the proposed groundwater ordinance to be adopted by the City of Pontiac. Therefore, the Illinois EPA is modifying the plan to include all requirements in accordance with 35 Ill. Adm. Code Section 742.1015 and 35 Ill. Adm. Code Part 734 be completed for the groundwater ordinance.



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In addition, the plan includes Tier 2 CUOs for soil contamination onsite in order to determine the need and area for the onsite construction worker caution institutional control. However, the Illinois EPA is modifying the area identified for the construction worker caution institutional control based on the completion of calculations for the onsite Tier 2 CUOs for soil contamination. In accordance with 35 Ill. Adm. Code Sections 742.600, 742.710, and 742.1100, the area shall be extended to include coverage of SS4, SS7, and BH-6 at this time. Please note, the construction worker caution area may need to be extended to the new BH-4 area depending on the new soil sampling results.

Further, the plan proposes to utilize a Highway Authority Agreement (HAA) with the City of Pontiac for the soil contamination indicated to affect the off-site area under the North Oak Street Right-of-Ways/Roadway. However, the plan did not include a draft copy of the proposed HAA, therefore, the Illinois EPA is modifying the plan to include all requirements are completed in accordance with 35 Ill. Adm. Code Section 742.1020 and 35 Ill. Adm. Code Part 734.

2. The plan indicates a vapor intrusion well will be installed and sampled at a location near BH-4 onsite. However, the plan fails to include any description of how the soil vapor boring will be installed, completed, sampled, and/or analyzed using a National Environmental Laboratory Accreditation Program certified laboratory for the appropriate indicator contaminants for this Leaking UST site. Therefore, the Illinois EPA is modifying the plan to propose remediation objectives for the applicable contaminants in accordance with 35 Ill. Adm. Code Section 734.140 and 35 Ill. Adm. Code Part 742. In addition, the Illinois EPA is modifying the plan to complete and collect a soil gas sample from the soil vapor boring (not a well as it is not required to set a well when soils consist of silty clays) utilizing a geoprobe, PUSH technology to a maximum depth of five feet below ground surface in order to comply with 35 Ill. Adm. Code Section 742.227 and the Illinois EPA Vapor Intrusion Fact Sheet Soil Gas Sampling Protocol without exceeding the minimum requirements necessary to comply with the Illinois Environmental Protection Act and/or regulations listed above. Further, the Illinois EPA is modifying the plan to indicate the soil vapor well and the new BH-4 soil boring shall be installed at least five feet in distance from the original BH-4 and BH-17 soil borings/groundwater monitoring well.
3. The plan indicates a contingency proposal for excavation of 10' by 10' area of soils surrounding BH-4 if the new soil sample result from the new BH-4 soil boring is above the calculated Tier 2 Csat (S29) for Total Xylenes pursuant to 35 Ill. Adm. Code Part 742. The Illinois EPA has determined the Tier 2 Csat CUO for Total Xylenes is 260 ppm for this Leaking UST site. While the Illinois EPA concedes with the contingency plan if the Csat for Total Xylenes remains exceeded, the Illinois EPA is modifying the plan to include the waste characterization soil sample be collected during the same time the new BH-4 soil boring is being conducted and sampled. That will eliminate the need/costs for

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an additional mobilization/consulting personnel field work to be conducted at a later date. Please note, the Illinois EPA will adjust the corrective action plan budget (without the contingency costs included) to reflect the costs for the waste characterization sample analyses in addition to the resampling of the new BH-4 and the soil vapor boring sampling analyses.

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 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.

**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 and shall be made to EPA.FieldNotifications@illinois.gov. This notification of field activities 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:

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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.

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:MW991451-5.dot

Attachment: Attachment A

cc: Carol Rowe, P.G., CW3M Company, Inc. (electronic copy), carol.rowe@sbcglobal.net  
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 #1050605073 - Livingston County  
Pontiac/Schrof Service Center  
402 West Howard Street  
Leaking UST Incident No. 991451  
Leaking UST Technical File

**SECTION 1**

The original budget was previously approved for:

\$8,034.21	Drilling and Monitoring Well Costs
\$6,647.95	Analytical Costs
\$2,473.16	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$66,844.44	Consulting Personnel Costs
\$4,684.65	Consultant's Materials Costs

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

\$1,516.86	Drilling and Monitoring Well Costs
\$1,052.67	Analytical Costs
\$0.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$2,957.76	Paving, Demolition, and Well Abandonment Costs
\$30,670.64	Consulting Personnel Costs
\$540.80	Consultant's Materials Costs

**OR:**

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved to be added to the totals above if contingency portion of the plan/budget for excavation are included:

\$0.00	Drilling and Monitoring Well Costs
\$1,624.30	Analytical Costs
\$2,101.10	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$431.00	Paving, Demolition, and Well Abandonment Costs
\$4,702.08	Consulting Personnel Costs
\$360.12	Consultant's Materials Costs

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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.

Therefore, the total cumulative for original budget is approved for:

\$9,551.07	Drilling and Monitoring Well Costs
\$7,700.62	Analytical Costs
\$2473.16	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$2,957.76	Paving, Demolition, and Well Abandonment Costs
\$97,515.08	Consulting Personnel Costs
\$5,225.45	Consultant's Materials Costs

**OR:**

If the contingency portion of the plan/budget for excavation are included, then the total cumulative budget is approved for:

\$9,551.07	Drilling and Monitoring Well Costs
\$9,324.92	Analytical Costs
\$4,574.26	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$3,388.76	Paving, Demolition, and Well Abandonment Costs
\$102,217.16	Consulting Personnel Costs
\$5,585.57	Consultant's Materials Costs

**SECTION 2**

1. \$2,054.07 for costs for Drilling and Monitoring Well Costs that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

The plan has been modified to include the new BH-4 boring and soil gas boring as PUSH only. In addition, the plan modified the timeframe of when the collection of the waste characterization sample for excavation should be collected, which is during the drilling for the new BH-4 and soil vapor boring. Due to the modifications of the plan, the budget

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for the drilling and monitoring well costs have been adjusted in order to be consistent with the associated technical plan.

Please note, the Illinois EPA has included the costs for the waste characterization analyses to the original budget **instead of** existing within the contingency budget.

2. \$380.45 for Analytical Costs (associated with waste characterization costs) that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

The plan has been modified to include the collection of the waste characterization sample for excavation during the drilling for the new BH-4 and soil vapor boring activities. Due to the modification of the plan, the budget for analytical costs of the contingency portion of the plan/budget for excavation has been adjusted in order to be consistent with the associated technical plan.

Please note, the Illinois EPA has included the costs for the waste characterization analyses to the original budget **instead of** existing within the contingency budget.

3. \$8,980.64 for costs for Consulting Personnel Costs (original budget), 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(dd). Further, the Agency has requested additional documentation in an email addressed to Carol Rowe of CW3M, Inc. dated December 22, 2017 to support the consulting personnel costs requested pursuant to 35 Ill. Adm. Code 734.505(a). The email documentation the Illinois EPA received from CW3M, Inc. on December 23, 2017 and January 3, 2017 fails to provide sufficient information for the Agency to make a site specific reasonableness determination, that the tasks are not duplicative, and that the consulting personnel costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the Illinois EPA has modified the original budget with the following deductions from the consulting personnel costs:

- A. Senior Project Manager costs for the categories CCA-Field, ELUC (only 20 hours have been deducted of the 50 hours budgeted), CACR, and CA-Pay;

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- B. Engineer III costs for the category CCA-Field (only 8 hours have been deducted of the 16 hours budgeted);
- C. Engineer II costs for the category CCA-Field (only 8 hours have been deducted of the 19 hours budgeted);
- D. Senior Draftsperson/CAD costs for the categories ELUC and HAA; and
- E. Senior Admin. Assistant costs for the category CACR (only 1 hour has been deducted of the 3 hours budgeted).

The Consulting Personnel Costs requests 11 hours for a Senior Project Manager at a rate of \$126.40 per hour for a total of \$1,390.40 for the category CCA-Field to perform tasks that appear to be duplicative of tasks also listed for Senior Admin. Assistant and Engineer II in the CCA-Field category. In addition, it is not clear to the Illinois EPA as to the tasks listed as "Corrective Action Documentation/Path Forward/Results" in the CCA-Field category? In addition, the budget also requests a total of 50 hours for a Senior Project Manager with tasks listed as "Ordinance Notifications/Property Owners Correspondence" in the category ELUC. The Illinois EPA understands the need for the category for this Leaking UST site, however, it appears that 20 hours of the 50 hours budgeted are duplicative activities by the Senior Project Manager in the category ELUC. Further, the budget also requests a total of 20 hours for a Senior Project Manager with tasks listed as "report technical compliance/oversight/IEPA correspondence/NFR Submission/Recording/reimbursement technical compliance/oversight" in the categories CACR and CA-Pay. However, the Senior Professional Engineer and the Engineer III listed in the categories CACR and CA-Pay are also evaluating, reviewing the report and/or reimbursement and certifying for compliance with the Senior Admin. Assistant in the category CACR listed as also conducting the tasks of NFR Submission/County Correspondence/Recording. Oversight by the Senior Project Manager is considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

The Consulting Personnel Costs requests 16 hours for both Engineer III and Engineer II for similar tasks for onsite drilling, soil sampling, and vapor sampling in the category CCA-Field. However, it is unclear to the Illinois EPA as to the amount of hours budgeted for each personnel title to complete one boring to 10' below ground surface and collect one soil sample and a waste characterization sample as well as complete one boring to 5' below ground surface and collect one vapor sample. The site is approximately 212 miles from Springfield (per Consultant's Materials Costs Mileage form). Therefore, eight hours of the CCA-Field tasks are considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

The Consulting Personnel Costs requests 8 hours for a Senior Draftsperson/CAD for drafting maps for Village of Pontiac Groundwater Ordinance and Highway Authority Agreement in the ELUC and HAA categories. However, it is unclear to the Illinois EPA why the categories exist since the maps should be completed within the hours listed Senior Draftsperson/CAD in the category CACR which has 10 hours budgeted for drafting/updating/completing maps. Therefore, the eight hours for the tasks listed in the

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ELUC and HAA categories are considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

The Consulting Personnel Costs requests 3 hours for Senior Admin. Assistant for the tasks of NFR Submission/county correspondence/recording in the CACR category. The Illinois concurs with the tasks, however, the total amount of hours for those tasks have been reduced to two hours for those tasks. Therefore, one hour for the tasks listed in the CACR category is considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

4. \$4,790.56 for costs for Consulting Personnel Costs (contingency portion of the plan/budget for excavation), 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(dd). Further, the Agency has requested additional documentation in an email addressed to Carol Rowe of CW3M, Inc. dated December 22, 2017 to support the consulting personnel costs requested pursuant to 35 Ill. Adm. Code 734.505(a). The email documentation the Illinois EPA received from CW3M, Inc. on December 23, 2017 and January 3, 2017 fails to provide sufficient information for the Agency to make a site specific reasonableness determination, that the tasks are not duplicative, and that the consulting personnel costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the Illinois EPA has modified the original budget with the following deductions from the consulting personnel costs:

- A. Senior Project Manager costs for the category CCA-Field (only 20 hours have been deducted of the 26 hours budgeted);
- B. Engineer III costs for the category CCA-Field (only 6 hours have been deducted of the 12 hours budgeted);
- C. Senior Admin. Assistant costs for the category CCA-Field (only 2 hours have been deducted of the 6 hours budgeted).

The Consulting Personnel Costs requests 26 hours for a Senior Project Manager at a rate of \$126.40 per hour for a total of \$3,286.40 for the category CCA-Field to perform tasks that appear to be duplicative of tasks also listed for Senior Admin. Assistant and Engineer II in the CCA-Field category. In addition, it is not clear to the Illinois EPA as to the tasks listed as "Corrective Action Documentation/Analytical Review/Results" in the CCA-Field category? Therefore, 20 hours of the CCA-Field tasks by the Senior Project

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Manager is considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

The Consulting Personnel Costs requests 12 hours for Engineer III for similar tasks of pavement replacement oversight/documentation in the category CCA-Field. However, it is unclear to the Illinois EPA as to the amount of hours budgeted to complete 100 square feet of concrete replacement that is four inches thick (per Paving, Demolition, and Well Abandonment Costs form). Therefore, six hours of the CCA-Field tasks are considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

The Consulting Personnel Costs requests 2 hours for Senior Admin. Assistant for the tasks of pavement replacement coordination in the CCA-Field category. Those tasks appear to be duplicative of tasks also listed for Senior Project Manager for a total amount of 6 hours to perform those tasks. Therefore, two hours for the Senior Admin. Assistant for tasks listed in the CCA-Field category is considered excessive of the minimum requirements of the Act and are not reasonable as submitted.

5. \$1,390.40 for costs for Consulting Personnel Costs (contingency portion of the plan/budget for excavation) that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

The Illinois EPA has modified the plan to include the collection of the waste characterization sample for excavation during the drilling for the new BH-4 and soil vapor boring. Due to the modifications of the plan, the Senior Project Manager costs and Engineer III costs for CCA-Field with tasks listed as office preparation, scheduling, arrangements, onsite drilling and soil sampling for waste characterization activities have been deducted in order to be consistent with the associated technical plan.

6. \$36.00 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.
7. \$258.00 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.

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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 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).

8. \$25.00 for costs for shroud 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.

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 shroud materials pursuant to 35 Ill. Adm. Code 734.505(a). The documentation 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 shroud materials 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).

9. \$115.56 for costs for Consultant's Materials Costs (contingency portion of the plan/budget for excavation) that are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

The Illinois EPA has modified the plan to include the collection of the waste characterization sample for excavation during the drilling for the new BH-4 and soil vapor boring. Due to the modifications of the plan, the mileage costs for one round trip

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for drilling/waste characterization activities have been deducted in order to be consistent with the associated technical plan.

10. \$615.00 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.

The justification that the rate of \$ .15 per page "is the same rate the IEPA charges" is not accurate. This information appears to be an incorrect interpretation of the IEPA FOIA duplication fee web page. The actual fee is \$ .15 per page for copies in excess of 400 therefore, the first 400 copies are free. In addition, the IEPA does not charge for personnel time while copying where it appears that time for a Senior Administrative Assistant is billed in addition to the rate of \$ .15 per page.

11. \$96.40 for costs for postage charges for 3 CACR NFR recording/correspondence, budget, HAA, and ELUC, 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.

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The owner/operator has not provided sufficient documentation to support the rate requested for those postage charges and/or the rate of the postage 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.

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