

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

ILLINOIS AYERS OIL CO.,	)	
Petitioner,	)	
	)	
v.	)	PCB 2017-059
	)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

**NOTICE**

Don Brown, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

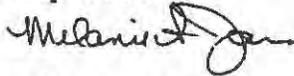
Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

Patrick D. Shaw  
Law Office of Patrick D. Shaw  
80 Bellerive Road  
Springfield, IL 62704  
[pdshaw1law@gmail.com](mailto:pdshaw1law@gmail.com)

**PLEASE TAKE NOTICE** that I have today filed with the office of the Clerk of the Pollution Control Board an **APPEARANCE**, the **ADMINISTRATIVE RECORD** and a **CERTIFICATE OF RECORD ON APPEAL**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



Melanie A. Jarvis  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: May 24, 2018

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

ILLINOIS AYERS OIL CO.,	)	
Petitioner,	)	
	)	
v.	)	PCB 2017-059
	)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**APPEARANCE**

The undersigned, as one of its attorneys, hereby enters her Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



Melanie A. Jarvis  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: May 24, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS AYERS OIL CO.,	)	
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**CERTIFICATE OF RECORD ON APPEAL**

Pursuant to 35 Ill. Adm. Code 105.116(b) and 105.410, the following constitutes an index of documents comprising the record:

<b>PAGES</b>	<b>DOCUMENT(S)</b>	<b>DATE</b>
R001-R003	Illinois EPA Decision Letter	March 16, 2017
R004-R005	LUST Technical Review Notes	March 15, 2017
R006-R-033	Free Product Removal Report and Budget	December 20, 2016
R034-R039	Email chain between Thorpe & Dilbaitis	May 31-June 2, 2016

I, Bradley Dilbaitis, certify on information and belief that the entire record of the Respondent's decision, as defined in 35 Ill. Adm. Code 105.410(b), is hereby enclosed.

By:   
Bradley Dilbaitis, Project Manager  
Leaking Underground Storage Tank Section  
Illinois Environmental Protection Agency

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on **May 24, 2018**, I served true and correct copies of an **APPEARANCE**, the **ADMINISTRATIVE RECORD** and a **CERTIFICATE OF RECORD ON APPEAL**, via the Board's COOL system and email, upon the following named persons:

Don Brown, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

Patrick D. Shaw  
Law Office of Patrick D. Shaw  
80 Bellerive Road  
Springfield, IL 62704  
[pdshaw1law@gmail.com](mailto:pdshaw1law@gmail.com)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



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



Received, Clerk's Office 5/23/2018  
**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

**CERTIFIED MAIL**

**MAR 16 2017**

7014 2120 0002 3292 3879

Illinois Ayers Oil Company, Inc.  
Carl Adams, Jr.  
P.O. Box 772  
Quincy, IL 62306

Re: LPC# 1690205047—Schuyler County  
Rushville/ IL Ayers Oil Company  
141 South Congress  
Leaking UST Incident No. 20130327  
Leaking UST Technical File

**EPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE**

**MAR 28 2017**

**REVIEWER JRM**

Dear Mr. Adams:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Removal Plan (plan) submitted for the above-referenced incident. The plan, dated December 20, 2016, was received by the Illinois EPA on December 22, 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).

The plan is rejected for the reason(s) listed below (Section 57.7(c) of the Act and 35 Ill. Adm. Code Section 734.505(b) and 734.510(a)):

Pursuant to 35 Ill. Adm. Code 734.210(a)(1), owners or operators must conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. The owner must also use abatement of free product migration as a minimum objective for the design of the free product removal system [35 Ill. Adm. Code 734.210(a)(2)]. According to the documentation that has been submitted, hand bailing has not been shown to be an effective way to remediate the free product at this site. Three Free Product Removal Plans and Budgets have been approved for the hand bailing of MW-2 since December 2014. The thickness of the free product in MW-2 was higher when the well was last checked in September 2016 than it was when the hand bailing of MW-2 began in January 2015. The free product has also recently migrated to two additional wells. Other free product remediation options must be explored.

In addition, the corresponding free product removal budget is rejected for the reason listed below (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)):

The Illinois EPA has not approved the plan with which the budget is associated. Until such time as the plan is approved, a determination regarding the associated budget— i.e., a determination as to whether costs associated with materials, activities, and services are reasonable; whether costs are consistent with the associated technical plan; whether costs will be incurred in the performance of corrective action activities; whether costs will not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and whether costs exceed the maximum payment

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Page 2

amounts set forth in Subpart H of 35 Ill. Adm. Code 734—cannot be made (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)).

If, following approval of the free product removal plan or associated budget, it is determined that a revised removal plan or budget is necessary in order to complete free product removal, an amended free product removal plan or budget, as applicable, must be submitted to the Illinois EPA for review (35 Ill. Adm. Code 734.215(g)). Any such plan and budget shall be submitted to the Illinois EPA for review and approval, rejection, or modification prior to payment for any related costs or the issuance of a No Further Remediation Letter (35 Ill. Adm. Code 734.215(f)).

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 Brad Dilbaitis at (217) 785-8378 or [Bradley.Dilbaitis@illinois.gov](mailto:Bradley.Dilbaitis@illinois.gov).

Sincerely,



Stephen A. Colantino  
Acting Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

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Attachment: Appeal Rights

c: Shane Thorpe, CSD Environmental Services, (electronic copy), [sthorpe@csdenviro.com](mailto:sthorpe@csdenviro.com)  
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

EPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

LEAKING UST TECHNICAL REVIEW NOTES MAR 21 2017

REVIEWER JRM

Reviewed by: Brad Dilbaitis  
Date Reviewed: 3/15/2017

Re: LPC #1690205047—Schuyler County  
Rushville/ IL Ayers Oil Company  
141 South Congress  
Leaking UST Incident No. 20130327  
Leaking UST Technical File

**Document Reviewed:**

12/20/2016 Free Product Removal Plan and Budget—received 12/22/16

**General Site Information:**

Site subject to: 734

IEMA date: 4/4/2013	Payment from the Fund: yes
UST system removed: no—in use	OSFM Fac. ID #: 5020790
Encountered groundwater: yes—ordinance	SWAP mapping and evaluation completion date: 3/15/2017
Free product: yes	Site placement correct in SWAP: yes
Current/past land use: retail gas station	MTBE > 40 ppb in groundwater: no
Size & product of USTs: (3) 10,000g gasoline USTs	
Is site located in EJ area? no	Is investigation of indoor inhalation exposure route required? Yes

**Free Product Removal Review Notes:**

- Historically, free product was found in 6 wells—the northeast (tank field) leak detection well (NE-LDW), the southeast leak detection well (SE-LDW), the southwest leak detection well (SW-LDW), MW-2, MW-3 and free product well FPW-6
- Pneumatic skimmer pumps were installed in SE-LDW and MW-3 in April 2013
- Installed skimmer pumps in MW-2 and SE-LDW in October 2013
- MW-2 was the only well to have contained free product since 11/12/2014
- The other (5) historically affected wells were last found to have no free product on 3/24/2016—checked next on 9/22/16—free product found in NE-LDW (1/8”), SE-LDW (1/8”)
- Proposing an additional quarter (one visit every week, six total site visits) of site visits to hand bail the 3 affected wells—the consultant had previously indicated that if the presence of free product should become more widespread, a revised proposal will be submitted to re-install the automated system used previously—I do not recommend using this system again as it was not really cost effective—problems with the system caused more personnel costs than expected
- Proposing to check the other 3 historically affected wells on the final site visit only
- MW-2 has been the only well with free product since the pneumatic skimmer pumps were used—MW-2 had 1/2” of free product in January 2015—the most recent event (9/22/16) showed 3/4” of free product in MW-2 and 1/8” free product in two other wells—the hand bailing has not made any improvement in the free product thickness—concentrations increasing, possible free product migration
- Because the hand bailing of MW-2 does not appear to have a positive effect on the free product other free product removal/remediation must be explored

- The Site Investigation Completion Report has been approved and it contained the site-specific Tier 2 soil remediation objectives for all soil contamination—the only Tier 2 exceedances were benzene and MTBE SCGIER soil remediation objectives—the site is located in an ordinance area so it is likely that the site will be able to close using the Tier 2 SROs and the ordinance once the free product is remediated

**Current Free Product Removal Budget:**

Drilling & Monitoring Well Costs	\$0.00
Analytical Costs	\$0.00
Remediation & Disposal Costs	\$0.00
UST Removal & Aband. Costs	\$0.00
Paving, Demo, and Well Aband. Costs	\$0.00
Consulting Personnel Costs	\$7,709.16
Consultant's Materials Costs	\$932.70

**Illinois EPA Recommendation/Comments:**

- The Free Product Removal Plan will be denied—the documentation that has been submitted indicates that the hand bailing is not an effective way to remediate the free product—free product level in the only affected well (MW-2) has increased since hand bailing began in January 2015—(3) Free Product Removal Plans and Budgets (almost \$30,000) have already been approved for hand bailing MW-2—free product has recently migrated to (2) additional wells—other free product remediation options must be explored
- The budget will be denied because the plan is denied

BD\FPRP5notes.docx

Received, Clerk's Office 5/23/2018

1690205047 – Schuyler County  
IL Ayers Oil Company, Inc.  
Incident # 20130327  
Leaking UST Technical File

## Free Product Removal Report / Plan & Budget

Prepared for:

**Illinois Ayers Oil Company (Ayerco #6)**

LPC # 1690205047 – Schuyler County  
141 S. Congress Street  
Rushville, Illinois  
IEMA #20130327

**EPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE  
MAR 21 2017  
REVIEWER JRM**

Prepared by:

**CSD Environmental Services, Inc.**  
2220 Yale Boulevard  
Springfield, IL 62702

Phone: (217) 522-4085  
Fax: (217) 522-4087

**RECEIVED**

DEC 22 2016

**IEPA/BOL**



**D. Supporting Documentation**

Provide the following:

1. Site map meeting the requirements of 35 Ill. Adm. Code of 734.440 and showing:
  - a. Locations where free product was encountered including its estimated thickness;
  - b. Location of recovery points;
  - c. Location of the treatment unit; and
  - d. Location of discharge points;
2. A table showing the dates that free product recovery was conducted and the amount of free product recovered on each date; and
3. Copies of waste manifests.

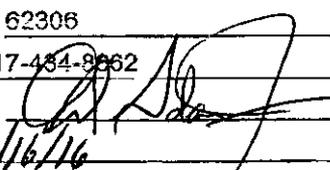
**E. Submission of a Free Product Removal Plan**

In accordance with 35 Ill. Adm. Code 734.215, if free product removal activities will be conducted more than 45 days after confirmation of the presence of free product, the owner or operator must submit to the Illinois EPA for review a free product removal plan and budget, if applicable. The plan must include the information requested under Sections C and D of this form, as applicable.

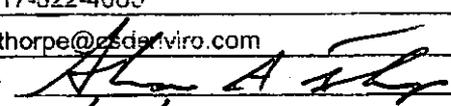
**F. Signatures**

All plans, budgets, and reports must be signed by the owner or operator and list the owner's or operator's full name, address, and telephone number.

**UST Owner or Operator**

Name Illinois Ayers Oil Company, Inc.  
 Contact Carl Adams, Jr.  
 Address Hwy. 24 & I-172, P.O. Box 772  
 City Quincy  
 State Illinois  
 Zip Code 62306  
 Phone 217-434-9662  
 Signature   
 Date 12/16/16

**Consultant**

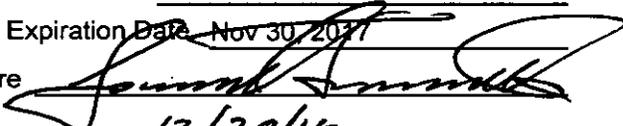
Company CSD Environmental Services, Inc.  
 Contact Shane A. Thorpe  
 Address 2220 Yale Boulevard  
 City Springfield  
 State Illinois  
 Zip Code 62703  
 Phone 217-522-4085  
 E-mail: sthorpe@cسدenviro.com  
 Signature   
 Date 12/20/16

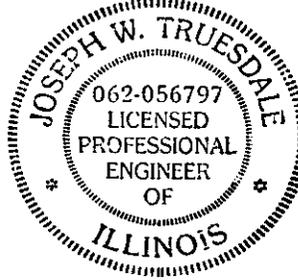
Continue onto next page.

I certify under penalty of law that all activities that are the subject of this plan, budget, or report were conducted under my supervision or were conducted under the supervision of another Licensed Professional Engineer or Licensed Professional Geologist and reviewed by me; that this plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in this plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 731, 732, or 734, and generally accepted standards and practices of my profession; and that the information presented is accurate and complete. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA, including but not limited to fines, imprisonment, or both as provided in Sections 44 and 57.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

**Licensed Professional Engineer or Geologist**

**L.P.E. or L.P.G. Seal**

Name Joseph W. Truesdale  
Company CSD Environmental Services, Inc.  
Address 2220 Yale Boulevard  
City Springfield  
State Illinois  
Zip Code 62703  
Phone 217-522-4085  
Ill. Registration No. 062-056797  
License Expiration Date Nov 30, 2017  
Signature   
Date 12/20/16



**RECEIVED**  
DEC 22 2016  
IEPA/BOL

## Introduction

A release of gasoline from three 10,000-gallon underground storage tanks (USTs) was reported from the Illinois Ayers Oil Company (IAOC) station (Ayerco #6) located at 141 South Congress Street in Rushville, Illinois on April 4, 2013. Free product recovery was initially conducted as part of Early Action from April 11, 2013 through May 10, 2013. Initial recovery efforts were documented within the 45-Day Report submitted on May 16, 2013.

Additional recovery activities were documented and proposed within the July 12, 2013 Free Product Removal Report / Plan & Budget. The proposed work was approved by the Illinois Environmental Protection Agency (Agency) in a letter to the owner dated September 17, 2013. The additional recovery completed in accordance with the July 12, 2013 Plan & Budget was documented in a Free Product Removal Report received by the Agency on December 16, 2013.

As part of Stage 2 Site Investigation activities, the existing monitoring wells were again checked for the presence of free product on November 12, 2014. At that time, monitoring well MW-2 was found to have two (2) inches of free product. Free product was not observed in any other existing monitoring wells during the Stage 2 investigation.

Based upon the observations made during the Stage 2 investigation, another Free Product Removal Plan and Budget was submitted on November 25, 2014. That plan and budget was approved by the Agency on December 30, 2014. The recovery activities completed in association with that plan and budget were documented in a Free Product Removal Report submitted on May 6, 2015. That report was subsequently approved in a letter to the owner dated May 19, 2015.

The May 6, 2015 Free Product Removal Report proposed to observe free product conditions during Stage 3 field work, since a Stage 3 Site Investigation Plan and Budget was submitted the same day. A round of groundwater monitoring was completed on September 11, 2015 as part of the Stage 3 investigation. At that time, one inch of free product was observed within monitoring well MW-2. Therefore, another Free Product Removal Plan and Budget was submitted to the Agency on October 27, 2015.

The Agency's January 14, 2016 letter to the owner approved the October 27, 2015 Free Product Removal Plan and Budget. A Free Product Removal Report / Plan & Budget was submitted on May 11, 2016 to document the recovery efforts completed between January and April of 2016, as proposed in the October 27, 2015 Plan & Budget. In addition, another quarter of free product recovery was proposed since ½-inch of free product was still present at MW-2 during the last site visit (April 5, 2016). The May 11, 2016 Plan and Budget was approved, with a modification to the budget, in a letter to the owner dated June 8, 2016.

This report / plan and budget documents the recovery efforts completed as part of the latest approved plan and also proposes additional site visits for the collection of free product, based upon observations made during the most recent site visits.

**C. Free Product Removal**

1. The name(s) of the person(s) responsible for implementing the free product removal measures;

Owner/Operator: Illinois Ayers Oil Company  
Mr. Carl Adams, Jr. (President)  
P.O. Box 772  
Quincy, IL 62301

Consultant: CSD Environmental Services, Inc. (CSD)  
Shane Thorpe (Sr. Project Manager)  
2220 Yale Boulevard  
Springfield, IL 62703

2. The estimated quantity, type, and thickness of free product observed or measured in boreholes, wells, excavation, etc.;

Historically, each of the Northeast (NE) leak detection well (LDW), Southwest (SW) LDW, Southeast (SE) LDW, MW-2, MW-3 and Free Product Well (FPW)-6 have all contained free product exceeding 1/8 of an inch in thickness. Monitoring well MW-2 was the only location where free product was observed between January 26 and April 5, 2016. The thickness of free product observed at MW-2 ranged between 1/2 – 15/16 of an inch.

The May 11, 2016 Free Product Removal Plan and Budget proposed collection of additional free product via hand bailing from MW-2 once every two weeks for a period of three months (6 total site visits). In addition, the plan proposed to check for the presence of free product in the other five monitoring wells (SW-LDW, SE-LDW, NE-LDW, MW-3 and FPW-6) that have historically contained greater than 1/8 of an inch of free product during the final site visit, to determine if free product was still absent at these locations.

The six site visits proposed in the May 11, 2016 Free Product Removal Plan and Budget were completed on July 13, July 28, August 10, August 23, September 8 and September 22, 2016. Free product thickness observed at monitoring well MW-2 during these site visits ranged from 1/8 of an inch to 2 inches. In addition, free product measuring 1/8 of an inch in thickness was observed in the NE-LDW and the SE-LDW.

**Tables 1.0 through 5.0** summarize the historical results of free product thickness observed at the site. **Figure 1.0** shows the location of the site plotted on a portion of the USGS 7.5' Topographic Maps Rushville North & Rushville South, Illinois. **Figure 2.0** provides a site layout with monitoring well locations.

**Table 1.0 – Summary of Early Action Free Product Measurements  
(April-May, 2013)**

Date	MW-1	MW-2	MW-3	RW-1	NE-LDW	SW-LDW	SE-LDW
April 11, 2013	None	None	<1/8"	None	1/4"	1/2"	1/2"
April 15, 2013	None	None	None	None	1/8"	1/2"	Pumping
April 19, 2013	None	None	None	None	1/4"	3/4"	Pumping
April 22, 2013	None	None	None	None	3/16"	1/4"	Pumping
April 26, 2013	None	None	<1/8"	None	1/4"	1/2"	Pumping
April 29, 2013	None	None	6"	None	1/8"	1/4"	Pumping
April 30, 2013	Site visit to begin pumping from MW-3						
May 1, 2013	Site visit to check pumping rate from MW-3						
May 3, 2013	Site visit, check pumping rate/drum storage capacity for weekend (rainy day prohibited checking other wells for free product)						
May 6, 2013	None	None	Pumping	None	1/8"	1/8"	Pumping
May 10, 2013	None	None	None	None	3/8"	3/4"	None

**Table 2.0 – Summary of Free Product Measurements  
(September-November, 2013)**

Date	NE-LDW	SW-LDW	SE-LDW	MW-1	MW-2	MW-3	FPW-1
25-Sep-13	1/2"	None	1/2"	None	16"	None	N/A
1-Oct-13	N/A	N/A	N/A	None	12"	None	None
4-Oct-13	1/2"	1/4"	1/4"	N/A	8 1/2"	None	None
9-Oct-13	1/4"	1/8"	1/8"	N/A	8"	None	None
11-Oct-13	1/2"	1/8"	1/2" **	N/A	6 1/2" **	None	None
14-Oct-13	1/2"	1/8"	Pumping	N/A	Pumping	None	None
17-Oct-13	1/4"	1/8"	Pumping	N/A	Pumping	None	None
21-Oct-13	1/4"	1/8"	Pumping	N/A	Pumping	None	None
24-Oct-13	1/4"	1/8"	Pumping	N/A	Pumping	None	None
28-Oct-13	3/8"	1/8"	Pumping	N/A	Pumping	None	None
1-Nov-13	1/4"	1/8"	Pumping	N/A	Pumping	None	None
4-Nov-13	1/8"	1/8"	1/8"	N/A	1/8"	None	None
12-Nov-13	1/8"	1/8"	1/8"	N/A	1/16"	None	None
15-Nov-13	1/8"	1/16"	1/8"	N/A	1/16"	None	None
	FPW-2	FPW-3	FPW-4	FPW-5	FPW-6	FPW-7	
25-Sep-13	N/A	N/A	N/A	N/A	N/A	N/A	
1-Oct-13	None	None	None	None	1/2"	None	
4-Oct-13	None	None	None	None	3/8"	None	
9-Oct-13	None	None	None	None	1/4"	None	
11-Oct-13	None	None	None	None	1/8"	None	
14-Oct-13	None	None	None	None	1/8"	None	
17-Oct-13	None	None	None	None	1/8"	None	

	FPW-2	FPW-3	FPW-4	FPW-5	FPW-6	FPW-7	
21-Oct-13	None	None	None	None	1/8"	None	
24-Oct-13	None	None	None	None	1/16"	None	
28-Oct-13	None	None	None	None	1/16"	None	
1-Nov-13	None	None	None	None	None	None	
4-Nov-13	None	None	None	None	None	None	
12-Nov-13	None	None	None	None	None	None	
15-Nov-13	None	None	None	None	None	None	

\*\* - pumps installed and activated on this date

**Table 3.0 – Summary of Free Product Measurements  
(January – April, 2015)**

Date	NE-LDW	SW-LDW	SE-LDW	MW-2	MW-3	FPW-6	FPW-7
21-Jan-15	None	None	None	1/2"	None	None	None
9-Feb-15	None	None	None	3/8"	None	None	None
24-Feb-15	None	None	None	1/2"	None	None	None
11-Mar-15	None	None	None	1/2"	None	None	None
27-Mar-15	None	None	None	1/2"	None	None	None
10-Apr-15	None	None	None	1/2"	None	None	None

**Table 4.0 – Summary of Free Product Measurements  
(January – April, 2016)**

Date	NE-LDW	SW-LDW	SE-LDW	MW-2	MW-3	FPW-6
26-Jan-16	None	None	None	7/8"	None	None
10-Feb-16	N/A	N/A	N/A	7/8"	N/A	N/A
23-Feb-16	None	None	None	15/16"	None	None
8-Mar-16	N/A	N/A	N/A	7/8"	N/A	N/A
24-Mar-16	None	None	None	5/8"	None	None
5-Apr-16	N/A	N/A	N/A	1/2"	N/A	N/A

**Table 5.0 – Summary of Free Product Measurements  
(July – September, 2016)**

Date	NE-LDW	SW-LDW	SE-LDW	MW-2	MW-3	FPW-6
13-July-16	N/A	N/A	N/A	1 1/8"	N/A	N/A
28-July-16	N/A	N/A	N/A	1/2"	N/A	N/A
10-Aug-16	N/A	N/A	N/A	3/4"	N/A	N/A
23-Aug-16	N/A	N/A	N/A	2"	N/A	N/A
8-Sept-16	N/A	N/A	N/A	1/8"	N/A	N/A
22-Sept-16	1/8"	None	1/8"	3/4"	None	None

3. The type of free product recovery system used and technical justification for the method of recovery chosen;

Free product observed during the previous quarter was limited to monitoring well MW-2. Additional wells surrounding MW-2 did not contain measureable free product. Therefore, it was proposed to collect product via hand bailing, rather than installing an automated system. When larger amounts of product were present during Early Action, collection was completed using pneumatic skimmer pumps.

In accordance with the approved plan and budget, six site visits were made between July 13 and September 22, 2016. Free product was hand bailed from monitoring well MW-2 during each visit. In addition, each of the other five monitoring wells (SW-LDW, SE-LDW, NE-LDW, MW-3 and FPW-6) where free product has historically exceeded 1/8-inch in thickness were checked for free product during the final site visit.

4. Whether any discharge will take place on or off-site during the recovery operation and where this discharge (point) will be located;

Collected free product will be taken by the owner for reprocessing/reuse. There have not been any discharge points.

5. The type of treatment applied to, and the effluent quality expected from, any discharge;

N/A.

6. The disposition of the recovered free product;

The product being observed appears to be somewhat weathered and darker in color than fresh gasoline, which is transparent, with a yellowish tint. The free product has a specific gravity of less than one and, therefore, floats on water.

7. The steps that have been taken or that are being taken to obtain necessary permits for any discharge;

N/A.

8. The steps taken to identify the source and extent of free product;

Please refer to the 45-Day Report submitted on May 16, 2013, the Free Product Removal Report / Plan and Budget submitted on July 12, 2013 and the Free Product Removal Report submitted on December 16, 2013 for a discussion of the steps taken to identify the source and extent of free product. In summary, an investigation of the extent of free product has been completed in accordance with the Agency's guidance

document. The extent of free product has been limited to the tank field and monitoring well MW-2 over the past couple of years.

9. A schedule of future activities necessary to complete the recovery of free product still exceeding one-eighth of an inch in depth.

An additional quarter of site visits are proposed in order to continue to collect product via hand bailing. Site visits would again be completed every two weeks for a period of twelve weeks (6 total visits). The three wells (MW-2, NE-LDW & SE-LDW) that contained free product one-eighth of an inch or greater during the most recent site visit would be checked and bailed, if necessary, during each visit.

The remaining three wells (SW-LDW, MW-3 and FPW-6) that have historically contained free product would be checked during the final site visit only, to verify it is still absent at these locations. A report would be submitted following the six site visits. At that time, additional site visits would be proposed if free product greater than 1/8-inch is still present during the last visit. A budget proposal for the next quarter of site visits and free product collection is provided in **Appendix A**.

#### **D. Supporting Documentation**

1. Site map meeting the requirements of 35 Ill. Adm. Code of 732.110(a) or 734.440;

Refer to **Figures 1 and 2**.

2. A table showing the dates that free product recovery was conducted and the amount of free product recovered on each date;

Refer to **Table 5.0** for free product measurements collected during the most recent site visits. Approximately 10 gallons of free product / contaminated groundwater was collected and placed into a 55-gallon drum between July 13 and September 22, 2016.

#### **SUPPLEMENTAL BUDGET DISCUSSION**

Although the Agency approved the May 11, 2016 Free Product Removal Plan, a modification was made to the budget that denied all costs associated with bailers. Since the plan consisted of collecting free product via bailing, bailers were obviously vital to the completion of the work and a necessary corrective action cost. The Agency project manager (Mr. Brad Dilbaitis) contacted CSD Environmental Services, Inc. during review of the May 11, 2016 Free Product Plan and Budget and requested validation of the proposed rate (\$15/each) for the bailers.

Mr. Dilbaitis indicated that the Agency wanted to see receipts/invoices for the bailers to determine if the rate was reasonable, despite the fact that Mr. Dilbaitis himself had

determined \$15/bailer to be reasonable in budget decision letters dated September 17, 2013; May 9, 2014; December 30, 2014; May 19, 2015; and January 14, 2016. Mr. Dilbaitis stated that the Agency had previously viewed items such as bailers to be stock items rather than a field purchase item. An explanation as to how or why that would change the "reasonableness" of the cost was not provided.

There seems to be some confusion within the Agency regarding the difference between a field purchase and a stocked material. If a consultant/contractor buys an item specifically for use on one particular site, that would be a field purchase. An example of a field purchase would be buying traffic protection for tubing and wiring running to a skimmer pump being used to collect free product. Another example would be a hotel room when an overnight stay is required.

When site-specific (field) purchases such as these are made, the regulations allow for handling charges. Handling charges are defined in 35 IAC Part 734 as "administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases". Field purchases are made at the time field work is performed, whereas materials or stock items may have been purchased well in advance of the project taking place.

Materials, such as bailers, latex gloves, string, etc. are normally stocked by environmental consultants/contractors because they are needed on most or all projects. Given their routine use, there's a benefit to have a supply on hand so work can be completed when necessary, rather than having to schedule work around delivery of the supplies. These items used to be correctly considered "stock items" because they came out of inventory kept by the consultant/contractor.

However, Mr. Dilbaitis indicated in email correspondences on June 1 and 2, 2016 that the Agency is now treating these items like they would "field purchases" and requiring supporting documentation, specifically a receipt/invoice for the purchase of the bailers. This would essentially be the same as requiring a consultant/contractor to hire and provide proof of payment to a drilling subcontractor before approving the scope of work and costs in a plan and budget.

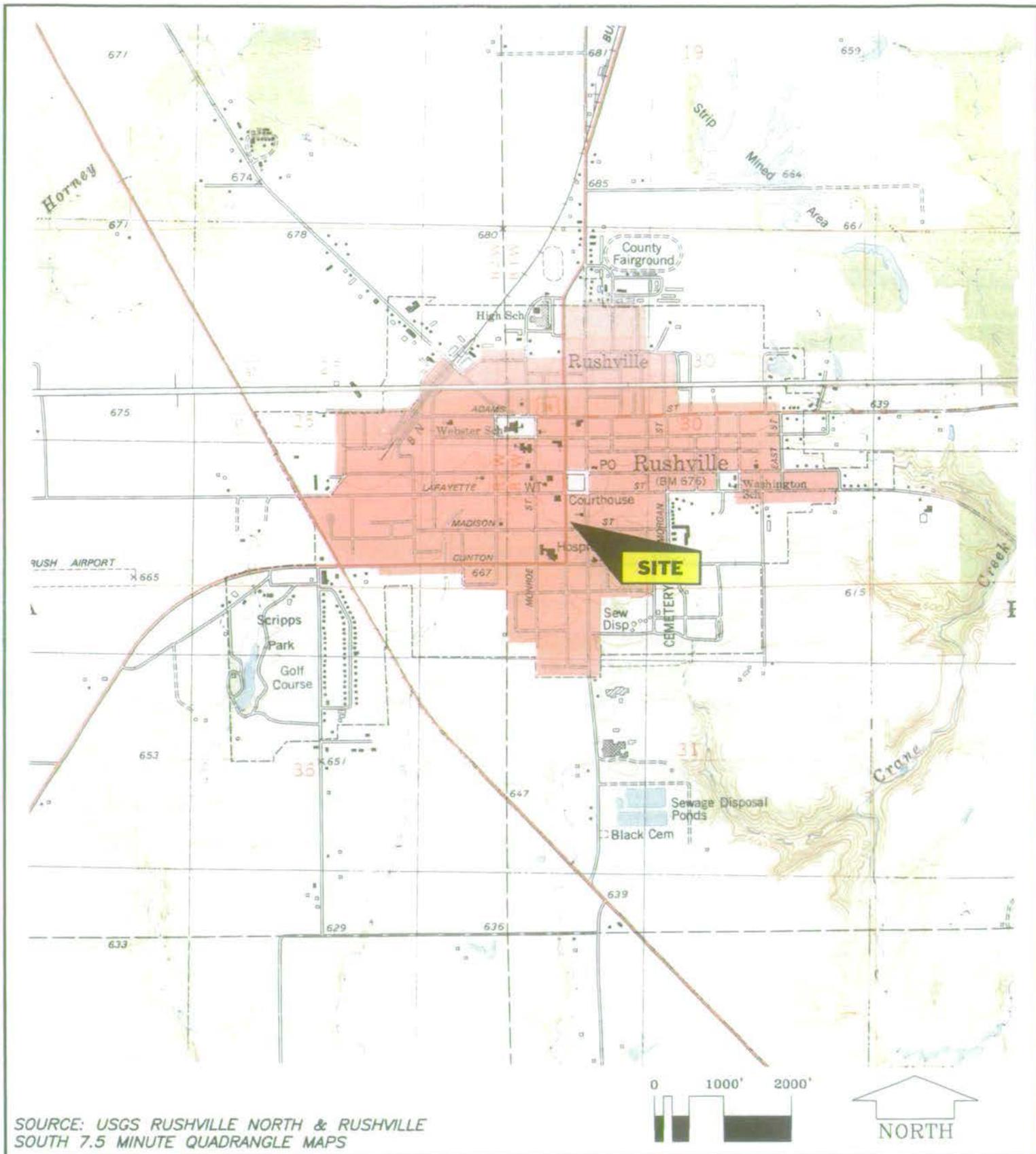
The Agency appears to be requiring that the bailers be purchased by the consultant in advance of submitting the budget (i.e., keeping an inventory). It would be impossible to provide a receipt/invoice for the bailers at the budget stage if they were truly a field purchase. While the regulations allow for handling charges for field purchases, the definition of handling charges does not include costs associated with keeping an inventory.

The Agency's instructions for the budget and billing forms indicate that costs associated with materials, equipment and field purchases are to be included on the "Consulting Materials" form. Bailers or any other materials taken from inventory are not "field purchases" and should not be treated as such.

Mr. Dilbaitis stated that "There may be an acceptable amount over the purchase cost of the bailer that we will allow. I don't know that until it goes through the managers' meeting after we get the initial cost established. I'm just trying to get the cost established." This would appear to be the Agency implementing a rule regarding reimbursement rates without going through the rulemaking process.

CSD and IAOC are again submitting the costs for bailers with an estimate from a bailer supplier for bailers and shipping directly to the site, so that they are truly a "field purchase". While this level of documentation at the budget stage goes beyond the traditional scope of a budget estimate as it pertains to the Leaking UST program, this information is being provided in order to show the costs proposed are reasonable. Costs associated with bailers from the last quarter of free product recovery are also being resubmitted, since they were obviously a necessary part of corrective action.

FIGURES



SOURCE: USGS RUSHVILLE NORTH & RUSHVILLE SOUTH 7.5 MINUTE QUADRANGLE MAPS

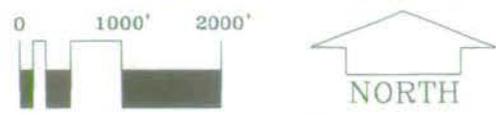


FIGURE 1: SITE LOCATION MAP

SCALE: 1" = 2000'

DATE: 5-01-13

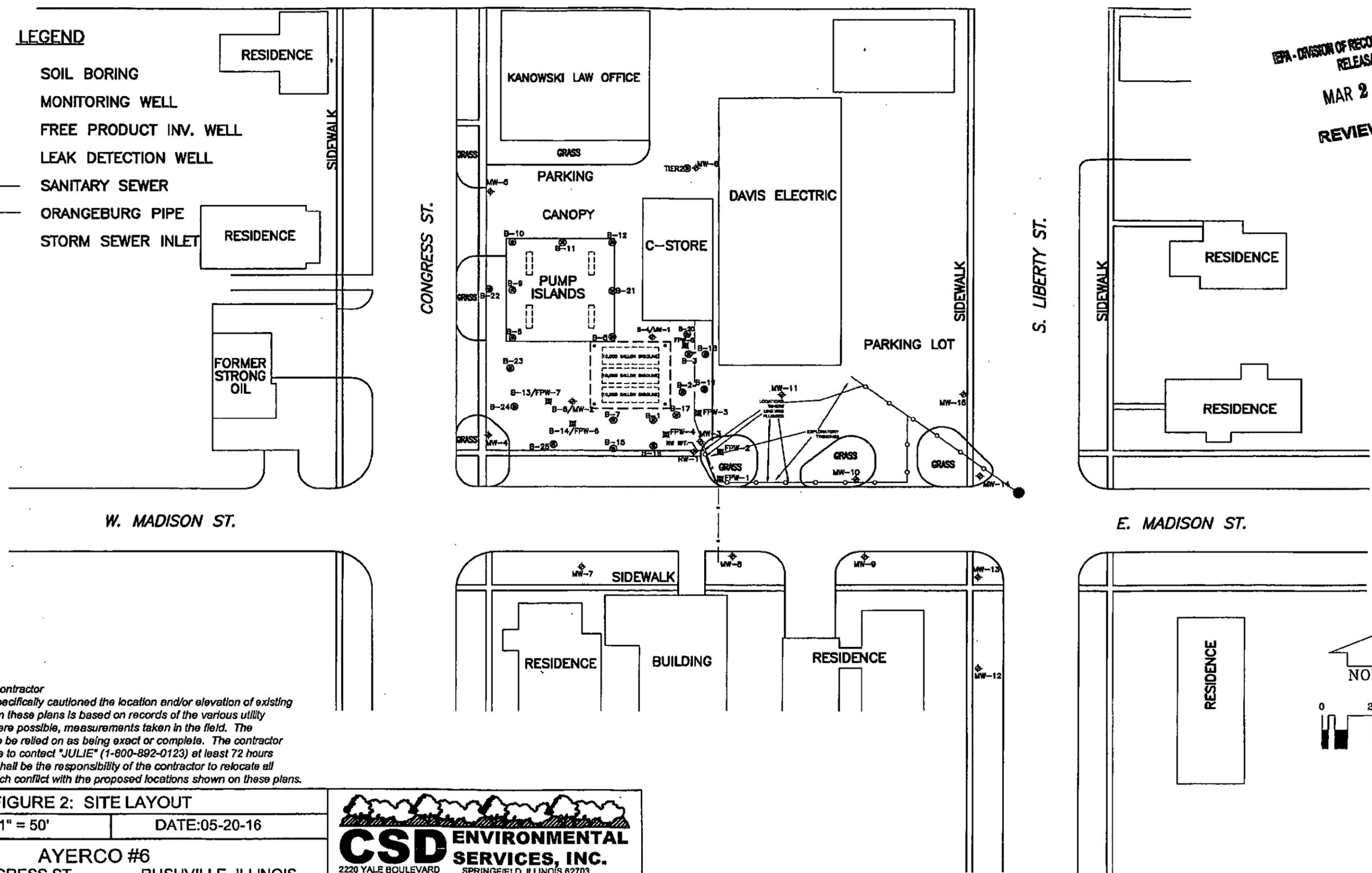
ILLINOIS AYERS OIL CO. (AYERCO #6)  
RUSHVILLE ILLINOIS

**CSD ENVIRONMENTAL SERVICES, INC.**  
2220 YALE BOULEVARD SPRINGFIELD, ILLINOIS 62703 000019  
PHONE: 217-522-4085 FAX: 217-522-4087

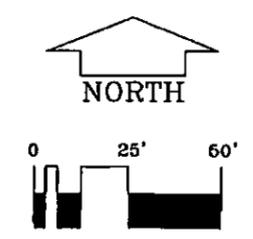
EPA - DIVISION OF RECORDS MANAGEMENT  
 RELEASABLE  
 MAR 21 2017  
 REVIEWER JRM

**LEGEND**

- ⊙ SOIL BORING
- ⊕ MONITORING WELL
- ⊗ FREE PRODUCT INV. WELL
- LEAK DETECTION WELL
- SANITARY SEWER
- - - ORANGEBURG PIPE
- ⊗ STORM SEWER INLET



*Caution - Note to Contractor*  
 The contractor is specifically cautioned the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The contractor shall be responsible to contact "JULIE" (1-800-892-0123) at least 72 hours before digging. It shall be the responsibility of the contractor to relocate all existing utilities which conflict with the proposed locations shown on these plans.



**FIGURE 2: SITE LAYOUT**  
 SCALE: 1" = 50'      DATE: 05-20-16  
 AYERCO #6  
 141 S. CONGRESS ST.      RUSHVILLE, ILLINOIS

**CSD ENVIRONMENTAL SERVICES, INC.**  
 2220 YALE BOULEVARD      SPRINGFIELD, ILLINOIS 62703  
 PHONE: 217-522-4085      FAX: 217-522-4087

Received, City's Office 5/29/2010

**APPENDIX A**  
**PROPOSED BUDGET**

### Owner/Operator and Licensed Professional Engineer/Geologist Budget Certification Form

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 20130327. I further certify that the costs set forth in this budget are for necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57, no costs are included in this budget that are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

- Costs associated with ineligible tanks.
- Costs associated with site restoration (e.g., pump islands, canopies).
- Costs associated with utility replacement (e.g., sewers, electrical, telephone, etc.).
- Costs incurred prior to IEMA notification.
- Costs associated with planned tank pulls.
- Legal fees or costs.
- Costs incurred prior to July 28, 1989.
- Costs associated with installation of new USTs or the repair of existing USTs.

RECEIVED

DEC 22 2016

IEPA/BOL

Owner/Operator: Illinois Ayers Oil Company

Authorized Representative: Carl Adams, Jr.

Title: Vice President

Signature: [Handwritten Signature]

Date: 12/16/16

Subscribed and sworn to before me the 16<sup>th</sup> day of December, 2016

Tammy J. DeJaynes  
(Notary Public)

Seal: "OFFICIAL SEAL" TAMMY J. DEJAYNES Notary Public, State of Illinois My Commission Expires 09/24/17

In addition, I certify under penalty of law that all activities that are the subject of this plan, budget, or report were conducted under my supervision or were conducted under the supervision of another Licensed Professional Engineer or Licensed Professional Geologist and reviewed by me; that this plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in the plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 732 or 734, and generally accepted standards and practices of my profession; and that the information presented is accurate and complete. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA, including but not limited to fines, imprisonment, or both as provided in Sections 44 and 45 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

L.P.E./L.P.G.: Joseph Truesdale

L.P.E./L.P.G. Seal:

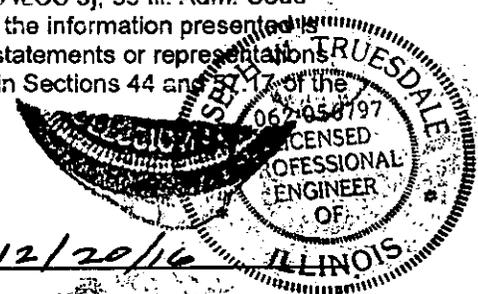
L.P.E./L.P.G. Signature: [Handwritten Signature]

Date: 12/20/16

Subscribed and sworn to before me the 20<sup>th</sup> day of DECEMBER, 2016

Shane A. Thorpe  
(Notary Public)

Seal: OFFICIAL SEAL SHANE A. THORPE NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES SEPT. 14, 2018



The Illinois EPA is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder.

**Budget Summary**

Choose the applicable regulation:  734  732

734	Free Product	Stage 1 Site Investigation	Stage 2 Site Investigation	Stage 3 Site Investigation	Corrective Action
Drilling and Monitoring Well Costs Form	\$	\$	\$	\$	\$
Analytical Costs Form	\$	\$	\$	\$	\$
Remediation and Disposal Costs Form	\$	\$	\$	\$	\$
UST Removal and Abandonment Costs Form	\$	\$	\$	\$	\$
Paving, Demolition, and Well Abandonment Costs Form	\$	\$	\$	\$	\$
Consulting Personnel Costs Form	\$ 7,709.16	\$	\$	\$	\$
Consultant's Materials Costs Form	\$ 932.70	\$	\$	\$	\$
Handling Charges Form	Handling charges will be determined at the time a billing package is submitted to the Illinois EPA. The amount of allowable handling charges will be determined in accordance with the Handling Charges Form.				
<b>Total</b>	\$ 8,641.86	\$	\$	\$	\$



# Illinois Environmental Protection Agency

Bureau of Land • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

## General Information for the Budget and Billing Forms

LPC #: 1690205047 County: Schuyler

City: Rushville Site Name: Ayerco #6

Site Address: 141 S. Congress St.

IEMA Incident No.: 20130327

IEMA Notification Date: 4/4/2013

Date this form was prepared: November 14, 2016

**This form is being submitted as a (check one, if applicable):**

- Budget Proposal
- Budget Amendment (Budget amendments must include only the costs over the previous budget.)
- Billing Package

Please provide the name(s) and date(s) of report(s) documenting the costs requested:

Name(s): \_\_\_\_\_

Date(s): \_\_\_\_\_

**RECEIVED**

DEC 22 2016

**IEPA/BOL**

**This package is being submitted for the site activities indicated below:**

**35 Ill. Adm. Code 734:**

- Early Action
- Free Product Removal after Early Action
- Site Investigation . . . . . Stage 1:  Stage 2:  Stage 3:
- Corrective Action Actual Costs

**35 Ill. Adm. Code 732:**

- Early Action
- Free Product Removal after Early Action
- Site Classification
- Low Priority Corrective Action
- High Priority Corrective Action

**35 Ill. Adm. Code 731:**

- Site Investigation
- Corrective Action

**General Information for the Budget and Billing Forms**

The following address will be used as the mailing address for checks and any final determination letters regarding payment from the Fund.

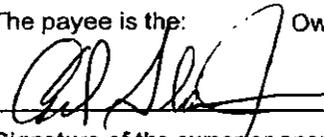
Pay to the order of: Illinois Ayers Oil Company, Inc.

Send in care of: CSD Environmental Services, Inc.

Address: 2220 Yale Boulevard

City: Springfield State: Illinois Zip: 62708-0912

The payee is the: Owner  Operator  (Check one or both.)

  
 Signature of the owner or operator of the UST(s) (required)

W-9 must be submitted.  
[Click here to print off a W-9 Form.](#)

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

Fewer than 101:  101 or more:

Number of USTs at the site: 8 (Number of USTs includes USTs presently at the site and USTs that have been removed.)

Number of incidents reported to IEMA for this site: 1

Incident Numbers assigned to the site due to releases from USTs: 20130327

Please list all tanks that have ever been located at the site and tanks that are presently located at the site.

Product Stored in UST	Size (gallons)	Did UST have a release?	Incident No.	Type of Release Tank Leak / Overfill / Piping Leak
Gasoline (Removed)	10,000	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Gasoline (Removed)	5,000	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Gasoline (Removed)	5,000	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Kerosene (Removed)	1,000	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Used Oil (Removed)	550	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Gasoline (Existing)	10,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20130327	Overfill
Gasoline (Existing)	10,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20130327	Overfill
Gasoline (Existing)	10,000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20130327	Overfill
		Yes <input type="checkbox"/> No <input type="checkbox"/>		

## Consulting Personnel Costs Form

Employee Name		Personnel Title	Hours	Rate* (\$)	Total Cost
Remediation Category	Task				
		Senior Project Manager	4.00	125.15	\$500.60
FP-Plan	Prepare Budget for additional Free Product Recovery (November 2016)				
		Senior Draftperson/CAD	1.00	75.08	\$75.08
FP-Plan	Prepare maps/figures for FP Removal Plan & Budget				
		Senior Prof. Engineer	2.00	162.70	\$325.40
FP-Budget	Review/Certify FP Removal Plan & Budget (November 2016)				
		Geologist II	30.00	93.86	\$2,815.80
FP-Field	Site visits (6), bail free product				
		Senior Project Manager	6.00	125.15	\$750.90
FP-Field	Schedule/coordinate field activities				
		Senior Project Manager	12.00	125.15	\$1,501.80
FP-Report	Prepare Free Product Report following 3 months of bi-monthly visits				
		Senior Admin. Assistant	2.00	56.32	\$112.64
FP-Plan	Copy, bind, scan & distribute Free Product Removal Plan & Budget				
		Senior Admin. Assistant	2.00	56.32	\$112.64
FP-Report	Copy, bind, scan & distribute Free Product Removal Report				
		Senior Acct. Technician	12.00	68.83	\$825.96
FP-Pay	Prepare reimbursement for free product activities				



**Consultant's Materials Costs Form**

Materials, Equipment, or Field Purchase	Time or Amount Used	Rate (\$)	Unit	Total Cost
Remediation Category	Description/Justification			
Mileage	720.00	.56	miles	\$399.60
FP-Field	Site visits (6 @ 120 mi./ea.)			
Bailers	21.00	7.99	each	\$167.79
FP-Field	Check for free product (3 wells x 6 visits + 3 wells x 1 visit) (37.50/EA + 6.570 SALES AND USE TAX)			
Photocopies	150.00	.07	each	\$10.50
FP-Plan	Copies of Free Product Removal Plan and Budget			
Photocopies	150.00	.07	each	\$10.50
FP-Report	Copies of Free Product Removal Report following one quarter			
Photocopies	250.00	.07	each	\$17.50
FP-Pay	Copies of Free Product Reimbursement request			
Bailer Freight	5.00	25.00	each	\$125.00
FP-Field	3 bailers shipped from supplier to site (x5 visits), 6 bailers shipped to site (x1 visit)			
String	1.00	14.06	each	\$14.06
FP-Field	String for bailers			
Nitrile Gloves	1.00	22.75	each	\$22.75
FP-Field	Box of nitrile gloves			
Bailers	11.00	15.00	each	\$165.00
FP-Field	Bailers used for free product recovery July - September 2016 (from CSD stock) (STRING & GLOVES INCLUDED IN RATE)			
<b>Total of Consultant Materials Costs</b>				<b>\$932.70</b>



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Your Store:  
**Springfield, IL**

**1** Cart



Prices, promotions, styles, and availability may vary. Our local stores do not honor online pricing. Prices and availability of products and services are subject to change without notice. Errors will be corrected where discovered, and Lowe's reserves the right to revoke any stated offer and to correct any errors, inaccuracies or omissions including after an order has been submitted.

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Your purchase is always

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3101 West Wabash, Springfield, IL 62704

Products in Cart	Select a Delivery Method	Quantity	Unit Price	Total
 <p><b>GOLDBLATT 500-ft Fluorescent Pink Polyester Mason Line</b> Item #:615075   Model #:G06995</p>	<p><b>Store Pickup</b> Your item is available for pickup today.</p>	<input type="text" value="1"/>	\$6.97	\$6.97
	<p><b>Lowe's Truck Delivery</b> You'll be contacted within 24 hours to arrange your delivery.</p>			
	<p><b>Parcel Shipping</b> Sent by carriers like UPS, FedEx, USPS, etc.</p>			

### Cart Summary

**5% OFF EVERY DAY**

**OR 6 MONTHS SPECIAL FINANCING\*\***

\*\*\$299 Minimum Purchase Required.

[Get Details](#)

<b>Estimate Parcel Shipping Charges</b>	Subtotal	\$6.97
Standard 1-3 Business Days \$5.99	Estimated Parcel Shipping	\$5.99
<b>Promotion Code</b>	Estimated Sales Tax	\$1.10
<input type="text"/>	<b>Estimated Total</b>	<b>\$14.06</b>

Items may remain in your cart for up to 30 days.

[Sign In](#) | [Sign Up](#)

[Your Account](#)

Your Store:  
**Springfield, IL**

**1** Cart



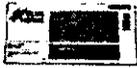
Prices, promotions, styles, and availability may vary. Our local stores do not honor online pricing. Prices and availability of products and services are subject to change without notice. Errors will be corrected where discovered, and Lowe's reserves the right to revoke any stated offer and to correct any errors, inaccuracies or omissions including after an order has been submitted.

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### Shopping Cart

Your purchase is always

**Lowe's Of Springfield, IL** | [Change Store](#)  
3101 West Wabash, Springfield, IL 62704

Products in Cart	Select a Delivery Method	Quantity	Unit Price	Total
 <p><b>Blue Hawk 50-Pair One Size Fits All Nitrile Cleaning Gloves</b> Item #:332970   Model #:NL100</p>	<p><b>Store Pickup</b> Your item is available for pickup today.</p>	<input type="text" value="1"/>	\$14.98	\$14.98
	<p><b>Lowe's Truck Delivery</b> You'll be contacted within 24 hours to arrange your delivery.</p>			
	<p><b>Parcel Shipping</b> Sent by carriers like UPS, FedEx, USPS, etc.</p>			

### Cart Summary

**5% OFF EVERY DAY**

**OR 6 MONTHS SPECIAL FINANCING™**

\$299 Minimum Purchase Required.

[Get Details](#)

<b>Estimate Parcel Shipping Charges</b>	Subtotal	\$14.98
Standard 1-3 Business Days \$5.99	Estimated Parcel Shipping	\$5.99
<b>Promotion Code</b>	Estimated Sales Tax	\$1.78
<input type="text"/>	<b>Estimated Total</b>	<b>\$22.75</b>

Items may remain in your cart for up to 30 days.



Office of the Illinois  
**State Fire Marshal**  
*"Partnering With the Fire Service to Protect Illinois"*

CERTIFIED MAIL - RECEIPT REQUESTED #7012 1010 0002 9138 6232

July 1, 2013

Illinois Ayers Oil Company  
Hwy. 24 & I-72 Junction  
P.O. Box 772  
Quincy, IL 62306

In Re: Facility No. 5-020790  
IEMA Incident No. 13-0327  
Ayerco #6 Convenience Center  
141 S. Congress  
Rushville, Schuyler Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on July 1, 2013 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek payment of costs in excess of \$5,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 6 10,000 gallon Gasoline  
Tank 7 10,000 gallon Gasoline  
Tank 8 10,000 gallon Diesel Fuel

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:

"Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law

Aviation fuel

Heating oil

Kerosene

Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.

4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.504(b)).

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

Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620

The following tanks are also listed for this site:

Tank 1 10,000 gallon Gasoline  
Tank 2 5,000 gallon Gasoline  
Tank 3 5,000 gallon Gasoline  
Tank 4 1,000 gallon Kerosene – Exempt from Registration  
Tank 5 550 gallon Used Oil – Exempt from Registration

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020 or (217) 785-5878.

Sincerely,



Deanne Lock  
Administrative Assistant  
Division of Petroleum and Chemical Safety

cc: IEPA  
Facility File

## Received, Clerk's Office 5/23/2018

**From:** Shane Thorpe  
**To:** [Dilbaitis, Bradley](mailto:Bradley.Dilbaitis@Illinois.gov)  
**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville  
**Date:** Thursday, June 02, 2016 3:07:49 PM

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For the next 30 days, the purchase cost of 1 bailer would be \$ 31.99, including taxes and shipping. Assuming a 12% handling charge, that will come to \$ 35.83/bailer on the days when only 1 bailer is needed.

On the trip where 6 bailers are needed the purchase cost would be \$ 12.10, including tax and shipping. Assuming a 12% handling charge, that will come to \$ 13.55/each. That does come out \$ 1.45 less than the \$ 15 that we sell them for, but that price also doesn't include gloves and string. That price is also only good for 30 days.

If they are not going to be a stock item, the purchase cost is going to fluctuate significantly based upon quantity.

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**From:** Dilbaitis, Bradley [mailto:Bradley.Dilbaitis@Illinois.gov]  
**Sent:** Thursday, June 02, 2016 2:50 PM  
**To:** Shane Thorpe  
**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville

Hi Shane,

Sorry it took me so long to get back with you. We had a Section meeting this morning. I think that there may have been a misunderstanding concerning the field purchases/stock item issue so I think I need to clarify a few earlier statements. When I stated "*I'm not sure why anyone should be making a profit on the purchase of bailers other than the allowed Handling Charges*" yesterday morning I was not really aware of the difference between field purchases and stock items. I just knew that we didn't previously require invoices for items like bailers, gloves and rope/string but we also didn't see any request for handling charges for those costs, which would require the proof of purchase for the items. After reading your reply to that email I clarified the stock item/field purchases issue with Brian. The email that I sent yesterday afternoon was an attempt to acknowledge the fact that we recognize that there are differences between field purchases and stock items: "*If it's considered a field purchase you're allowed handling charges and that covers a reasonable profit for procurement, oversight and payment of field purchases (734.115, definition of "Handling Charges"). Traditionally, bailers have been considered more of a stock item rather than a field purchase and the costs have been paid without requiring invoices and proof of payment for handling charges because handling charges aren't requested for bailers.*"

You had asked me previously "*What does the Agency consider to be reasonable for the cost of a bailer? Are we only allowed reimbursement equal to the purchase cost? If that's the case, I'll have to start buying them individually when needed.*" To which I replied "*Yes. I would say that we consider the purchase cost of a bailer to be a reasonable cost for the Agency to pay for a bailer. If I read your last sentence correctly, you currently buy your bailers in bulk. I would assume that you could find out how many bailers are in a box/case and determine how much the cost is per bailer. I'm not sure I follow the reasoning for buying bailers individually when needed if the State determines that we will pay (only?) for the purchase cost of the bailer.*" I don't know what management's policy is regarding how much or whether any amount above the purchase cost is allowed. I know that the actual cost would be approved. There may be an acceptable amount over the purchase cost of the bailer that we will allow. I don't know that until it goes through the managers' meeting after we get the initial cost established. I'm just trying to get the purchase cost established.

Brad Dilbaitis

Project Manager

Illinois Environmental Protection Agency

Leaking Underground Storage Tanks

1021 North Grand Avenue East

P.O. Box 19276

## Received, Clerk's Office 5/23/2018

Springfield, IL 62794-9276  
phone: (217) 785-8378  
fax: (217) 524-4193

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**From:** Shane Thorpe [<mailto:SThorpe@csdenviro.com>]

**Sent:** Thursday, June 02, 2016 11:21 AM

**To:** Dilbaitis, Bradley

**Subject:** FW: Incident #20130327-IL Ayers Oil Company/ Rushville  
Brad,

The attached file contains revised budget pages and quotes for the field purchases. The \$ 7.99 price per bailer is the quoted price of \$ 7.50/each + 6.5% sales & use tax. Freight for 1 bailer to the site is \$ 24/event x 5 events. Freight for 6 bailers to the site is \$ 24.67 x 1 event. The quote is only good for 30 days. I'm assuming if the price we have to pay goes up I can put that in an amended budget. I couldn't find disposable gloves in a box smaller than 50. Since these are a field purchase item and we won't be stocking them, I'll need to buy a whole box for the project. Same applies to the string.

Shane A. Thorpe

Sr. Project Manager

CSD Environmental Services, Inc.

2220 Yale Boulevard

Springfield, Illinois 62703

Phone: 217.522.4085

Fax: 217.522.4087

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**From:** Shane Thorpe

**Sent:** Thursday, June 02, 2016 10:01 AM

**To:** 'Dilbaitis, Bradley' <[Bradley.Dilbaitis@Illinois.gov](mailto:Bradley.Dilbaitis@Illinois.gov)>

**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville  
Brad,

You didn't answer any of my questions. I told you I'm getting quotes for the bailers, with shipping, to serve as supporting documentation. I'll send them over when I get them. If the Agency's not going to treat them as a stock item, I'm not going to stock them. You (and/or management) obviously don't understand that if I'm stocking an item, there's a cost associated with that. I sell bailers to non-LUST clients and I invoice them at the same \$15 rate. The same thing goes for any equipment we use on a job. It's not some means of gouging the fund. It's standard practice in any industry. Do you think if you take your car in for an oil change that they're only billing you for their purchase cost of the filter and oil and they make all their profit on the labor? You said it yourself...we're talking about 11 bailers. At \$15/each that's a total line item cost of \$ 165. We've wasted more money than that by having this ridiculous conversation.

I understand this is not specific to me or CSD, but I'm offended on behalf of any honest consultant. How many free product removal budgets come in for under \$ 8500 for a quarter? To then get haggled over the price of a bailer, when that price has been routinely paid since this program's inception, is completely absurd. If management's goal is to keep any actual work from being done, they're doing a fine job.

Shane A. Thorpe

Sr. Project Manager

CSD Environmental Services, Inc.

2220 Yale Boulevard

## Received, Clerk's Office 5/23/2018

Springfield, Illinois 62703

Phone: 217.522.4085

Fax: 217.522.4087

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**From:** Dilbaitis, Bradley [<mailto:Bradley.Dilbaitis@Illinois.gov>]

**Sent:** Thursday, June 02, 2016 9:22 AM

**To:** Shane Thorpe <[SThorpe@csdenviro.com](mailto:SThorpe@csdenviro.com)>

**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville

Good morning Shane,

Management directed us a few months ago to validate the rates submitted in budgets and claims that are not subject to Subpart H maximum payment amounts. I'm not going to get into a manufacturer/seller/buyer/consumer discussion concerning the bailers but I would hope that you're not equating the use of the bailers on a LUST project to reselling the bailers to the State. The budget is requesting \$15.00 per bailer. In order for the Agency to pay this cost we need to know how much each bailer costs. If the individual bailers cost less than \$15 then we'd like to see what the difference in cost is attributed to in order to determine if the request is reasonable.

I'm getting the impression that I'm the first PM to request this information from CSD but I certainly won't be the last. This is not a *you* thing, it's an *us* thing. We're looking at every budget and every claim for these rates now so something's going to have to get figured out. I've requested the same information for air compressors, skid steers, concrete saws, CGIs, tripods, PIDs, water level indicators, metal detectors, gloves, rope, etc. from other consultants. If the information is not submitted we have to deny the costs because we can't determine whether a rate is reasonable without knowing what the item costs. If the Agency receives the information and believes that the \$15.00 rate is unreasonable then all we have to do is agree on a rate that's reasonable for both sides. We're talking about 11 bailers. This is not an unreasonable request.

Brad Dilbaitis

Project Manager

Illinois Environmental Protection Agency

Leaking Underground Storage Tanks

1021 North Grand Avenue East

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Springfield, IL 62794-9276

phone: (217) 785-8378

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**From:** Shane Thorpe [<mailto:SThorpe@csdenviro.com>]

**Sent:** Wednesday, June 01, 2016 2:51 PM

**To:** Dilbaitis, Bradley

**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville

Brad,

I told you I relied upon my 20 years of experience preparing budgets to determine the proposed cost of the bailers. I didn't rely on any other financial information. How many times have you personally approved \$15/bailer at this very site? It was reasonable before but now, all the sudden, it's not reasonable unless I can provide an invoice from the future to justify a cost that hasn't been incurred yet? I would also beg to differ that the State pays appropriate personnel costs. Have you seen what your Agency charges per hour in the SRP program? It's about twice what we're allowed to charge for the same services.

Also, CSD does sell bailers. Just because we don't manufacture bailers doesn't mean we don't sell them. That's like saying that the convenience store down the street doesn't sell Coca Cola, only the Coca Cola company does. If the Agency wants to handle it this way, that's fine. CSD will no longer keep bailers as a stock item for LUST sites. We will order them as needed and the Agency can pay for the freight each time and the handling costs. The plan proposed checking one well during five visits

## Received, Clerk's Office 5/23/2018

& six wells during the final visit. I'll get a quote for the cost to purchase one bailer, shipped directly to the site in Rushville and a quote for six bailers, also shipped directly to the site. I'll also need to add costs for string, latex gloves & ice that we used to provide with the bailers. Those can't be considered incidental costs anymore if we're only being reimbursed for the purchase price of the bailer. I think the company we buy the bailers from is also located out of state, so we have to pay a 6.25% sales and use tax to the State of Illinois on cost of the bailers. Do you want that as a separate line item? Can I just send you a revised consultant's materials form and budget summary for the increase in costs?

Shane A. Thorpe

Sr. Project Manager

CSD Environmental Services, Inc.

2220 Yale Boulevard

Springfield, Illinois 62703

Phone: 217.522.4085

Fax: 217.522.4087

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**From:** Dilbaitis, Bradley [<mailto:Bradley.Dilbaitis@Illinois.gov>]

**Sent:** Wednesday, June 01, 2016 2:28 PM

**To:** Shane Thorpe <[SThorpe@csdenviro.com](mailto:SThorpe@csdenviro.com)>

**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville

Hi Shane,

734.850(b) states that *owners and operators seeking payment must demonstrate to the Agency that the amounts sought for costs associated with activities (or equipment) that do not have Subpart H rates are reasonable.*

734.505(a) states that *the Agency may review any or all technical or financial information, or both, relied upon by the owner or operator or the Licensed Professional Engineer or Licensed Professional Geologist in developing any plan, budget, or report selected for review. The Agency may also review any other plans, budgets, or reports submitted in conjunction with the site.* 734.510(b) states that *a financial review must consist of a detailed review of the costs associated with each element necessary to accomplish the goals of the plan as required pursuant to the Act and regulations. Items to be reviewed must include, but are not limited to, costs associated with any materials, activities, or services that are included in the 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 Subpart H.*

The State pays appropriate Consulting Personnel Costs for consultants to conduct their business. We pay for every appropriate hour spent on the project. Yes, I absolutely agree that a company should be making a profit on supplies that they sell, but CSD doesn't sell bailers. That would be the company you buy them from. If it's considered a field purchase you're allowed handling charges and that covers a reasonable profit for procurement, oversight and payment of field purchases (734.115, definition of "Handling Charges"). Traditionally, bailers have been considered more of a stock item rather than a field purchase and the costs have been paid without requiring invoices and proof of payment for handling charges because handling charges aren't requested for bailers. We've been told that we can't determine rates for items that don't already have Subpart H maximum payment amounts but that we should be asking questions about the rates submitted in order to justify the cost. We have to know the cost of the bailers in order to determine whether the requested rate of \$15.00 per bailer is reasonable. Without supporting documentation the Agency's only alternative is to deny this cost.

Brad Dilbaitis

Project Manager

Illinois Environmental Protection Agency

Leaking Underground Storage Tanks

## Received, Clerk's Office 5/23/2018

1021 North Grand Avenue East  
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**From:** Shane Thorpe [<mailto:SThorpe@csdenviro.com>]  
**Sent:** Wednesday, June 01, 2016 10:32 AM  
**To:** Dilbaitis, Bradley  
**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville  
Brad,

So if I buy the bailers in bulk can I bring them over to your office to store until I need them? Why would I want to order them in bulk and have them take up space in my office or warehouse if there's no incentive for me to do so? You don't think people should be making a profit on supplies they sell? How are people supposed to stay in business if they don't make a profit?

In the past I have purchased bailers in bulk. The rates I paid in the past are not guaranteed for the future. Prices on all supplies change. What if I have to buy more bailers when it comes time to do this project and the price goes up? Then I'm locked into an old rate and I'm losing money. Is that fair? I'm not sure I follow the reasoning for requiring receipts/invoices for future work at the budget stage.

What have you determined is a reasonable rate for a bailer? I'm sure I'm not the first consultant you've asked for this information.

Shane A. Thorpe  
Sr. Project Manager  
CSD Environmental Services, Inc.  
2220 Yale Boulevard  
Springfield, Illinois 62703  
Phone: 217.522.4085  
Fax: 217.522.4087

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**From:** Dilbaitis, Bradley [<mailto:Bradley.Dilbaitis@Illinois.gov>]  
**Sent:** Wednesday, June 01, 2016 10:00 AM  
**To:** Shane Thorpe <[SThorpe@csdenviro.com](mailto:SThorpe@csdenviro.com)>  
**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville

Hi Shane,

Yes. I would say that we consider the purchase cost of a bailer to be a reasonable cost for the Agency to pay for a bailer. If I read your last sentence correctly, you currently buy your bailers in bulk. I would assume that you could find out how many bailers are in a box/case and determine how much the cost is per bailer. I'm not sure I follow the reasoning for buying bailers individually when needed if the State determines that we will pay (only?) for the purchase cost of the bailer. I'm not sure why anyone should be making a profit on the purchase of bailers other than the allowed Handling Charges.

Brad Dilbaitis  
Project Manager  
Illinois Environmental Protection Agency  
Leaking Underground Storage Tanks  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
phone: (217) 785-8378

## Received, Clerk's Office 5/23/2018

fax: (217) 524-4193

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**From:** Shane Thorpe [<mailto:SThorpe@csdenviro.com>]

**Sent:** Wednesday, June 01, 2016 8:45 AM

**To:** Dilbaitis, Bradley

**Subject:** RE: Incident #20130327-IL Ayers Oil Company/ Rushville  
Brad,

Isn't a budget an estimate of costs that will be incurred? If I don't buy the bailers until you approve the work, I wouldn't have a receipt or invoice. To determine the \$15 estimate that I put in the budget, I relied on my 20 years of experience preparing budgets. What does the Agency consider to be reasonable for the cost of a bailer? Are we only allowed reimbursement equal to the purchase cost? If that's the case, I'll have to start buying them individually when needed.

Shane A. Thorpe

Sr. Project Manager

CSD Environmental Services, Inc.

2220 Yale Boulevard

Springfield, Illinois 62703

Phone: 217.522.4085

Fax: 217.522.4087

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**From:** Dilbaitis, Bradley [<mailto:Bradley.Dilbaitis@Illinois.gov>]

**Sent:** Tuesday, May 31, 2016 2:22 PM

**To:** Shane Thorpe <[SThorpe@csdenviro.com](mailto:SThorpe@csdenviro.com)>

**Subject:** Incident #20130327-IL Ayers Oil Company/ Rushville

Good afternoon Shane,

I'm reviewing the Free Product Removal Plan and Budget for incident #20130327. As you're probably well aware by now, the Agency is requesting validation for the rates not covered under Subpart H that are requested in the Consultant's Materials Costs. The Consultant's Materials Costs requests 11 bailers at a rate of \$15.00 per bailer. How did you determine the \$15.00 rate for a bailer? Is this the purchase cost of the bailer? We'd like to see the receipt/invoice for the purchase of the bailers. Thanks for your help.

Brad Dilbaitis

Project Manager

Illinois Environmental Protection Agency

Leaking Underground Storage Tanks

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