

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

GAUTSCHY'S CORNER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	PCB No. _____
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Petition for Review
PROTECTION AGENCY,	)	and Hearing/Appeal)
	)	
Respondent.	)	

**PETITION FOR REVIEW AND HEARING/APPEAL**

NOW COMES Gautschy's Corner ("Gautschy"), by its attorneys, Robert M. Riffle, Esq. and Anne L. Mergen, Esq., of Riffle & Associates LLC, and as and for its Petition for Review and Hearing/Appeal of the Illinois Environmental Protection Agency's final decision with respect to the Corrective Action Plan ("CAP") Budget and the Corrective Action Completion Report ("CACR") for Payment regarding a certain leaking underground storage tank (LUST) site, states as follows:

**BACKGROUND**

1. Gautschy's retained Midwest Environmental Consulting & Remediation Services, Inc. ("Midwest") to remediate the property located at 2402 N. Bloomington Street, Streator, Illinois, LPC #0994905063, LUST Incident-Claim No. 20020669 (the "Property" or the "Project").
2. On January 16, 2019, Gautschy's submitted a Budget Amendment to the Illinois Environment Protection Agency ("IEPA"). Gautschy's Budget Amendment sought budget approval in the amount of \$39,259.62, which was the amount that was reasonably and necessarily expended to complete the work on the Project.

6. By letter dated April 18, 2019, the IEPA rejected the entirety of the Budget Request submitted on January 16, 2019. (the "Denial Letter"). The Denial Letter rejected payment of certain costs as listed in Attachment A thereto, stating the reasons they were purportedly not paid. True and accurate copies of this letter and its attachment are attached hereto as Exhibits 1.

7. The Denial Letter was designated as a final and appealable order (the Final Decision).

### ARGUMENT

The IEPA rejected the Application based upon the reasons stated on Attachment A to the denial letter (Exhibit 1). Gautschy's and Midwest disagree with these determinations, and affirmatively state that the reimbursement amounts expended were reasonable, customary, and necessary for the proper completion of the project and site closure. Specifically, all of the costs listed on that Attachment A to Exhibit 2 were actually and legitimately expended and performed. Additionally, the scope of the additional work performed was within the guidelines pre-approved by the IEPA.

### CONCLUSION

For all of the foregoing reasons, Gautschy's respectfully requests a hearing in this matter, which will provide it the opportunity to establish the propriety of the costs. Gautschy's also requests that the Final Decision be reversed or modified by requiring payment of the amounts denied in Attachment A to Exhibit 1, thereby requiring payment to Gautschy's of the additional amount of \$39,259.62, and for such other and further relief as is deemed necessary or appropriate in the circumstance.

Respectfully submitted,  
Gautschy's Corner, Petitioner

By:   
Anne Mergen  
Its Attorney

Riffle & Associates LLC  
ROBERT M. RIFFLE, ESQ.  
ANNE L. MERGEN, ESQ.  
133A S. Main Street  
Morton, IL 61550  
(309) 321-8365

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on Tuesday, May 21, 2019 the foregoing document was electronically filed with the Illinois Pollution Control Board using the electronic filings system, which will send notification of such filing to the following:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street  
Suite 11-500  
Chicago, IL 60601

James G. Richardson  
Deputy General Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276



Anne L. Mergen  
Riffle & Associates LLC  
133A S. Main Street  
Morton, IL 61550  
(309) 321-8365

**Exhibit 1**



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, ACTING DIRECTOR

(217) 524-3300

**CERTIFIED MAIL**

7017 2680 0001 0208 9661

**APR 18 2019**

Gautschy's Corner  
Eileen Gautschy  
1269 North 1709 Road  
Streator, IL 61364

Re: 0994905063—LaSalle County  
Streator / Gautschy's Corner  
2402 North Bloomington Street  
Leaking UST Incidents 20020669 and 982872  
Leaking UST Technical File

Dear Mrs. Gautschy:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated January 16, 2019, was received by the Illinois EPA on February 8, 2019. 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 budget is denied for the reasons listed in Attachment A (Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)).

All future correspondence must be submitted to:

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

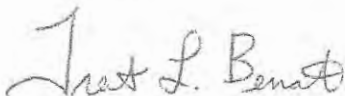
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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

Page 2

If you have any questions or need further assistance, please contact Brad Dilbaitis at (217) 785-8378 or Bradley.Dilbaitis@illinois.gov.

Sincerely,

A handwritten signature in cursive script that reads "Trent L. Benanti".

Trent L. Benanti, P.E.  
Unit Manager  
Leaking Underground Storage Tank Program  
Remedial Project Management Section  
Bureau of Land

TLB:BD\CABUD6den.dotx

Attachments: Attachment A  
Appeal Rights

c: Midwest Environmental Consulting & Remediation Services, Inc. (electronic copy)  
BOL File

Attachment A

Re: 0994905063—LaSalle County  
Streator / Gautschy's Corner  
2402 North Bloomington Street  
Leaking UST Incidents 20020669 and 982872  
Leaking UST Technical File

The Corrective Action Budget is denied for the reasons listed below. Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

1. \$130.00 for Analytical Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable. Costs that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734 are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz).

*The Analytical Costs requests two BETX groundwater samples at a rate of \$65.00 per sample for a total of \$130.00 for the groundwater samples collected on March 23, 2016 from monitoring wells MW-1 and MW-9. The Corrective Action Budget that was received on June 24, 2013 included the analysis of groundwater samples from the entire monitoring well network (12 groundwater samples at \$94.77 per sample). The Corrective Action Plan that was received on March 3, 2015 stated that the groundwater samples that were approved in the previous Corrective Action Plan and Budget could not be collected and that the remaining groundwater contamination would be addressed with a groundwater ordinance. It is not necessary to budget additional Analytical Costs for these two analyses.*

2. \$2,745.66 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request(s), the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630 (dd) because they are unreasonable. The following individual requests are included in the cumulative deduction:
  - a. 14 hours for a Project Manager for the Tier 2 TACO calculations, groundwater modeling and maps at a rate of \$109.34 per hour for a total of \$1,530.76; and
  - b. 10 hours for a Senior Project Manager for the TACO Tier 2 calculations at a rate of \$121.49 per hour for a total of \$1,214.90.

*The Consulting Personnel Costs requests a total of 24 hours and \$2,745.66 for the Tier 2 TACO calculations, groundwater modeling and maps. The Corrective Action Budget that was received on June 24, 2013 included 80 hours for a Project Manager for report and budget preparation, Tier 2 TACO analysis and reimbursement. The Corrective Action Budget that was received on March 3, 2015 included Consulting Personnel Costs for a Project Manager for 40 hours for report preparation, TACO Tier 2 evaluation, Corrective Action Completion Report and Highway Authority Agreements and 30 hours for a Senior Scientist for contaminant extent maps and geologic cross sections.*

*The TACO Tier 2 calculations were originally calculated incorrectly and submitted in the Corrective Action Completion Report that was received on August 24, 2017 and denied on December 19, 2017. These calculations were not accepted by the Illinois EPA (see comment 2 of the December 19, 2017 decision letter).*

*The TACO Tier 2 calculations were then re-submitted in the Corrective Action Plan that was received on February 13, 2018. The Corrective Action Budget associated with the February 13, 2018 Corrective Action Plan included an additional 20 hours for a Project Manager for Tier 2 TACO, groundwater modeling and response to IEPA emails concerning site and 10 hours for a Project Manager to update TACO and prepare the Corrective Action Completion Report.*

*The Illinois EPA believes ample costs have been budgeted in previous Corrective Action Budgets for the preparation of the TACO calculations to determine applicable site-specific Tier 2 soil remediation objectives and for the necessary contaminant modeling calculations.*

*Please note that map preparation costs must be budgeted at a rate for a draftsman/CAD.*

3. \$8,990.00 for Consulting Personnel Costs lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act. The following individual requests are included in the cumulative deduction:
  - a. 20 hours for a Senior Scientist for the Streator Highway Authority Agreement at a rate of \$103.26 per hour for a total of \$2,065.20;
  - b. 20 hours for a Senior Project Manager for the Streator Highway Authority Agreement at a rate of \$121.49 per hour for a total of \$2,429.80;



- c. 20 hours for a Senior Scientist for the Illinois Department of Transportation Highway Authority Agreement at a rate of \$103.26 per hour for a total of \$2,065.20; and
- d. 20 hours for a Senior Project Manager for the Illinois Department of Transportation Highway Authority Agreement at a rate of \$121.49 per hour for a total of \$2,429.80.

*The Consulting Personnel Costs requests a total of 80 hours and \$8,990.00 for the Streator Highway Authority Agreement and the Illinois Department of Transportation Highway Authority Agreement. Consulting Personnel Costs associated with the Highway Authority Agreements for both IL Route 23 (IDOT HAA) and Oakley Avenue (Streator HAA) were included in the Corrective Action Plan received on June 24, 2013, which included 40 hours for a Professional Geologist for report preparation, TACO Tier 2 evaluation, Corrective Action Completion Report and Highway Authority Agreements. The request was approved with the understanding that all Consulting Personnel Costs necessary for the preparation of the two Highway Authority Agreements were included in the request. The June 24, 2013 Corrective Action Budget also included an additional 80 hours for a Senior Project Manager for the Corrective Action Plan, Highway Authority Agreement planning, project oversight and client meetings. The Illinois EPA believes that ample costs have been budgeted in previous Corrective Action Budgets for the preparation and submittal of the two required Highway Authority Agreements.*

- 4. \$4,495.00 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act. The following individual requests are included in the cumulative deduction:
  - a. 20 hours for a Senior Scientist for the Streator groundwater ordinance approval process, property owner research and notification letters at a rate of \$103.26 per hour for a total of \$2,065.20; and
  - b. 20 hours for a Senior Project Manager for the Streator groundwater ordinance approval process, property owner research and notification letters at a rate of \$121.49 per hour for a total of \$2,429.80.

*The Consulting Personnel Costs requests a total of 40 hours and \$4,495.00 for the Streator groundwater ordinance approval process, property owner research and notification letters. The Streator groundwater ordinance was approved for use as an institutional control by the Illinois EPA on July 2, 2008. The use of the groundwater ordinance as an institutional control requires the identification of the four affected properties on the LaSalle County, Illinois Assessor's website, the preparation of the*

*required notification letters for the affected properties and obtaining a certified copy of the groundwater ordinance from the City of Streator's City Clerk and a certification from the City Clerk that the ordinance is still in effect. While the Illinois EPA has not explicitly approved Consulting Personnel Costs for these tasks, the previous Corrective Action Budgets approved significant hours for general preparation time for the Corrective Action Completion Report. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

5. \$1,032.60 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consulting Personnel Costs requests 10 hours for a Senior Scientist for a groundwater monitoring well search, groundwater sample collection and handling at a rate of \$103.26 per hour for a total of \$1,032.60 for the groundwater samples collected on March 23, 2016 from MW-1 and MW-9. The Corrective Action Budget that was received on June 24, 2013 included 30 hours for a Senior Scientist to purge and sample the monitoring wells and prepare groundwater samples from the entire monitoring well network (12 monitoring wells). The Corrective Action Plan that was received on March 3, 2015 stated that the groundwater samples that were approved in the previous Corrective Action Plan could not be collected and that the remaining groundwater contamination would be addressed with a groundwater ordinance. It is not necessary to budget additional Consulting Personnel Costs for the collection of groundwater the samples from MW-1 and MW-9.*

6. \$1,032.60 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consulting Personnel Costs requests 10 hours for a Senior Scientist for aquifer testing in April 2016 at a rate of \$103.26 per hour for a total of \$1,032.60. The mileage requests in the Corrective Action Budgets indicate that the site is approximately 90 miles from the environmental consultant's location, which indicates that the round trip from the environmental consultant's location to the site and then back to the environmental consultant's office would take approximately 3 hours. The hydraulic conductivity documentation indicates that the aquifer test (slug test) took approximately one hour to complete. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

7. \$1,239.12 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consulting Personnel Costs requests 12 hours for a Senior Scientist for aquifer testing data analysis, graphs and tables at a rate of \$103.26 per hour for a total of \$1,239.12. The documentation submitted to the Illinois EPA does not support the request. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

8. \$3,097.80 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act.

*The Consulting Personnel Costs requests 30 hours for a Senior Scientist to write the Corrective Action Completion Report, appendices and supporting documentation, maps and tables at a rate of \$103.26 per hour for a total of \$3,097.80. The Corrective Action Budget that was approved on May 7, 2018 included an approval for 10 hours for a Project Manager to update TACO and prepare the Corrective Action Completion Report at a rate of \$113.76 per hour for a total of \$1,137.60. The Corrective Action Budget that was approved on April 7, 2015 included approval for the following costs associated with the preparation of the Corrective Action Completion Report:*

- a. 80 hours for a Project Manager for report preparation (Corrective Action Plan, Corrective Action Budget and Corrective Action Completion Report) at a rate of \$109.34 per hour for a total of \$8,747.20;*
- b. 40 hours for a Professional Geologist for report preparation (TACO Tier 2 evaluation, Corrective Action Completion Report, Highway Authority Agreement) at a rate of \$111.76 per hour for a total of \$4,470.40; and*
- c. 30 hours for a Senior Scientist to prepare the contaminant extent maps and geologic cross sections at a rate of \$103.26 per hour for a total of \$3,097.80.*

*The appendices to which the request refers are the supporting TACO documentation, the executed Highway Authority Agreements for IDOT and the City of Streator, the City of Streator groundwater ordinance, the off-site property owner notification letters and list of recipients, the Property Owner Summary and the Professional Engineer certification. The costs associated with the TACO documentation, Highway Authority Agreements, the Professional Engineer certification and the mapping for the Corrective Action Completion Report have been approved separately. The Illinois EPA believes that ample Consulting Personnel Costs have been approved in previous Corrective Action Budgets to prepare a Corrective Action Completion Report satisfying the requirements of Sections 57.1(a) and 57.7(b)(5) of the Act and 35 Ill. Adm. Code 734.345. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

9. \$2,308.31 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act.

*The Consulting Personnel Costs requests 19 hours for a Senior Project Manager to review, revise and re-review the report at a rate of \$121.49 per hour for a total of \$2,308.31. The Illinois EPA believes that ample Consulting Personnel Costs have been approved in previous Corrective Action Budgets for the preparation of a Corrective Action Completion Report satisfying the requirements of Sections 57.1(a) and 57.7(b)(5) of the Act and 35 Ill. Adm. Code 734.345. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

10. \$278.00 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consulting Personnel Costs requests two hours for a Senior Professional Geologist to review the amended Corrective Action Budget. Given the deficiencies noted during the Illinois EPA's review of the Corrective Action Budget, the Illinois EPA does not believe the request can be supported.*

11. \$820.05 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consulting Personnel Costs requests 15 hours for a Senior Administrative Assistant to format, finalize, copy and submit reports and correspondence at a rate of \$54.67 per hour for a total of \$820.05. The Corrective Action Budget that was received on June 24, 2013 included 20 hours for a Senior Administrative Assistant to format, finalize, copy and bind all reports, correspondence and filing. The Illinois EPA believes ample costs have been previously budgeted for the requested tasks.*

12. \$2,236.50 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act.

*The Consulting Personnel Costs requests 17.75 hours for a Senior Project Manager to respond to the IEPA about the report at a rate of \$126.00 per hour for a total of \$2,236.50. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

13. \$4,079.24 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act.

*The Consulting Personnel Costs requests 36.5 hours for a Geologist III to respond to IEPA about report, including but not limited to file research, TACO calculations and contact with City of Sreator at a rate of \$111.76 per hour for a total of \$4,079.24. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

14. \$6,530.09 for Consulting Personnel Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable and cannot determine whether they were or will be used for activities exceeding those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act, 35 Ill. Adm. Code 734.630(dd) and 35 Ill. Adm. Code 734.630(o) because they are unreasonable and possibly for corrective action activities exceeding those required to meet the minimum requirements of Title XVI of the Act.

*The Consulting Personnel Costs requests 53.75 hours for a Senior Project Manager for corrective action at a rate of \$121.49 per hour for a total of \$6,530.09. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

15. \$55.65 for Consultant's Materials Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the requests, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consultant's Materials Costs requests 105 miles for site visits for investigation and groundwater sampling at \$0.53 per mile for a total of \$55.65. The Consultant's Materials Costs associated with mileage for the collection of the groundwater samples from MW-1 and MW-9 were included in the Corrective Action Budget received on June 24, 2013, which approved 720 miles for site visits and mobilization to and from the site for drilling and well sampling (four 180-mile round trips) at a rate of \$0.55 per mile. The Illinois EPA believes ample mileage costs have been budgeted for the collection of groundwater samples from MW-1 and MW-9.*

16. \$40.00 for Consultant's Materials Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consultant's Materials Costs requests \$40.00 for postage for the submittal of reports, reimbursements and notification letters. The Corrective Action Budget that was received on March 3, 2015 included \$50.00 for the submittal of reimbursements and reports. The Corrective Action Budget that was received on February 13, 2018 included an additional \$40.00 for the submittal of reports, reimbursements and notification letters. The Illinois EPA believes ample postage costs have been approved in previous Corrective Action Budgets.*

17. \$100.00 for Consultant's Materials Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consultant's Materials Costs requests the use of a data logger for aquifer testing for one day at \$100.00. The \$100.00 daily rate for the use of a water level data logger is not reasonable based on the retail price of the equipment, and the budget does not include any supporting documentation for the requested daily rate for the use of the data logger. The Illinois EPA Project Manager contacted the environmental consultant to discuss the requests pursuant to Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 734.505(a). The environmental consultant declined the opportunity to justify the costs, opting instead to appeal the final action.*

18. \$25.00 for Consultant's Materials Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consultant's Materials Costs requests \$25.00 for well sampling equipment. The Corrective Action Budget that was received on June 24, 2013 approved well sampling equipment for two days at \$25.00 per day for a total of \$50.00. The Illinois EPA believes ample costs for well sampling equipment have been approved in previous Corrective Action Budgets.*

19. \$24.00 for Consultant's Materials Costs that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since the documentation / information in the Illinois EPA's possession does not support the request, the Illinois EPA has determined that the costs are unreasonable. Therefore, the costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd) because they are unreasonable.

*The Consultant's Materials Costs requests 300 copies for the report at a rate of \$0.08 per copy for a total of \$24.00. However, the budget does not include any supporting documentation for the unit rate or the quantity of copies. Pursuant to 734.850(b), costs associated with activities that do not have a maximum payment amount set forth in 35 Ill. Adm. Code 734.Subpart H must be determined on a site-specific basis, and the owner or operator must demonstrate to the Illinois EPA that the amounts sought for reimbursement are reasonable. Please note that the Illinois EPA only requires an original and one copy for technical documents and one original for reimbursement purposes.*

### 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 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:

Clerk of the Board  
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