

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FRIENDS OF THE ENVIRONMENT, NFP,)	
)	
Petitioner,)	
)	
v.)	
)	PCB No. 16 –
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	(UST Appeal)
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Appearance of William D. Ingersoll and the Petition for Review of FRIENDS OF THE ENVIRONMENT, NFP. Copies of these documents are hereby served upon you.

To:	Pollution Control Board, Attn: Clerk	Division of Legal Counsel
	100 West Randolph Street	Illinois Environmental Protection Agency
	James R. Thompson Center, Suite 11-500	1021 North Grand Avenue, East
	Chicago, Illinois 60601-3218	P.O. Box 19276
	(via electronic filing)	Springfield, Illinois 62794-9276
		(via First Class Mail and email)

Respectfully submitted,
FRIENDS OF THE ENVIRONMENT, NFP

Dated: April 5, 2016

By: /s/William D. Ingersoll
Its Attorney

BROWN, HAY & STEPHENS, LLP
William D. Ingersoll
Registration No. 6186363
wingersoll@bhslaw.com
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FRIENDS OF THE ENVIRONMENT, NFP,)	
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v.)	PCB No. 16 -
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

APPEARANCE

I hereby file my appearance in this proceeding on behalf of FRIENDS OF THE ENVIRONMENT, NFP in the above-captioned matter.

Respectfully submitted,

FRIENDS OF THE ENVIRONMENT, NFP

Dated: April 5, 2016

By: /s/William D. Ingersoll
William D. Ingersoll

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PETITION FOR REVIEW

NOW COMES FRIENDS OF THE ENVIRONMENT, NFP, Petitioner, (“Petitioner”), by and through its attorneys, BROWN HAY & STEPHENS, LLP, and pursuant to Section 40 and Section 57.8(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/40 and 40, 57.8(i) and 35 Ill. Adm. Code Part 105¹, hereby requests review of the decision by the Illinois Environmental Protection Agency (“Agency” or “IEPA”) regarding Petitioner’s application for payment from the Underground Storage Tank (“UST”) Fund. In support of its Petition, Petitioner states as follows:

1. Petitioner was the owner or operator of two underground storage tanks (“USTs”) (Tank 2 – 8,000 gallon gasoline; Tank 3 – 8,000 gallon diesel fuel) located at 3609-3623 West Harrison Street, Chicago, Illinois. The site has been assigned IEPA Bureau of Land Identification Number 0316265142.

2. A notification of release at the site was made to the Illinois Emergency Management Agency (“IEMA”) on September 1, 2015 and was assigned Incident No. 20150966. The Office of the Illinois State Fire Marshal (“OSFM”) issued an Eligibility and Deductibility

¹¹ Hereinafter citations to the Board regulations will be made by section number only.

Determination on October 20, 2015 that the tanks were eligible for reimbursement from the UST Fund, with a \$5,000 deductible. The tanks were removed on October 6, 2015.

3. On November 2, 2015, the Petitioner submitted its application for payment of certain early action costs from the UST Fund, which was received by the IEPA on November 9, 2015.

4. By letter dated February 26, 2016, the Agency issued its decision on the November 9, 2015 submittal. *See* Exhibit A. The Agency's decision made five deductions from the amounts requested in the application.

5. U.S. Postal Service tracking shows that the decision was delivered by Certified Mail on March 2, 2016. *See* Exhibit B. This Petition for Review is filed within 35 days of service of the Agency's final decision and is timely in accordance with Section 40 of the Act and the Pollution Control Board procedural rule at Section 105.404.

6. The reimbursement deductions made by the IEPA that are challenged by this Petition are:

1. *\$1,982.40, deduction for Backfill Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.*

The Remediation and Disposal Costs request 80 cubic yards of backfill at a rate of \$24.78 per cubic yard for a total of \$1,982.40. A letter from Orvine, Inc². indicates that the subcontractor used 32 cubic yards of existing onsite fill and 48 cubic yards of sand backfill. The application for payment does not include any purchase tickets for the sand to document how much sand was purchased but does include an invoice from Lindahl Bros. Inc. for the transportation of four loads of sand at a rate of \$200.00 per load for a total of \$800.00. Without purchase tickets for the sand it is impossible to determine the amount of sand each load

² Correct spelling is "Orivne.,"

contained to ensure that the transportation rate for the four loads of sand doesn't exceed the applicable/current Subpart H rate of \$24.78 per cubic yard. Please submit all backfill purchase tickets and purchase invoices for Backfill Costs to be paid.

2. *\$12,982.20, deduction for Groundwater Removal Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.*

The Remediation and Disposal Costs requests the disposal of 15,455 gallons of contaminated water at a rate of \$0.84 per gallon for a total of \$12,982.20. The groundwater disposal manifest indicates that North Branch Environmental transported the contaminated water to Ortek, Inc. for disposal. The application for payment does not include an invoice from North Branch Environmental for the transportation or from Ortek, Inc. for the disposal of the contaminated water. These invoices from North Branch Environmental and Ortek, Inc. are required to document the transportation and disposal costs before Groundwater Disposal Costs can be paid.

3. *\$619.57, deduction for Drum Disposal Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.*

The Remediation and Disposal Costs requests \$619.57 for disposal of one 55-gallon drum of solid waste. The drum disposal manifest indicates that North Branch Environmental transported the drum to American Waste Industries for disposal. A disposal invoice for the drum from American Waste Industries and a transportation invoice from North Branch Environmental are required to be submitted to document the transportation and disposal costs for the 55-gallon drum of solid waste before Drum Disposal Costs can be paid. Also note that the purchase cost of the 55-gallon drum was not indicated on any invoice or form.

4. Note that the \$2,903.86 deduction made in this item are not being challenged since it is a result of corrected information submitted provided by the Petitioner's consultant.
5. *\$1,329.54, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.*

The Handling Charges were adjusted to reflect the deductions listed above. A total of \$1,185.94 in Handling Charges was approved for \$7,800.00 in UST Removal Costs and \$3,059.40 in Analytical Costs.

7. None of the requested amounts at issue exceed the applicable rates from Part 734, Subpart H for the applicable year. See Exhibit C, the IEPA's online information sheet of "Maximum Payment Amounts, July 1, 2015 through June 30, 2016."

8. Relevant Subpart H language for deduction Item #1 is:

Section 734.825 Soil Removal and Disposal

b) Payment for costs associated with the purchase, transportation, and placement of material used to backfill the excavation resulting from the removal and disposal of soil must not exceed a total of \$20 per cubic yard. (Now \$24.78 per cubic yard. Exhibit C.)

9. Relevant Subpart H language for deduction Item #2 is:

Section 734.815 Free Product or Groundwater Removal and Disposal

Payment for costs associated with the removal and disposal of free product or groundwater must not exceed the amounts set forth in this Section. Such costs must include, but not be limited to, those associated with the removal, transportation, and disposal of free product or groundwater, and the design, construction, installation, operation, maintenance, and closure of free product or groundwater removal systems.

a) Payment for costs associated with each round of free product or groundwater removal via hand bailing or a vacuum truck must not exceed a total of \$0.68 per gallon or \$200, whichever is greater. (Now \$0.84 per gallon. Exhibit C.)

10. Relevant Subpart H language for deduction Item #3 is:

Section 734.830 Drum Disposal

Payment for costs associated with the purchase, transportation, and disposal of 55-gallon drums containing waste generated as a result of corrective action (e.g., boring cuttings, water bailed for well development or sampling, hand-bailed free product) must not exceed the following amounts or a total of \$500, whichever is greater.

<i>Drum Contents</i>	<i>Maximum Total Amount per Drum</i>
<i>Solid waste</i>	<i>\$250</i>
<i>Liquid waste</i>	<i>\$150</i>

(The \$500 amount is now \$619.57. Exhibit C.)

11. Relevant regulatory language relevant to deduction Item #5 is:

Section 734.635 Payment for Handling Charges

Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

<i>Subcontract or Field Purchase Cost:</i>	<i>Eligible Handling Charges as a Percentage of Cost:</i>
--	---

<i>\$0 - \$5,000.....</i>	<i>12%</i>
<i>\$5,001 - \$15,000.....</i>	<i>\$600 + 10% of amt. over \$5,000</i>
<i>\$15,001 - \$50,000.....</i>	<i>\$1,600 + 8% of amt. over \$15,000</i>
<i>\$50,001 - \$100,000.....</i>	<i>\$4,400 + 5% of amt. over \$50,000</i>
<i>\$100,001 - \$1,000,000.....</i>	<i>\$6,900 + 2% of amt. over \$100,000</i>

[Reversal of the deductions for Item #1, 2 and 3 would result in a total amount for purposes of handling charge calculation of \$26,443.57 and an approved handling charge amount of \$2,515.49. [Calculation: \$1,600.00 + (\$26,443.57 - \$15,000) x 8% = \$2,515.49.]

12. The general contractor for the Petitioner is Inland-Frycek, Inc. Inland-Frycek retained Orivne, Inc. as its subcontractor. Orivne then retained and controlled certain sub-subcontractors to handle some of the tasks required by Inland-Frycek. The sub-subcontractors did not invoice and were not paid by Inland-Frycek. Rather, the sub-subcontractors billed Orivne for their parts of the work on the project and Orivne billed Inland-Frycek for the Orivne work and that of the sub-subcontractors that Orivne had retained.

13. Deduction Items #1, 2 and 3 were all made for an alleged lack of documentation, which IEPA contends makes them ineligible “costs that lack supporting documentation” pursuant to Section 734.630(cc). For Item #1, the IEPA claims that a complete breakdown of the separate parts of the backfill work and materials must be documented separately. For Items #2 and 3, the alleged documents lacking are purchase tickets or invoices from downstream subcontractors – *i.e.*, sub-subcontractors, or even sub-sub-subsubcontractors.

14. The application was complete consistent with the portions of Section 734.605 that are at issue here, which are:

Section 734.605 Applications for Payment

- b) *A complete application for payment must consist of the following elements:*
 - 9) *An accounting of all costs, including but not limited to, invoices, receipts, and supporting documentation showing the dates and descriptions of the work performed; and*
 - 10) *Proof of payment of subcontractor costs for which handling charges are requested. Proof of payment may include cancelled checks, lien waivers, or affidavits from the subcontractor.*

15. The IEPA’s insistence on a complete breakdown of the backfill activities and materials beyond what was actually billed to the general contractor by the subcontractor (*i.e.*, \$24.78 per cubic yard) is not required by Part 734 for a complete application. The IEPA’s insistence that all invoices be produced from even downstream subcontractors is beyond what is required by Part 734 and in many cases, beyond what the general contractor even has the contractual ability to demand from the subcontractor of the general, and definitely not those sub-subcontractors responsible directly only to the first subcontractor (Orivne) that retained them.

WHEREFORE, for the above reasons, Petitioner respectfully requests that the Pollution Control Board grant the following:

- a. Find that the Agency's February 26, 2016 final decision is arbitrary, capricious and not supported by statutory or regulatory authority;
- b. Reverse the Agency's determinations as to Items #1, 2, and 3 of the specified "Description of Deductions" and require approval of Petitioner's application as to those items. Further, require the Agency to approve handling charges in Item #5 that include the revised amounts for Items #1, 2 and 3 – *i.e.*, \$2,515.49.
- c. Award Petitioner reasonable attorney's fees and expenses related to bringing this action; and
- d. Other relief as the Pollution Control Board deems appropriate.

Respectfully submitted,

FRIENDS OF THE ENVIRONMENT, NFP

By: /s/William D. Ingersoll
One of Its Attorneys

Dated: April 5, 2016

BROWN, HAY & STEPHENS, LLP
William D. Ingersoll
Registration No. 6186363
205 S. Fifth Street, Suite 700
P.O. Box 2459
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

FEB 26 2016

CERTIFIED MAIL #

7014 2120 0002 3287 5239

Friends of the Environment, NFP
c/o Inland-Frycek, Inc.
6130 West Lawrence Avenue
Chicago, IL **60630**

Re: LPC #0316265142—Cook County
Chicago/ Friends of the Environment, NFP
3609-3623 West Harrison Street
Incident-Claim No.: 20150966—66780
Queue Date: November 9, 2015
Leaking UST Fiscal File

Dear Sir or Madam:

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

This information is dated November 5, 2015 and was received by the Illinois EPA on November 9, 2015. The application for payment covers the period from September 1, 2015 to November 4, 2015. The amount requested is \$43,964.55.

On November 9, 2015, the Illinois EPA received your application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$19,146.98 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

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

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

EXHIBIT A, Page 1 of 5

Page 2

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

Sincerely,



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

GWD:BD 

Attachment: Attachment A
Appeal Rights

c: Leaking UST Claims Unit

Attachment A
Accounting Deductions

Re: LPC #0316265142—Cook County
Chicago/ Friends of the Environment, NFP
3609-3623 West Harrison Street
Incident-Claim No.: 20150966—66780
Queue Date: November 9, 2015 Leaking UST FISCAL FILE

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

Item # Description of Deductions

1. \$1,982.40, deduction for Backfill Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Remediation and Disposal Costs request 80 cubic yards of backfill at a rate of \$24.78 per cubic yard for a total of \$1,982.40. A letter from Orvine, Inc. indicates that the subcontractor used 32 cubic yards of existing onsite fill and 48 cubic yards of sand backfill. The application for payment does not include any purchase tickets for the sand to document how much sand was purchased but does include an invoice from Lindahl Bros. Inc. for the transportation of four loads of sand at a rate of \$200.00 per load for a total of \$800.00. Without purchase tickets for the sand it is impossible to determine the amount of sand each load contained to ensure that the transportation rate for the four loads of sand doesn't exceed the applicable/current Subpart H rate of \$24.78 per cubic yard. Please submit all backfill purchase tickets and purchase invoices for Backfill Costs to be paid.

2. \$12,982.20, deduction for Groundwater Removal Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Remediation and Disposal Costs requests the disposal of 15,455 gallons of contaminated water at a rate of \$0.84 per gallon for a total of \$12,982.20. The groundwater disposal manifest indicates that North Branch Environmental transported the contaminated water to Ortek, Inc. for disposal. The application for payment does not include an invoice from North Branch Environmental for the transportation or from Ortek, Inc. for the disposal of the contaminated water. These invoices from North Branch Environmental and Ortek, Inc. are required to document the transportation and disposal costs before Groundwater Disposal Costs can be paid.

3. \$619.57, deduction for Drum Disposal Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Remediation and Disposal Costs requests \$619.57 for disposal of one 55-gallon drum of solid waste. The drum disposal manifest indicates that North Branch Environmental transported the drum to American Waste Industries for disposal. A disposal invoice for the drum from American Waste Industries and a transportation invoice from North Branch Environmental are required to be submitted to document the transportation and disposal costs for the 55-gallon drum of solid waste before Drum Disposal Costs can be paid. Also note that the purchase cost of the 55-gallon drum was not indicated on any invoice or form.

4. \$2,903.86, deduction for Consulting Personnel Costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

The Consulting Personnel Costs requests \$14,489.47. The Consulting Personnel Costs requested costs associated with activities before providing notification of the release of petroleum to Illinois Emergency Management Agency, costs associated with registering the USTs with the Office of the State Fire Marshal and task/title conflicts with regard to Senior Account Technician/Senior Administrative Assistant and Professional Engineer. The consultant submitted re-submitted the Consulting Personnel Costs line items in an email dated February 11, 2016 in an effort to correct these issues. The re-submittal of the Consulting Personnel Costs totals \$11,585.61.

5. \$1,329.54, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

The Handling Charges were adjusted to reflect the deductions listed above. A total of \$1,185.94 in Handling Charges was approved for \$7,800.00 in UST Removal Costs and \$3,059.40 in Analytical Costs.

BD

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:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois 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



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DATE & TIME	STATUS OF ITEM	LOCATION
March 2, 2016 , 4:28 pm	Delivered	CHICAGO, IL 60630
Your item was delivered at 4:28 pm on March 2, 2016 in CHICAGO, IL 60630.		
February 29, 2016 , 3:15 pm	Notice Left (No Authorized Recipient Available)	CHICAGO, IL 60630
February 29, 2016 , 8:11 am	Arrived at Unit	CHICAGO, IL 60630
February 28, 2016 , 10:09 pm	Departed USPS Facility	CHICAGO, IL 60607
February 27, 2016 , 3:57 pm	Arrived at USPS Facility	CHICAGO, IL 60607
February 26, 2016 , 10:43 pm	Departed USPS Facility	SPRINGFIELD, IL 62703
February 26, 2016 , 9:58 pm	Arrived at USPS Facility	SPRINGFIELD, IL 62703

Available Actions

[Text Updates](#)

[Email Updates](#)

Track Another Package

Tracking (or receipt) number

[Track It](#)

Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.

[Sign up for My USPS >](#)



Maximum Payment Amounts July 1, 2015 through June 30, 2016

Maximum Total Amount

Drilling:

Hollow-stem auger	\$28.50 per foot
Direct-push platform for sampling or other non-injection	\$22.30 per foot
Direct-push platform for injection	\$18.59 per foot

If the costs associated with a round of drilling are less than \$1,486.97 for direct-push platform or \$1,858.71 for hollow-stem auger, a charge of \$1,486.97 or \$1,858.71, respectively, can be requested.

Monitoring/Recovery Wells:

Monitoring well installation via hollow-stem auger	\$20.45 per foot
Monitoring well installation via direct-push platform	\$15.49 per foot
4" or 6" recovery well installation	\$30.98 per foot
8" or greater recovery well installation	\$50.80 per foot
Monitoring well abandonment	\$12.39 per foot

Excavation, Transportation, and Disposal of Contaminated Soil: \$70.63 per cubic yard

Backfilling the Excavation: \$24.78 per cubic yard

Overburden Removal and Replacement: \$8.06 per cubic yard

Groundwater or Free Product Removal and Disposal (per round): \$0.84 per gallon

If the removal, transportation, and disposal costs associated with each round of free product removal via hand bailing or a vacuum truck are less than \$247.83, a charge of \$247.83 may be requested.

Drum Disposal:

Purchase, transportation, and disposal of drum of solid waste	\$309.79 per drum
Purchase, transportation, and disposal of drum of liquid waste	\$185.88 per drum

If the costs associated with the purchase, transportation, and disposal of 55-gallon drums containing waste (solid and liquid) are less than \$619.57, a charge of \$619.57 may be requested.

UST Removal:

UST volume 110 to 999 gallons	\$2,602.19 per UST
UST volume 1,000 to 14,999 gallons	\$3,903.30 per UST
UST volume ≥15,000 gallons	\$5,080.47 per UST

Replacement of Concrete, Asphalt, and Paving:

asphalt @ 2" depth: \$2.04 per square foot	asphalt @ 3" depth: \$2.30 per square foot
asphalt @ 4" depth: \$2.95 per square foot	asphalt @ 6" depth: \$3.82 per square foot
concrete @ 2" depth: \$3.04 per square foot	concrete @ 3" depth: \$3.63 per square foot
concrete @ 4" depth: \$4.23 per square foot	concrete @ 5" depth: \$4.82 per square foot
concrete @ 6" depth: \$5.41 per square foot	concrete @ 8" depth: \$6.58 per square foot

Concrete, Asphalt, and Paving Installed as an Engineered Barrier:

asphalt @ 2" depth: \$2.04 per square foot	asphalt @ 3" depth: \$2.30 per square foot
asphalt @ 4" depth: \$2.95 per square foot	concrete @ any depth: \$2.95 per square foot

Destruction or Dismantling and Reassembly of Above Grade Structures: \$10,000.00 per site

Maximum Payment Amounts July 1, 2015 through June 30, 2016

Personnel Titles and Requirements

Title	Degree Required	Ill. License Required	Minimum Yrs. Experience	Maximum Hourly Rate
Engineer I	Bachelor's in Engineering	None	0	\$92.93
Engineer II	Bachelor's in Engineering	None	2	\$105.33
Engineer III	Bachelor's in Engineering	None	4	\$123.91
Professional Engineer	Bachelor's in Engineering	P.E.	4	136.31
Senior Prof. Engineer	Bachelor's in Engineering	P.E.	8	\$161.09
Geologist I	Bachelor's in Geology or Hydrogeology	None	0	\$86.73
Geologist II	Bachelor's in Geology or Hydrogeology	None	2	\$92.93
Geologist III	Bachelor's in Geology or Hydrogeology	None	4	\$109.04
Professional Geologist	Bachelor's in Geology or Hydrogeology	P.G.	4	\$113.99
Senior Prof. Geologist	Bachelor's in Geology or Hydrogeology	P.G.	8	\$136.31
Scientist I	Bachelor's in a Natural or Physical Science	None	0	\$74.34
Scientist II	Bachelor's in a Natural or Physical Science	None	2	\$80.54
Scientist III	Bachelor's in a Natural or Physical Science	None	4	\$86.73
Scientist IV	Bachelor's in a Natural or Physical Science	None	6	\$92.93
Senior Scientist	Bachelor's in a Natural or Physical Science	None	8	\$105.33
Project Manager	None	None	8 ¹	\$111.52
Senior Project Manager	None	None	12 ¹	\$123.91
Technician I	None	None	0	\$55.76
Technician II	None	None	2 ¹	\$61.96
Technician III	None	None	4 ¹	\$68.15
Technician IV	None	None	6 ¹	\$74.34
Senior Technician	None	None	8 ¹	\$80.54
Account Technician I	None	None	0	\$43.37
Account Technician II	None	None	2 ²	\$49.57
Account Technician III	None	None	4 ²	\$55.76
Account Technician IV	None	None	6 ²	\$61.96
Senior Acct. Technician	None	None	8 ²	\$68.14
Administrative Assistant I	None	None	0	\$30.98
Administrative Assistant II	None	None	2 ³	\$37.17
Administrative Assistant III	None	None	4 ³	\$43.37
Administrative Assistant IV	None	None	6 ³	\$49.57
Senior Admin. Assistant	None	None	8 ³	\$55.76
Draftsperson/CAD I	None	None	0	\$49.57
Draftsperson/CAD II	None	None	2 ⁴	\$55.76
Draftsperson/CAD III	None	None	4 ⁴	\$61.96
Draftsperson/CAD IV	None	None	6 ⁴	\$68.14
Senior Draftsperson/CAD	None	None	8 ⁴	\$74.34

¹ Equivalent work-related or college level education with significant coursework in the physical, life, or environmental sciences can be substituted for all or part of the specified experience requirements.

² Equivalent work-related or college level education with significant coursework in accounting or business can be substituted for all or part of the specified experience requirements.

³ Equivalent work-related or college level education with significant coursework in administrative or secretarial services can be substituted for all or part of the specified experience requirements.

⁴ Equivalent work-related or college level education with significant coursework in drafting or computer aided design (CAD) can be substituted for all or part of the specified experience requirements.

Maximum Payment Amounts
July 1, 2015 through June 30, 2016

Laboratory Rates Per Analysis	Maximum	Metals	Maximum
Chemical			
BETX Soil with MTBE	\$105.33	Soil preparation for Metals TCLP Soil (one fee per sample)	\$97.89
BETX Water with MTBE	\$100.37	Soil preparation for Metals Total Soil (one fee per sample)	\$19.82
COD (Chemical Oxygen Demand)	\$37.17	Water preparation for Metals Water (one fee per sample)	\$13.62
Corrosivity	\$18.59	Arsenic TCLP Soil	\$19.82
Flash Point or Ignitability Analysis EPA 1010	\$40.88	Arsenic Total Soil	\$19.82
FOC (Fraction Organic Carbon)	\$47.08	Arsenic Water	\$22.30
Fats, Oil, & Grease (FOG)	\$74.34	Barium TCLP Soil	\$12.39
LUST Pollutants Soil - analysis must include all volatile, base/neutral, polynuclear aromatic, and metal parameters list in Section 732.Appendix B and 734.Appendix B	\$858.73	Barium Total Soil	\$12.39
Organic Carbon (ASTM-D 2974-87)	\$40.88	Barium Water	\$14.87
Dissolved Oxygen (DO)	\$29.74	Cadmium TCLP Soil	\$19.82
Paint Filter (Free Liquids)	\$17.35	Cadmium Total Soil	\$19.82
PCB / Pesticides (combination)	\$275.09	Cadmium Water	\$22.30
PCBs	\$137.54	Chromium TCLP Soil	\$12.39
Pesticides	\$173.48	Chromium Total Soil	\$12.39
pH	\$17.35	Chromium Water	\$14.87
Phenol	\$42.13	Cyanide TCLP Soil	\$34.70
Polynuclear Aromatics PNA, or PAH SOIL	\$188.36	Cyanide Total Soil	\$42.13
Polynuclear Aromatics PNA, or PAH WATER	\$188.36	Cyanide Water	\$42.13
Reactivity	\$84.26	Iron TCLP Soil	\$12.39
SVOC - Soil (Semi-Volatile Organic Compounds)	\$387.85	Iron Total Soil	\$12.39
SVOC - Water (Semi-Volatile Organic Compounds)	\$387.85	Iron Water	\$14.87
TKN (Total Kjeldahl) "nitrogen"	\$54.52	Lead TCLP Soil	\$19.82
TOC (Total Organic Carbon) EPA 9060A	\$38.41	Lead Total Soil	\$19.82
TPH (Total Petroleum Hydrocarbons)	\$151.18	Lead Water	\$22.30
VOC (Volatile Organic Compound) - Soil (Non-Aqueous)	\$216.85	Mercury TCLP Soil	\$23.54
VOC (Volatile Organic Compound) - Water	\$209.42	Mercury Total Soil	\$12.39
Geo-Technical		Mercury Water	\$32.22
Bulk Density ASTM D4292 / D2937	\$27.26	Selenium TCLP Soil	\$19.82
Ex-situ Hydraulic Conductivity / Permeability	\$315.98	Selenium Total Soil	\$19.82
Moisture Content ASTM D2216-90 / D4643-87	\$14.87	Selenium Water	\$18.59
Porosity	\$37.17	Silver TCLP Soil	\$12.39
Rock Hydraulic Conductivity Ex-situ	\$433.70	Silver Total Soil	\$12.39
Sieve / Particle Size Analysis ASTM D422-63 / D1140-54	\$179.68	Silver Water	\$14.87
Soil Classification ASTM D2488-90 / D2487-10	\$84.26	Metals TCLP Soil (a combination of all RCRA metals)	\$127.63
Other		Metals Total Soil (a combination of all RCRA metals)	\$116.47
EnCore® Sampler, purge-and-trap sampler, or equivalent sampling device	\$12.39	Metals Water (a combination of all RCRA metals)	\$147.45
Sample Shipping (*maximum total amount for shipping all samples collected in a calendar day)	*\$61.96		

CERTIFICATE OF SERVICE

I, William D. Ingersoll, certify that I have this date served the attached Notice of Filing, Appearance of William D. Ingersoll and Petition for Review, by means described below, upon the following persons:

To: Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218
(Via Electronic Filing)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
(Via First-Class Mail and Email)

Dated: April 5, 2016

BROWN, HAY & STEPHENS, LLP

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Registration No. 6186363
wingersoll@bhslaw.com
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491

By: /s/William D. Ingersoll
William D. Ingersoll