

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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

**NOTICE OF FILING AND PROOF OF SERVICE**

To:	Don Brown, Clerk	Division of Legal Counsel
	Illinois Pollution Control Board	Illinois Environmental Protection Agency
	100 West Randolph Street	1021 North Grand Avenue East
	State of Illinois Building, Suite 11-500	P.O. Box 19276
	Chicago, IL 60601	Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a PETITION FOR REVIEW OF AGENCY LUST DECISION, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 22<sup>nd</sup> day of April, 2020.

Respectfully submitted,

M. SIDHU ENTERPRISES, INC.  
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**PETITION FOR REVIEW OF AGENCY LUST DECISION**

NOW COMES Petitioner, M. SIDHU ENTERPRISES, INC. pursuant to Section 57.8(i) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(i), and hereby appeals the final decision of the Illinois Environmental Protection Agency (hereinafter “the Agency”) to only partially pay an application for payment, stating as follows:

1. Petitioner owns or operates underground storage tanks at a service station in Cuba, County of Fulton, Illinois, commonly known as the Cuba Fast Stop, and which has been assigned LPC # 0570305008.

2. On June 7, 2019, a release from the tanks was reported to the Illinois Emergency Management Agency by Petitioner’s environmental consultant, which was assigned Incident Number 2019-0584.

3. The release was discovered when fumes were reported inside a nearby residence. The residents were later taken to the hospital due to the exposure, the house evacuated and utilities shut off.

4. Petitioner’s consultant mobilized to the site on June 7, 2019, with the equipment and materials to perform emergency response. In conjunction with representatives from the Illinois Environmental Protection Agency (hereinafter “Illinois EPA”) who were present at

various times throughout, Petitioner's consultants conducted various emergency response actions over the next couple of weeks, including, but not limited to installing a trench between the gas station and the residence, which disclosed the existence of an abandoned field tile acting as a migration pathway for the release. Petitioner's consultants also vented fumes from the basement, removed free product accumulating in monitoring wells and the sump in the basement of the residence, extended the original trench to determine if there were additional field tiles, and removed field tiles serving as a potential migration pathways.

5. On June 11, 2019, a trench was extended to a depth of nine feet and a length of 40 feet, from which soils deemed to be contaminated by Illinois EPA representatives were stockpiled on plastic sheeting for later disposal. The trench was backfilled by Petitioner's consultants with pea gravel, followed by a layer of plastic, sand, then topped with clean soil.

6. On June 13, 2019, approximately 200 tons of contaminated soil were loaded on semi-trucks and transported to a landfill. On this date, the tanks and associated piping were precision tested for leaks, and no obvious issues were found that would cause the release, but since one of the tanks appeared to fail an acoustical test, the decision was made to seek a permit to abandon the tank from the Office of State Fire Marshal.

7. On June 21, 2019, Petitioner timely executed and served the 20-Day report, committing to perform all appropriate initial abatement activities. Concurrently, Petitioner submitted a free product plan and budget.

8. On July 29, 2019 and July 30, 2019, Petitioner's consultant mobilized to the site to abandon the tank. Representatives from the Illinois EPA were present both days. Petitioner's consultant exposed the top of the tank, any explosive vapors were vented, lines were capped, and

the tanks were filled with concrete.

9. On August 5, 2019, Petitioner submitted the 45-Day report, detailing all early action activities, including emergency and initial abatement work.

10. On September 17, 2019, Petitioner submitted a second free product plan and budget.

11. On October 2, 2019, the Illinois EPA approved the 45-Day report. On the same day, the Illinois EPA project manager informed Petitioner's consultant that all work performed on or before August 5, 2019, should be submitted for reimbursement for early action, and the free product budgets should be rescinded or modified to the extent they include such earlier work.

12. On November 21, 2019, Petitioner submitted the application for payment for "Early Action/ Free Product & Emergency Response," in the amount of \$151,373.63, subject to the applicable \$5,000.00 deductible.

13. On March 20, 2020, the Illinois EPA issued its final determination, rejecting \$13,787.17 in labor and equipment costs for emergency excavation and backfilling the trench and for abandoning the tank, plus associated handling charges. A true and correct copy of the decision is attached hereto as Exhibit A.

14. The Illinois EPA erroneously refused to reimburse the costs of *excavating* and backfilling a trench it required, including the costs of the equipment necessary to *excavate* the trench (*excavator*; utility vehicle w/tools; skid steer; job trailer; and semi to transport excavator). This work was reasonably required by the Illinois EPA, which frequently had representatives on-site observing and directing the work, and all the necessary supporting documentation was submitted in the application for payment and 45-Day Report. Furthermore, Subpart H does not

set maximum rates for excavation and backfilling a trench constructed to identify and mitigate migration pathways, no such rate was identified or relied upon in the Illinois EPA decision letter, and alternatively, if such maximum rate actually existed, unusual or extraordinary circumstances for this emergency work should preclude its application.

15. Furthermore, the Illinois EPA erroneously refused to reimburse the costs of abandoning the tank, including the labor cost of an operator to operate the skid steer for pump and concrete work, and the cost of associated equipment (utility vehicle with tools; skid steer; job trailer; and tri-pod). This labor and equipment was reasonable and required to abandon the defective tank, was frequently performed with the presence of Illinois EPA representatives, and all the necessary supporting documentation was submitted in the application for payment and 45-Day Report.

16. In addition, 415 ILCS 5/57( c)(3) does not apply to early action submittals; the work is performed without a budget.

17. With respect to handling charges, these costs were incurred for each subcontractor and should be reimbursed accordingly.

18. The subject decision letter was received by certified mail on March 24, 2020, making April 28, 2020, the deadline for any appeal, and therefore this appeal is timely.

WHEREFORE, Petitioner, M. SIDHU ENTERPRISES, INC., prays that: (a) the Agency produce the Record; (b) a hearing be held; (c) the Board find the Agency erred in its decision, (d) the Board direct the Agency to approve the payment application in total, (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioner such other and further relief as it deems meet and just.

M. SIDHU ENTERPRISES, INC.,  
Petitioner

By its attorneys,  
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
pdshaw1law@gmail.com



(217) 524-3300

CERTIFIED MAIL #

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**MAR 20 2020**

M. Sidhu Enterprises, Inc.  
c/o Chase Environmental Group, Inc.  
2701 East Ash Bldg. B  
Springfield, Illinois 62704

Re: 0570305008 -- Fulton County  
Cuba / M. Sidhu Enterprises, Inc.  
500 South 7th Street  
Incident-Claim No.: 20190584 -- 70772  
Queue Date: November 22, 2019  
Leaking UST Fiscal File

Dear Mr. Sidhu:

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 21, 2019 and was received by the Illinois EPA on November 22, 2019. The application for payment covers the period from June 7, 2019 to October 22, 2019. The amount requested is \$151,373.63.

On November 22, 2019, 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 \$132,586.46 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

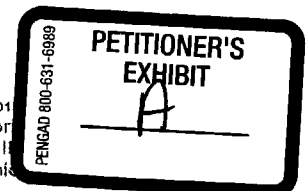
The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted 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.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
595 S. State St., Elgin, IL 60123 (847) 608-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800  
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60018  
412 SW Washington St., Suite D, Peoria, IL 61604  
2309 W. Main St., Suite 116, Marion, IL 62959  
100 W. Randolph St., Suite 4-500, Chicago, IL 60606

PLEASE PRINT ON RECYCLED PAPER



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

If you have any questions or require further assistance, please contact Brian Bauer of my staff at (217) 782-3335.

Sincerely,



Gregory W. Dunn, Manager  
Leaking Underground Storage Tank Program  
Remedial Project Management Section  
Bureau of Land



Attachment A

c: M. Sidhu Enterprises, Inc.  
Leaking UST Claims Unit



### Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period 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  
PO Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

Attachment A  
Deductions

Re: 0570305008 -- Fulton County  
Cuba / M. Sidhu Enterprises, Inc.  
500 South 7th Street  
Incident-Claim No.: 20190584 -- 70772  
Queue Date: November 22, 2019  
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. \$450.00, deduction for early action costs for a utility vehicle in the excavation, transportation, and disposal unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

2. \$1,000.00, deduction for early action costs for a skid steer in the excavation, transportation, and disposal unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

3. \$1,000.00, deduction for early action costs for a job trailer in the excavation, transportation, and disposal unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

4. \$550.00, deduction for early action costs for a semi in the excavation, transportation, and disposal unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

In addition, these costs 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 costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such

costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

5. \$2,400.00, deduction for early action costs for an excavator in the excavation, transportation, and disposal unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

6. \$150.00, deduction for early action costs for a utility vehicle in the backfill unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

7. \$500.00, deduction for early action costs for a skid steer in the backfill unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

8. \$500.00, deduction for early action costs for a job trailer in the backfill unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

9. \$800.00, deduction for early action costs for an excavator in the backfill unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

10. \$300.00, deduction for early action costs for a utility vehicle in the UST abandonment unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

In addition, these costs 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.

11. \$1,000.00, deduction for early action costs for a job trailer in the UST abandonment unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

In addition, these costs 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.

12. \$360.00, deduction for early action costs for tripod in the UST abandonment unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

In addition, these costs 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.

13. \$3,400.00, deduction for early action costs for 2 days of skid steer and 16 hours of operator time in the UST abandonment unit that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

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

In addition, based on the technical documentation submitted to the Illinois EPA there appears to be no documentation for the need for 2 days of skid steer and 16 hours of operator time during the UST abandonment.

14. \$1,311.17, deduction for handling charges in the billing(s) exceed the handling charges set forth in Section 57.1(a) of the Act. Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

Subcontract or Field Purchase Cost	Eligible Handling Charges as a Percentage of Cost
\$0-\$5,000	12%
\$5,001-\$15,000	\$600 + 10% of amount over \$5,000
\$15,001-\$50,000	\$1600 + 8% of amount over \$15,000
\$50,001-\$100,000	\$4400 + 5% of amount over \$50,000
\$100,001-\$1,000,000	\$6900 + 2% of amount over \$100,000

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.