

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRIMFIELD AUTO & TRUCK,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB No. 12-134
(UST Appeal)

NOTICE

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Robert M. Riffle, Esq.
133A S. Main Street
Morton, IL 61550

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD with the Illinois Pollution Control Board, a copy of which is served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Dated: April 17, 2014

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

BY:



Scott B. Sievers
Special Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRIMFIELD AUTO & TRUCK,)	
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Petitioner,)	
)	
v.)	PCB No. 12-134
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION FOR LEAVE
TO SUPPLEMENT ADMINISTRATIVE RECORD

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, Special Assistant Attorney General Scott B. Sievers, and for its Motion for Leave to Supplement Administrative Record states the following:

1. Section 734.870 of this Board’s Petroleum Underground Storage Tanks regulations provides for the annual adjustment of the maximum payment amounts set forth in Subpart H of those regulations.

2. Pursuant to that provision, the Respondent annually has posted upon its website the maximum payment amounts for each fiscal year. Those annual amounts may be found at <http://www.epa.state.il.us/land/lust/forms/budget-forms/forms-1/table-of-contents.html>.

3. Although Section 734.870 of the regulations specifies the manner in which the annual maximum payment amounts are to be adjusted, and although the Respondent has posted those adjusted annual maximum payment amounts upon its website at all times relevant to this action, the Administrative Record filed in the instant action inadvertently omitted the applicable and posted annual maximum payment amounts.

4. A copy of that posting is attached hereto as Exhibit A.

5. To provide a complete record in this proceeding, the Respondent moves for leave to supplement the Administrative Record filed in this case with the adjusted annual maximum payment amounts posting set forth in Exhibit A.

6. The undersigned has conferred with opposing counsel, and opposing counsel has no objection to Respondent's motion.

WHEREFORE, the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, prays that the honorable Hearing Officer ALLOW the Respondent's Motion for Leave to Supplement Administrative Record with the applicable annual maximum payment amounts posting attached hereto as Exhibit A.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Dated: April 17, 2014

Scott B. Sievers
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BY:



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Special Assistant Attorney General

Maximum Payment Amounts July 1, 2010 through June 30, 2011

Maximum Total Amount

Drilling:

Hollow-stem auger	\$26.09 per foot
Direct-push platform for sampling or other non-injection	\$20.42 per foot
Direct-push platform for injection	\$17.02 per foot

If the costs associated with a round of drilling are less than \$1,361.47 for direct-push platform or \$1,701.83 for hollow-stem auger, a charge of \$1,361.47 or \$1,701.83, respectively, can be requested.

Monitoring / Recovery Wells:

Monitoring well installation via hollow-stem auger	\$18.72 per foot
Monitoring well installation via direct-push platform	\$14.18 per foot
4" or 6" recovery well installation	\$28.36 per foot
8" or greater recovery well installation	\$46.52 per foot
Monitoring well abandonment	\$11.35 per foot

Excavation, Transportation, and Disposal of Contaminated Soil: \$64.67 per cubic yard

Backfilling the Excavation: \$22.69 per cubic yard

Overburden Removal and Replacement: \$7.37 per cubic yard

Groundwater or Free Product Removal and Disposal (per round): \$0.77 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 \$226.91, a charge of \$226.91 may be requested. If the removal, transportation, and disposal costs associated with each round of groundwater removal via hand bailing or a vacuum truck are less than \$226.91, a charge of \$226.91 may be requested.

Drum Disposal:

Purchase, transportation, and disposal of drum of solid waste	\$283.64 per drum
Purchase, transportation, and disposal of drum of liquid waste	\$170.18 per drum

If the costs associated with the purchase, transportation, and disposal of 55-gallon drums containing waste (solid and liquid) are less than \$567.28, a charge of \$567.28 may be requested.

UST Abandonment or Removal:

UST volume 110 to 999 gallons	\$2,382.57 per UST
UST volume 1,000 to 14,999 gallons	\$3,573.85 per UST
UST volume ≥15,000 gallons	\$4,651.68 per UST

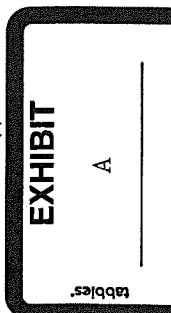
Replacement of Concrete, Asphalt, and Paving:

asphalt @ 2" depth: \$1.87 per square foot	asphalt @ 3" depth: \$2.11 per square foot
asphalt @ 4" depth: \$2.70 per square foot	asphalt @ 6" depth: \$3.49 per square foot
concrete @ 2" depth: \$2.78 per square foot	concrete @ 3" depth: \$3.32 per square foot
concrete @ 4" depth: \$3.87 per square foot	concrete @ 5" depth: \$4.41 per square foot
concrete @ 6" depth: \$4.95 per square foot	concrete @ 8" depth: \$6.02 per square foot

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

asphalt @ 2" depth: \$1.87 per square foot	asphalt @ 3" depth: \$2.11 per square foot
asphalt @ 4" depth: \$2.70 per square foot	concrete @ any depth: \$2.70 per square foot

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



Maximum Payment Amounts July 1, 2010 through June 30, 2011

Personnel Titles and Requirements

Title	Degree Required	Ill. License Required	Minimum Yrs. Experience	Maximum Hourly Rate
Engineer I	Bachelor's in Engineering	None	0	\$85.09
Engineer II	Bachelor's in Engineering	None	2	\$96.44
Engineer III	Bachelor's in Engineering	None	4	\$113.46
Professional Engineer	Bachelor's in Engineering	P.E.	4	\$124.80
Senior Prof. Engineer	Bachelor's in Engineering	P.E.	8	\$147.49
Geologist I	Bachelor's in Geology or Hydrogeology	None	0	\$79.42
Geologist II	Bachelor's in Geology or Hydrogeology	None	2	\$85.09
Geologist III	Bachelor's in Geology or Hydrogeology	None	4	\$99.84
Professional Geologist	Bachelor's in Geology or Hydrogeology	P.G.	4	\$104.38
Senior Prof. Geologist	Bachelor's in Geology or Hydrogeology	P.G.	8	\$124.80
Scientist I	Bachelor's in a Natural or Physical Science	None	0	\$68.07
Scientist II	Bachelor's in a Natural or Physical Science	None	2	\$73.75
Scientist III	Bachelor's in a Natural or Physical Science	None	4	\$79.42
Scientist IV	Bachelor's in a Natural or Physical Science	None	6	\$85.09
Senior Scientist	Bachelor's in a Natural or Physical Science	None	8	\$96.44
Project Manager	None	None	8 ¹	\$102.11
Senior Project Manager	None	None	12 ¹	\$113.46
Technician I	None	None	0	\$51.05
Technician II	None	None	2 ¹	\$56.73
Technician III	None	None	4 ¹	\$62.40
Technician IV	None	None	6 ¹	\$68.07
Senior Technician	None	None	8 ¹	\$73.75
Account Technician I	None	None	0	\$39.71
Account Technician II	None	None	2 ²	\$45.38
Account Technician III	None	None	4 ²	\$51.05
Account Technician IV	None	None	6 ²	\$56.73
Senior Acct. Technician	None	None	8 ²	\$62.40
Administrative Assistant I	None	None	0	\$28.36
Administrative Assistant II	None	None	2 ³	\$34.04
Administrative Assistant III	None	None	4 ³	\$39.71
Administrative Assistant IV	None	None	6 ³	\$45.38
Senior Admin. Assistant	None	None	8 ³	\$51.05
Draftperson/CAD I	None	None	0	\$45.38
Draftperson/CAD II	None	None	2 ⁴	\$51.05
Draftperson/CAD III	None	None	4 ⁴	\$56.73
Draftperson/CAD IV	None	None	6 ⁴	\$62.40
Senior Draftperson/CAD	None	None	8 ⁴	\$68.07

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, 2010 through June 30, 2011

Laboratory Rates Per Analysis Chemical	Maximum	Metals	Maximum
BETX Soil with MTBE	\$96.44	Soil preparation for Metals TCLP Soil (one fee per sample)	\$89.63
BETX Water with MTBE	\$91.90	Soil preparation for Metals Total Soil (one fee per sample)	\$18.15
COD (Chemical Oxygen Demand)	\$34.04	Water preparation for Metals Water (one fee per sample)	\$12.48
Corrosivity	\$17.02	Arsenic TCLP Soil	\$18.15
Flash Point or Ignitability Analysis EPA 1010	\$37.44	Arsenic Total Soil	\$18.15
FOC (Fraction Organic Carbon)	\$43.11	Arsenic Water	\$20.42
Fat, Oil, & Grease (FOG)	\$68.07	Barium TCLP Soil	\$11.35
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	\$786.25	Barium Total Soil	\$11.35
Organic Carbon (ASTM-D 2974-87)	\$37.44	Barium Water	\$13.61
Dissolved Oxygen (DO)	\$27.23	Cadmium TCLP Soil	\$18.15
Paint Filter (Free Liquids)	\$15.88	Cadmium Total Soil	\$18.15
PCB / Pesticides (combination)	\$251.87	Cadmium Water	\$20.42
PCBs	\$125.94	Chromium TCLP Soil	\$11.35
Pesticides	\$158.84	Chromium Total Soil	\$11.35
pH	\$15.88	Chromium Water	\$13.61
Phenol	\$38.57	Cyanide TCLP Soil	\$31.77
Polynuclear Aromatics PNA, or PAH SOIL	\$172.45	Cyanide Total Soil	\$38.57
Polynuclear Aromatics PNA, or PAH WATER	\$172.45	Cyanide Water	\$38.57
Reactivity	\$77.15	Iron TCLP Soil	\$11.35
SVOC - Soil (Semi-Volatile Organic Compounds)	\$355.12	Iron Total Soil	\$11.35
SVOC - Water (Semi-Volatile Organic Compounds)	\$355.12	Iron Water	\$13.61
TKN (Total Kjeldahl) "nitrogen"	\$49.92	Lead TCLP Soil	\$18.15
TOC (Total Organic Carbon) EPA 9060A	\$35.17	Lead Total Soil	\$18.15
TPH (Total Petroleum Hydrocarbons)	\$138.42	Lead Water	\$20.42
VOC (Volatile Organic Compound) - Soil (Non-Aqueous)	\$198.55	Mercury TCLP Soil	\$21.56
VOC (Volatile Organic Compound) - Water	\$191.74	Mercury Total Soil	\$11.35
Geo-Technical		Mercury Water	\$29.50
Bulk Density ASTM D4292 / D2937	\$24.96	Selenium TCLP Soil	\$18.15
Ex-situ Hydraulic Conductivity / Permeability	\$289.31	Selenium Total Soil	\$18.15
Moisture Content ASTM D2216-90 / D4643-87	\$13.61	Selenium Water	\$17.02
Porosity	\$34.04	Silver TCLP Soil	\$11.35
Rock Hydraulic Conductivity Ex-situ	\$397.09	Silver Total Soil	\$11.35
Sieve / Particle Size Analysis ASTM D422-63 / D1140-54	\$164.51	Silver Water	\$13.61
Soil Classification ASTM D2488-90 / D2487-90	\$77.15	Metals TCLP Soil (a combination of all RCRA metals)	\$116.86
Other		Metals Total Soil (a combination of all RCRA metals)	\$106.65
EnCore® Sampler, purge-and-trap sampler, or equivalent sampling device	\$11.35	Metals Water (a combination of all RCRA metals)	\$135.01
Sample Shipping (*maximum total amount for shipping all samples collected in a calendar day)	*\$56.73		

Brimfield Auto & Truck v. Illinois Environmental Protection Agency
Pollution Control Board No. 12-134

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE**

RECORD upon:

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Robert M. Riffle, Esq.
133A S. Main Street
Morton, IL 61550

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on April 17, 2014.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: April 17, 2014

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY: _____



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Special Assistant Attorney General