



May 16, 2024

Clerk of the Board  
Illinois Pollution Control Board  
60 East Van Buren St. Ste. 630  
Chicago, IL 60605

**Re: LUST Reimbursement Appeal Request**  
0316655036 - Cook County  
Chicago I BP Store #18650  
5901 S. Pulaski Road  
Incident-Claim No.: 20090340-- 74220

Dear Clerk:

On behalf of the PAV2, LLC (formerly Fast Track Ventures LLC), V3 Companies is submitting an appeal regarding the LUST reimbursement dated January 19, 2024. The 90-day extension for the appeal was filed by email Feb. 21, 2024.

The Illinois Environmental Protection Agency (Illinois EPA or IEPA) comments from Attachment A Accounting Deductions and V3 responses are provided below.

1. *\$809.03, deduction for costs for Drilling and Monitoring Well 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 and 35 Ill. Adm. Code 734.630(o) 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.*

*Additionally, deduction for site investigation or corrective action costs for Drilling and Monitoring Well Costs 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(dd).*

*An additional 33.5 feet of drilling at a rate of \$24.15 per feet for PUSH drilling has been requested but lacks supporting documentation. Based on the soil boring logs GP502 was drilled to a depth of 15 feet and GP503 was drilled to a depth of 1.5 ft on September 9, 2021; GP509 was drilled to 15 feet on September 8, 2021, totaling 31.5 feet of drilling via PUSH.*

V3's response

Requesting reimbursement for the additional 33.5 feet of drilling via PUSH. The borings were implemented as requested and approved in the IEPA review letter Feb. 3, 2021 of Site Investigation Plan. Refer to page 4 of IEPA review letter Attachment A, item #1. The drilling costs are within the approved budget. The purpose of these borings is to better define the extent of soil and groundwater contamination exceeding the most stringent TACO Tier 1 ROs, and are reasonable. These additional borings were only performed based on IEPA's request and approval and are well under the approved

budget for drilling. The actual HSA or PUSH depths were calculated based on the well log if a well was installed in the same borehole, or the boring log (if no well) which may account for any discrepancies of depth between the boring logs and the reimbursement request on the Drilling Cost Form. The actual depths in the Drilling Cost Form match the driller's invoice.

- GP-502 – installed east of BP07-GP-203 to delineate eastern boundary and to define potential eastern off-site extent. The location was adjusted in the field due to utilities along boundary, but is in generally similar location as proposed. Off-site access was not obtained on eastern adjoining properties.
  - GP-503 – ultimately hand-augered southeast of BP07-GP-03 near northeast corner of building to define potential eastern off-site extent. The location was adjusted in the field due to utilities along boundary, and refusal was encountered three times with the geoprobe, so a hand auger was used to access behind building, but also encountered refusal after 1.5 ft.
  - GP-509 – installed adjacent to BP07-GP-01 near the pump island northeast corner, as requested, for worst-case boring.
2. *\$368.00, deduction for costs for analytical costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).*

*Additionally, deduction for site investigation or corrective action costs for analytical costs 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(dd).*

*The deductions for analytical costs are as follows:*

- *\$150.00, deduction for site investigation or corrective action costs for four additional BETX Soil with MTBE EPA 8260. As per the budget, 24 samples of BETX Soil with MTBE EPA 8260 are approved.*
- *\$150.00, deduction for site investigation or corrective action costs for four additional BETX Water with MTBE EPA 8260. As per the budget, 12 samples of BETX Water with MTBE EPA 8260 are approved.*
- *\$60.00, deduction for site investigation or corrective action costs for six additional Encore samplers. As per the budget, 24 Encore Samplers are approved.*
- *\$8.00, deduction for site investigation or corrective action costs for disposal fee that are not reasonable as submitted. As per the budget, only 24 samples of BETX Soil with MTBE EPA 8260 were approved and therefore disposal fee for any additional samples as submitted are unreasonable.*

#### V3's response

Requesting reimbursement for the \$340 analytical costs deducted as noted in the bullets below. The samples were collected as possible, from the approved borings every 5 ft. as required in the previously referenced IEPA review letter, Item #1 dated Feb. 3, 2021. Boring GP-510 had an additional sample collected due to PID observations, to better delineate impacts. The analytical costs requested are well under the total approved budget. The purpose of these analysis is to better define the extent of soil and

groundwater contamination exceeding the most stringent TACO Tier 1 ROs. These samples were collected within the additional borings performed based on IEPA's request and approval. The actual number of samples are reasonable and based on site conditions observed (depth and lack of water noted in boring) and the number of borings collected, which would account for any discrepancies of sample numbers proposed (assumed higher water depth), vs. the reimbursement request on the Analytical Cost Form. The number of samples in the Analytical Costs Form match the laboratory's invoices and lab report COCs.

- \$150.00, requested for site investigation costs for four BETX Soil with MTBE EPA 8260. As noted above, one additional sample was collected in GP-510, and three samples were collected based on total depth of boring above water table.

- \$150.00, requested for site investigation costs for four BETX Water with MTBE EPA 8260.

These samples are for the supplemental groundwater sampling requested by IEPA in the SICR conditional approval letter dated Sept. 16, 2022 for monitoring wells MW-13, MW-14, MW-15, and MW-19 to delineate the extent of on-site contamination more accurately. As noted, the analytical costs requested are well within the total approved SICR budget.

- \$40.00, requested for site investigation costs for four Encore samplers for the soil samples analyzed for BTEX and MTBE noted above.

### 3. *No appeal*

4. *\$20,061.92, deduction for costs for consulting personnel costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(l) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).*

*Additionally, deduction for costs for consulting personnel which lack supporting documentation and are unreasonable. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc) and 734.630(dd). 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 and 35 Ill. Adm. Code 734.630(o) 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.*

- *\$1,822.35 (15 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the Sr. PM title for technical oversight/review of plan under Stage 3 Plan.*
- *\$1,873.97 (19 hours at a rate of \$98.63 per hour) for costs for personnel hours requested under the Geologist III title for plan write up IEPA comment letter response and sampling plan for field under Stage 3 Plan.*
- *\$402.40 (5 hours at a rate of \$80.48 per hour) for costs for personnel hours requested under the title CAD Senior Draftsperson to prepare site maps for Stage 3 plan.*
- *\$182.24 (1.5 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the title Sr.PM for offsite drilling under Stage 3 Plan.*

- \$911.17 (7.5 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the title Sr. PM for "Calls with EPA, SAP edits" under Stage 3 plan.
- \$394.52 (4 hours at a rate of \$98.63 per hour) for costs for personnel hours requested under the Geologist III title under Stage 3 Budget.
- \$485.96 (4 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under Sr.PM title under Stage 3 Budget to obtain quotes and budget edits.
- \$375.56 (4 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under Stage 3 Field for 5 days prep, soil boring, soil gas & monitoring well installation, development and sampling well survey.
- \$1,032.79 (11 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under Stage 3 Field for 2 days well survey, sampling assistance, field prep, and demobilization.
- \$1,743.82 (13 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under the Sr. PM title under Stage 3 Field for Field SAP table, prep field team, field PM and guidance.
- **\$3542.00 (44 hours at a rate of \$80.40 per hour) for costs for personnel hours requested under the Scientist I title under Stage 3 Field for 5 days prep, field sampling, well install, purge and develop wells, field photo and demobilization.**
- \$1,155.00 (11 hours at a rate of \$105.00 per hour) for costs for personnel hours requested under Engineer III title under Stage 3 Field for Supplemental ground water sampling.
- **\$1,604.50 (21.75 hours at a rate of \$73.77 per hour) for costs for personnel hours requested under Sr. Account technician title under Stage 3 Pay to prepare stage 3 billing package round 1.**
- \$637.16 (4.75 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under Sr. PM title under SICR for report preparation, review tables/figures.
- \$985.84 (10.50 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under SICR to prepare soil boring and monitoring well logs, tables and report writing.
- \$1,046.24 (13 hours at a rate of \$80.48 per hour) for costs for personnel hours requested under CAD Senior. Drafts Person title under SICR to prepare site maps download files are not approved in the budget.
- \$525.00 (5 hours at a rate of \$105.00 per hour) for costs for personnel hours requested under Engineer III title under SICR for groundwater counter maps revisions and edits.
- \$1,341.40 (10 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under Sr. PM title under SICR for IEPA letter response, discuss letter response.

#### V3's response

Requesting reimbursement for the \$5,328.74 consultant personnel costs deducted as noted in the bullets below.

- \$182.24 (1.5 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the title Sr.PM for offsite drilling under Stage 3 Plan. These costs address a second request for off-site drilling in 2020 for the eastern apartment building. The contact information was checked and a letter was updated and submitted. A certified mail postcard was received for the letter on March 26, 2020. This documentation was provided in the Site

Investigation Plan request in October 14, 2020 under the narrative of the Additional Stage 2 and 3 Sampling Plan, and the certified mail postcard as an attachment to the Plan. The corresponding updated and approved Jan. 2021 budget contained 4 hours to submit a letter to off-site owner. The reimbursement request for this task was a total of 4 hours, including the hours from 2020. Therefore, this labor was performed as approved, and within budget with related documentation referenced.

- \$3542.00 (44 hours at a rate of \$80.40 per hour) for costs for personnel hours requested under the Scientist I title under Stage 3 Field for 5 days prep, field sampling, well install, purge and develop wells, field photo and demobilization. These costs address the sampling assistance provided to implement the approved scope of work. A Jan. 2021 budget was approved with 10 hours for sampling assistance and well survey. We requested additional time be approved, as the proposed scope of 13 additional borings installed and sampled, 8 wells installed, developed and sampled, and 5 additional wells purged and sampled would take longer than the hours allowed, but was denied the additional hours. V3 performed the boring/sampling, well installation and a portion of the well purging and sampling in 4 days with 2 V3 personnel (one working on well development and one working with driller on borings/sampling soil). Field personnel returned to the site 3 more times to complete surveying of wells, well purging and sampling (as some of the wells were dry, or purged dry and a follow-up field visit was required to sample the well). Therefore, the field assistant labor was reasonable to complete the requested scope and reimbursement is requested.
- \$1,604.50 (21.75 hours at a rate of \$73.77 per hour) for costs for personnel hours requested under Sr. Account technician title under Stage 3 Pay to prepare stage 3 billing package round 1. These costs address the initial Stage 3 payment request sent to IEPA on June 8, 2023. The March 10, 2015 (and updated Aug. 3, 2016) budget review and approval letters provide approval of Stage 3 budget. Therefore, this labor was performed as approved, and within budget with related documentation referenced.

5. *No appeal*

6. *\$600.37, deduction for handling charges charged by persons other than the owner's or operator's primary contractor. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(rr). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.*

- *Solid and Liquid Drum disposals were subcontracted to GFL; therefore, \$1,875.00 for drum disposal (solid and liquid) are ineligible for handling.*
- *Private Utility locate was subcontracted to GPRS. Therefore \$800.00 as approved in the budget for Private utility locate is ineligible for handling.*
- *Drilling costs, Analytical costs and Chicago city permit costs are reduced by \$809.03, \$360.00, and \$1,562.00, respectively; therefore, handling charges on these costs are also subsequently reduced.*

V3's response

Requesting reimbursement for applicable for handling charges related to the \$340 analytical costs.

A separate supplemental SICR budget request will be submitted to address some of the remaining items that were denied.

Please contact with if additional information is needed to process appeal. Should you have questions regarding this submittal, please call me at 630-724-9200 or email [rberthiaume@v3co.com](mailto:rberthiaume@v3co.com).

Sincerely,

V3 COMPANIES

A handwritten signature in black ink that reads "Rachael K. Berthiaume". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Rachael K. Berthiaume, P.E., LEED AP  
Project Manager

cc: PAV, LLC –Michael Evans (electronic)  
SES Advantage – Tom Timmermans and Nora Callow (electronic)  
V3 File



# 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, DIRECTOR

(217) 524-3300

CERTIFIED MAIL #

9589 0710 5270 1326 4552 81

JAN 19 2024

PAV2, LLC  
c/o Michael Evans  
335 East Maple Road, Suite 200  
Birmingham, MI 48009

Re: 0316655036 -- Cook County  
Chicago / BP Store # 18650  
5901 S. Pulaski Road  
Incident-Claim No.: 20090340 -- 74220  
Queue Date: September 22, 2023  
Leaking UST Fiscal File

Dear Mr. Michael Evans:

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 September 21, 2023, and was received by the Illinois EPA on September 22, 2023. The application for payment covers the period from October 9, 2019, to November 16, 2022. The amount requested is \$59,396.24.

On September 22, 2023, 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 \$34,481.98 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 for this claim is \$10,000.00, which was previously withheld from your payment(s). 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.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

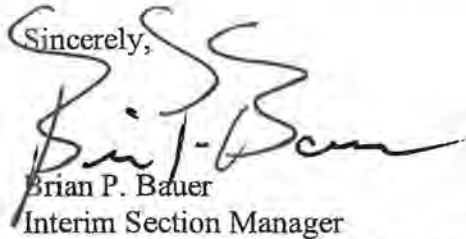
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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.

If you have any questions or require further assistance, please contact Nachal Meyyappan of my staff at (217) 786-0754 or at [Nachal.Meyyappan@illinois.gov](mailto:Nachal.Meyyappan@illinois.gov).

Sincerely,



Brian P. Bauer  
Interim Section Manager  
Leaking Underground Storage Tank Section  
Bureau of Land

Attachments: Attachment A  
Appeal Rights

c: V3 Companies of Illinois, Ltd  
Leaking UST Claims Unit



Attachment A  
Accounting Deductions

Re: 0316655036 -- Cook County  
Chicago / BP Store #18650  
5901 S. Pulaski Road  
Incident-Claim No.: 20090340 -- 74220  
Queue Date: September 22, 2023  
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. §809.03, deduction for costs for Drilling and Monitoring Well 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 and 35 Ill. Adm. Code 734.630(o) 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.

Additionally, deduction for site investigation or corrective action costs for Drilling and Monitoring Well Costs 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(dd).

An additional 33.5 feet of drilling at a rate of \$24.15 per feet for PUSH drilling has been requested but lacks supporting documentation. Based on the soil boring logs GP502 was drilled to a depth of 15 feet and GP503 was drilled to a depth of 1.5 ft on September 9, 2021; GP509 was drilled to 15 feet on September 8, 2021, totaling 31.5 feet of drilling via PUSH.

2. \$368.00, deduction for costs for analytical costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).

Additionally, deduction for site investigation or corrective action costs for analytical costs 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(dd).

The deductions for analytical costs are as follows:

- \$150.00, deduction for site investigation or corrective action costs for four additional BETX Soil with MTBE EPA 8260. As per the budget, 24 samples of BETX Soil with MTBE EPA 8260 are approved.
- \$150.00, deduction for site investigation or corrective action costs for four additional BETX Water with MTBE EPA 8260. As per the budget, 12 samples of BETX Water with MTBE EPA 8260 are approved.
- \$60.00, deduction for site investigation or corrective action costs for six additional Encore samplers. As per the budget, 24 Encore Samplers are approved.
- \$8.00, deduction for site investigation or corrective action costs for disposal fee that are not reasonable as submitted. As per the budget, only 24 samples of BETX Soil with MTBE EPA 8260 were approved and therefore disposal fee for any additional samples as submitted are unreasonable.

3. \$1,210.24, deduction for costs for remediation and disposal costs, which lack supporting documentation and are unreasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc) and 734.630(dd). 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 and 35 Ill. Adm. Code 734.630(o) 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.

Soil and Liquid Drum Disposal was subcontracted to GFL. As per GFL Invoice, LQ01158560, the total fee for Soil and Liquid disposal is \$1,875.00.

4. \$20,061.92, deduction for costs for consulting personnel costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).

Additionally, deduction for costs for consulting personnel which lack supporting documentation and are unreasonable. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc) and 734.630(dd). 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 and 35 Ill. Adm. Code 734.630(o) 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.

- \$1,822.35 (15 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the Sr. PM title for technical oversight/review of plan under Stage 3 Plan.
- \$1,873.97 (19 hours at a rate of \$98.63 per hour) for costs for personnel hours requested under the Geologist III title for plan write up IEPA comment letter response and sampling plan for field under Stage 3 Plan.
- \$402.40 (5 hours at a rate of \$80.48 per hour) for costs for personnel hours requested under the title CAD Senior Draftsperson to prepare site maps for Stage 3 plan.
- \$182.24 (1.5 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the title Sr.PM for offsite drilling under Stage 3 Plan.
- \$911.17 (7.5 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under the title Sr. PM for "Calls with EPA, SAP edits" under Stage 3 plan.
- \$394.52 (4 hours at a rate of \$98.63 per hour) for costs for personnel hours requested under the Geologist III title under Stage 3 Budget.
- \$485.96(4 hours at a rate of \$121.49 per hour) for costs for personnel hours requested under Sr.PM title under Stage 3 Budget to obtain quotes and budget edits.
- \$375.56 (4 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under Stage 3 Field for 5 days prep, soil boring, soil gas & monitoring well installation, development and sampling well survey.
- \$1,032.79 (11 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under Stage 3 Field for 2 days well survey, sampling assistance, field prep, and demobilization.
- \$1,743.82(13 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under the Sr. PM title under Stage 3 Field for Field SAP table, prep field team, field PM and guidance.
- \$3542.00 (44 hours at a rate of \$80.40 per hour) for costs for personnel hours requested under the Scientist I title under Stage 3 Field for 5 days prep, field sampling, well install, purge and develop wells, field photo and demobilization.

- \$1,155.00 (11 hours at a rate of \$105.00 per hour) for costs for personnel hours requested under Engineer III title under Stage 3 Field for Supplemental ground water sampling.
- \$1,604.50 (21.75 hours at a rate of \$73.77 per hour) for costs for personnel hours requested under Sr. Account technician title under Stage 3 Pay to prepare stage 3 billing package round 1.
- \$637.16 (4.75 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under Sr. PM title under SICR for report preparation, review tables/figures.
- \$985.84 (10.50 hours at a rate of \$93.89 per hour) for costs for personnel hours requested under Scientist III title under SICR to prepare soil boring and monitoring well logs, tables and report writing.
- \$1,046.24 (13 hours at a rate of \$80.48 per hour) for costs for personnel hours requested under CAD Senior. Drafts Person title under SICR to prepare site maps download files are not approved in the budget.
- \$525.00 (5 hours at a rate of \$105.00 per hour) for costs for personnel hours requested under Engineer III title under SICR for groundwater counter maps revisions and edits.
- \$1,341.40 (10 hours at a rate of \$134.14 per hour) for costs for personnel hours requested under Sr. PM title under SICR for IEPA letter response, discuss letter response.

5. \$1,864.70, deduction for costs for consulting material costs that exceed those contained in a budget or amended budget approved by the Illinois EPA. The cost included in the application for payment exceeds the approved budget amount and, as such, is ineligible for payment from the Fund pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(g) and 734.630(m).

Additionally, deduction for costs for consulting materials which lack supporting documentation and are unreasonable. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc) and 734.630(dd). 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 and 35 Ill. Adm. Code 734.630(o) 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.

- \$30.00 for one additional day of a water level indicator. Three days for a water level indicator were approved in the budget. 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(dd).
  - \$100.00 for one additional day for a well pump.
  - \$1,562.00, deduction for site investigation or corrective action costs for Chicago City Permit that are not reasonable as submitted. A total of \$3,200.00 for four permits for \$800.00 were approved in the budget.
  - \$150.00, deduction for site investigation or corrective action costs for a Private Utility Locate that are not reasonable as submitted. A total of \$800.00 was approved \$800.00 for Private Utility Locate.
  - \$22.69, for costs associated with postage.
6. \$600.37, deduction for handling charges charged by persons other than the owner's or operator's primary contractor. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630 (rr). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.
- Solid and Liquid Drum disposals were subcontracted to GFL; therefore, \$1,875.00 for drum disposal (solid and liquid) are ineligible for handling.
  - Private Utility locate was subcontracted to GPRS. Therefore \$800.00 as approved in the budget for Private utility locate is ineligible for handling.
  - Drilling costs, Analytical costs and Chicago city permit costs are reduced by \$809.03, \$360.00, and \$1,562.00, respectively; therefore, handling charges on these costs are also subsequently reduced.

## 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  
60 East Van Buren Street, Ste. 630  
Chicago, IL 60605  
(312) 814-3461

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

**From:** [Rachael Berthiaume](#)  
**To:** [Brown, Don](#)  
**Subject:** [External] FW: Extension request for potential LUST reimbursement review appeal  
**Date:** Tuesday, May 21, 2024 2:21:12 PM  
**Attachments:** [20240119 IEPA RR response BPstore#18650.pdf](#)

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Hi Don,

Attached is the IEPA Jan. 19, 2024 letter regarding LUST reimbursement. The extension request email is below.

Please let me know if you need further documents.

Thank you,

**Rachael Berthiaume, P.E., LEED AP** | Project Manager – Environment & Geosciences  
**V3 Companies** | P 630.724.9200 | C 847.363.3517 | E [rberthiaume@v3co.com](mailto:rberthiaume@v3co.com)

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**From:** Rachael Berthiaume  
**Sent:** Wednesday, February 21, 2024 5:10 PM  
**To:** Kelley, Meredith <[Meredith.Kelley@Illinois.gov](mailto:Meredith.Kelley@Illinois.gov)>  
**Subject:** RE: Extension request for potential LUST reimbursement review appeal

Thank you for the quick response.

**Rachael Berthiaume, P.E., LEED AP** | Project Manager – Environment & Geosciences  
**V3 Companies** | P 630.724.9200 | C 847.363.3517 | E [rberthiaume@v3co.com](mailto:rberthiaume@v3co.com)

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**From:** Kelley, Meredith <[Meredith.Kelley@Illinois.gov](mailto:Meredith.Kelley@Illinois.gov)>  
**Sent:** Wednesday, February 21, 2024 4:46 PM  
**To:** Rachael Berthiaume <[rberthiaume@v3co.com](mailto:rberthiaume@v3co.com)>  
**Subject:** RE: Extension request for potential LUST reimbursement review appeal

Hi Rachael,

I have received your request for a 90-day extension to file an appeal of the LUST Reimbursement. No need to send a hard copy.

Thanks

Meredith Kelley  
Division of Legal Counsel  
Illinois Environmental Protection Agency

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**From:** Rachael Berthiaume <[rberthiaume@v3co.com](mailto:rberthiaume@v3co.com)>  
**Sent:** Wednesday, February 21, 2024 4:22 PM

**To:** Kelley, Meredith <[Meredith.Kelley@Illinois.gov](mailto:Meredith.Kelley@Illinois.gov)>

**Subject:** [External] Extension request for potential LUST reimbursement review appeal

0316655036-Cook County  
Chicago/BP Store #18650  
5901 S Pulaski Rd  
Incident - claim # 20090340 – 74220

Hi Meredith / Division of Legal Counsel

I am writing on behalf of the operator PAV2, LLC to request a 90-day extension on the LUST reimbursement appeal timeframe. The date the final decision letter was received is 01/26/24, and letter is dated 01/19/24 (attached).

Please let me know if I need to mail a hardcopy of this request.

Thank you,

**Rachael Berthiaume, P.E., LEED AP** | Project Manager – Environment & Geosciences

**V3 Companies** | 444 N. Wells Street, Suite 602 | Chicago, IL 60654 | **P** 630.724.9200 | **E** [rberthiaume@v3co.com](mailto:rberthiaume@v3co.com)

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