

## EXHIBIT LIST

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO: ) R04-22  
REGULATION OF PETROLEUM LEAKING ) (UST Rulemaking)  
UNDERGROUND STORAGE TANKS (35 )  
ILL. ADM. CODE 732 )

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IN THE MATTER OF: )  
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PROPOSED AMENDMENTS TO: ) R04-23  
REGULATION OF PETROLEUM LEAKING ) (UST Rulemaking)  
UNDERGROUND STORAGE TANKS (35 ) Consolidated  
ILL. ADM. CODE 734 )

- Exhibit 1 Illinois Environmental Protection Agency's First ERRATA Sheet for Part 732
- Exhibit 2 Illinois Environmental Protection Agency's First ERRATA Sheet for Part 734
- Exhibit 3 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 4 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 5 Testimony of Hernando Albarracin in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 6 Testimony of Hernando Albarracin in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 7 Testimony of Douglas Oakley in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 8 Testimony of Douglas Oakley in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 9 Testimony of Brian Bauer in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 10 Testimony of Brian Bauer in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734

- Exhibit 11 Testimony of Harry Chappel in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 732
- Exhibit 12 Testimony of Harry Chappel in support of the Illinois Environmental Protection Agency's proposal to amend 35 Ill. Adm. Code 734
- Exhibit 13 DRAFT Budget and Billing Forms for the Underground Storage Tank Fund March 9, 2004
- Exhibit 14 Leaking Underground Storage Tank Reimbursement Example 35 Ill. Adm. Code 734
- Exhibit 15 Illinois Environmental Protection Agency Second ERRATA sheet
- Exhibit 16 35 Ill. ADC 185.204
- Exhibit 17 Cash Balance Daniel W. Hynes
- Exhibit 18 State Underground Storage Tank Fund
- Exhibit 19 Landfills that Accept LUST Soils as of May 2004
- Exhibit 20 General Guidelines
- Exhibit 21 LUST Claims Voucher Process
- Exhibit 22 State UST Reimbursement Regulations (Summary)

## Exhibit 23

## Complete Copies of State UST Reimbursement Regulations

(exhibit includes one set of USEPA Guidelines and rules from 31 states as listed below):

USEPA, State Funds in Transition: Models for UST Assurance Funds, EPA 510-B-97-002, Jan. 1997; Montana Petroleum Tank Release Cleanup Fund Reasonable Cost Ceilings (Draft 9/6/02); Ohio Revised Code, Petroleum Storage Tank Release Compensation Board (Dec. 1997); Missouri, Rules of Dept. of Natural Resources, 10 CSR 100-5.010-5.030 (4/30/02); New Mexico Environment Dept. 20.5.17 NMAC (11/30/03); Arkansas Dept. of Environmental Quality, Regulated Storage Tank Trust Fund Cost Control Guidance Document (6/03); Florida Dept. of Environmental Protection, Petroleum Preapproval Program—Fixed Rate Schedule (12/02); Kansas Petroleum Storage Tank Release Trust Fund Reasonable Rate Ranges (eff. 6/28/02); Wisconsin Dept. of Commerce Maximum Reimbursable Equipment Rates (4/28/04); Nebraska Dept. of Environmental Quality, Petroleum Release Remedial Action Cash Fund (Title 200 Program)(eff. 3/1/00); Virginia Dept. of Environmental Quality, Virginia Petroleum Storage Tank Fund Reimbursement Guidance Manual, Vol. II UCR Schedules (5<sup>th</sup> ed.); Vermont Agency of Natural Resources, Waste Mgt. Div., Procedures for Reimbursement from the Petroleum Cleanup Fund (eff. 4/04); Mississippi Dept. of Environmental Quality, UST Branch, Reimbursement Limitation & Procedures for Immediate Response Actions Eligible for Reimbursement from the Mississippi Groundwater Protection Trust Fund (eff. 1/1/02); Alabaman Dept. of Environmental Management, Alabama Tank Trust Fund Reasonable Rate Schedule (6/03); Indiana Underground Storage Tank Financial Assurance Board, 328 IAC, LSA Doc. #00-135(F), (adopted 7/10/01); Kentucky Off. of Petroleum Storage Tank Environmental Assurance Fund, 415 KAR 1:110. Contractor Costs (4/30/04); Maryland Dept. of Environment, Title 26 Subtitle 10 Chap. 14 Underground Storage Tank Site Cleanup Reimbursement (7/23/01); South Dakota Petroleum Release Compensation Fund, 1999 Internal Cost Screening Guidelines for Determining Reasonable Environmental Consultant Expenses (4/12/99); New Hampshire Petroleum Storage Facility Fund Program Guidance Manual, Section VI only (10/1/03); Texas Natural Resource Conservation Comm. Petroleum Storage Tank Division, Reimbursable Cost Guidelines (4/30/04); Tennessee Dept of Environment and Conservation, Reasonable Reimbursement Guidance Document (1/1/04); Colorado Dept. of Labor & Employment, Division of Oil & Public Safety, Reasonable Cost Guidelines 2001 (4/30/04); North Carolina Group Dept. of Environment and Natural Resources-Div. Of Waste Mgt., UST Tank Price List, Version 1.0 (3/1/03); Minnesota Rules, Chapter 2890 (4/27/04); Arizona Dept. of Environmental Quality, State Assurance Fund 2004 Cost Ceilings (2004); Alaska Underground Storage Tank Financial Assistance Program Tables of Customary Costs (5/25/99); Louisiana Motor Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document (undated); California State Water Resources Control Board, Cost Guidelines—Underground Storage Tank Cleanup Fund (Final Draft 10/01/01); Nevada Division of Environmental Protection, State of Nevada Petroleum Fund CEM Cost Guidelines (12/01)

- Exhibit 24      Excavation/Transportation/Disposal/Backfill Costs (undated)
- Exhibit 25      LUST Average Days to Process Claims (2/11/04)
- Exhibit 26      Maximums Allowable (J. Kim 4/20/04)
- Exhibit 27      Amended Attachments (2nd ERRATA Sheet) as Requested by Hearing  
Conducted 5/25/04
- Exhibit 28      Payment of Corrective Action and Third Party Liability Claims Trust Fund (2  
pages from Indiana Administrative Code) (undated)
- Exhibit 29      Prefiled testimony of CW<sub>3</sub>M for the hearings beginning on June 21, 2004,  
including Attachment A and Appendix A through N
- Exhibit 30      Table with heading "Paid in 2003", "Paid in 2002", and "Paid in 2001" and graph
- Exhibit 31      Letter from Goodwin & Broms, Inc. for cite LPC # 1150155313
- Exhibit 32      "Excavation and Off-Site Landfarm Treatment" Budget form with IEMA No.  
932539
- Exhibit 33      LUST Technical Review Notes by Jason Donnelly dated March 14, 2003, for cite  
LPC # 0110505004
- Exhibit 34      Comparison of Other States Provided
- Exhibit 35      Resume of Cindy S. Davis, P.G.
- Exhibit 36      Resume of Joseph W. Turesdale, P.E., S.I.T.
- Exhibit 37      Resumes of Joe Kelly, Duane Doty, Robert J. Pulfrey, and Barry Sink
- Exhibit 38      High Priority Corrective Action Task List, page numbered 6 of 8 followed by  
"Information Presented to IEPA by AD-HOC group, led by Consulting Engineers  
of Illinois (CECI)
- Exhibit 39      Underground Storage Tank Fund Information including information from Daniel  
W. Hines dated 6/20/04 and 6/17/04
- Exhibit 40      UST Fund Graphs including "Frequency of Payouts" and "LUST Fund Balance"
- Exhibit 41      Letter from Bill Fleischli of Illinois Petroleum Marketers Association to Mr. Gary  
King of the Illinois Environmental Protection Agency dated October 24, 2001

- Exhibit 42 Memorandum from Doug Clay of the Illinois Environmental Protection Agency to Bill Fleischli dated April 4, 1995
- Exhibit 43 UST Reimbursement Project Information
- Exhibit 44 Emergency Rule Language Negotiated Between IEPA, PIPE, CECI, ISPE
- Exhibit 45 Illinois Department of Transportations "Aggreement" (sic) Provisions for Consultant Services, pages 29 through 33
- Exhibit 46 Capitol Development Board's Professional Services and Fees Handbook for Centralized Fee Negotiation, pages 5 though 6
- Exhibit 47 General Information Used by Businesses in Determing Reasonable and Competitive Pricing
- Exhibit 48 PIPE Workgroup Work Breakdown Structure
- Exhibit 49 Prefiled Testimony of Cindy S. Davis for the hearings beginning on June 21, 2004
- Exhibit 50 Prefiled Testimony of Michael W. Rapps for the hearings beginning on June 21, 2004
- Exhibit 51 Table titled "Chappel Attachment 12 E + T + D Data"
- Exhibit 52 Graph titled "Normal distribution"
- Exhibit 53 Prefiled testimony of Duane Doty for the June 21, 2004, hearing
- Exhibit 54 Prefiled testimony of Joseph M. Kelly for the June 21, 2004, hearing
- Exhibit 54(a) Supplemental Prefiled testimony of Joseph M. Kelly for the June 21, 2004, hearing
- Exhibit 55 Prefiled testimony of Robert J. Pulfrey for the June 21, 2004, hearing
- Exhibit 56 Prefiled testimony of Barry F. Sink for the June 21, 2004, hearing
- Exhibit 57 Map titled "Active LUST Sites"
- Exhibit 58 Map titled "PIPE Member LUST Sites"
- Exhibit 59 Map titled "Special Waste Landfills"

- Exhibit 60 Map titled "Special Waste Landfills" with Active LUST Sites included by blue dots
- Exhibit 61 Map titled "Special Waste Landfills" with active LUST Sties included by blue dots and yellow highlighted sites within 25 miles of landfills
- Exhibit 62 Map titled "Rock Backfill Vendors 2002-2003"
- Exhibit 63 Table titled "All Incident Numbers" from the IEPA LUST Database, dated April 2003
- Exhibit 64 Table headed Number of Sites Year of Incident from the IEPA LUST Database, dated April 2003
- Exhibit 65 Chart headed Sites Not Assigned
- Exhibit 66 Map titled "Illinois OSFM Licensed Contractors"
- Exhibit 67 Map titled "Illinois OSFM Licensed Contractors", including LUST Sites with yellow dots
- Exhibit 68 Map titled "Illinois OSFM Licensed Contractors", including LUST Sites with yellow dots and highlighted sites within 25 miles of contractor
- Exhibit 69 Table titled "NFRs Issued Vs. TACO Usage"
- Exhibit 70 Web Pages for United Science Industries
- Exhibit 71 Prefiled testimony of Bill Fleischli for the hearings beginning on June 21, 2004
- Exhibit 72 Prefiled testimony of Harold Primack for the hearings beginning on June 21, 2004
- Exhibit 73 Prefiled testimony of Joseph W. Truesdale for the hearings beginning on June 21, 2004
- Exhibit 74 Prefiled testimony of Daniel J. Goodwin for the July 6, 2004 hearing
- Exhibit 75 Prefiled testimony of Jarrett Thomas for the July 6, 2004 hearing
- Exhibit 76 Table titled "State Underground Storage Tank Fund"
- Exhibit 77 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2000

- Exhibit 78 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2001
- Exhibit 79 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2002
- Exhibit 80 Illinois Environmental Protection Agency Leaking Underground Storage Tank Program Annual Report 2003
- Exhibit 81 Internet copy of Occupational Safety and Health Administration, Department of Labor Part 1926 and October 31, 1989 *Federal Register* version of Part 1926
- Exhibit 82 Office of State Fire Marshal Table of Contents for Part 170 and 41 Ill. Adm. Code 172.10
- Exhibit 83 Illinois Environmental Protection Agency letter dated February 9, 2004 to Mathias Development Corporation
- Exhibit 84 Illinois Environmental Protection Agency letter dated February 11, 2004 to L.E. Anderson Bros. Oil Co., Inc.
- Exhibit 85 Transcript from Riverview FS, Inc. v. IEPA PCB 97-226
- Exhibit 86 Table Titled "Raw Numbers for ETD&B of Other States"
- Exhibit 87 Illinois Environmental Protection Agency third ERRATA sheet
- Exhibit 88 Testimony of Douglas Clay in support of the Illinois Environmental Protection Agency's Proposal
- Exhibit 89 Illinois Department of Transportation Letter to Douglas Clay dated August 2, 2004
- Exhibit 90 PIPE's Proposed Alternate Language
- Exhibit 91 PIPE's Testimony in Response to IEPA Testimony of August 9, 2004 and Third ERRATA Sheet; PIPE Testimony in Support of PIPE's Alternate Language
- Exhibit 92 Tables headed "Construction Costs"
- Exhibit 93 Table Titled "RS Means (2004) – Monitor Well Material Costs for 2", 4", 6", 8" Wells"