BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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

PC #6

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NOTICE OF FILING

Now comes CLAIRE A. MANNING, on behalf of the Professionals of Illinois for the Protection of the Environment, PIPE, and files with the Board, via facsimile, with permission, on September 23, 2004, with hard copy placed in overnight mail on that same date, the attached copies of PIPE'S PUBLIC COMMENT.

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PUBLIC COMMENT

Now comes Professionals of Illinois for the Protection of the Environment, PIPE, by and through its attorney, CLAIRE A. MANNING, and offers the following public comment for the Board's consideration prior to its First Notice Opinion and Order.

As a preliminary matter, the Professionals of Illinois for the Protection of the Environment (PIPE) would like to thank the Pollution Control Board for its attentiveness and questions throughout these important hearings. PIPE members and others, Dan Goodwin, on behalf of the American Council of Engineering Companies ("ACEC") (formerly known as the Consulting Engineers Council of Illinois, or "CECI"), Mike Rapps, on behalf of the Illinois Society for Professional Engineers (ISPE) and Bill Fleishli, on behalf of the Illinois Petroleum Marketer's Association (IPMA), have testified to their concerns regarding these rules. PIPE hopes that the Board is poised to adequately address and resolve these public concerns in a First Notice proposal.

However, resolution will require major revisions to the Agency's proposal, revisions that are well within the Board's authority under Section 27 and 28 of the Environmental Protection Act ("Act"). PIPE has suggested alternative language that, in this Public Comment, it stands behind and provides enhancement thereto. However, PIPE submits that, in the context of Board rulemaking, it is not the commentor's responsibility to provide justification for its suggested language changes; it is the proponent's responsibility to provide justification for the proposal it requests the Board to adopt. PIPE's alternative language was not drafted with the idea that the Board accept each piece of language wholesale. It was drafted with the intention that the Board recognize the missing and faulty concepts in the Agency's rule, and draft a Board rule, for First Notice, that makes this UST program work – in the specific areas earmarked by PIPE. While PIPE members are divided as to the value of another hearing prior to any Board order in this matter, if the Board is not poised to significantly address the concerns raised in this record, PIPE *would* suggest another hearing.

PIPE appreciates the many arduous hours the Agency has put into the drafting and defense of its proposal. The majority of the Agency's work in revising its proposed rules is commendable. With specific language changes to the three-bid scenario, as set forth below, PIPE would be able to accept rates set forth for items that are subject to the bid scenario. Further, while not opposed to the lump sum concept, PIPE believes that certain basic changes are necessary prior to this concept actually working as the Agency has publicly claimed it expects. As PIPE has voiced many times in this proceeding, PIPE fully supports the Agency's efforts at defining, where possible, in a regulatory context, what standard costs will be considered "reasonable" so that reimbursement can proceed expeditiously and without the usual conflict that currently taints the reimbursement program.

PIPE suggests, however, that in its members' experience with the UST program, "reasonable" has too often been a moving target. What is "reasonable" and therefore "approvable" to one reviewer may not be "reasonable" to another reviewer. What is "reasonable" for one company to propose to the Agency may not be seen as "reasonable" when another company proposes it. What was considered "reasonable" on a given rate sheet was, without warning, considered "unreasonable" upon modification of that rate sheet. Certainly, PIPE members applaud, and look forward, to a consistent application of identified "reasonable" costs on the part of the Agency. However, PIPE queries: will what has historically been "reasonable" during the last several years now, upon promulgation of these rules, suddenly become "unreasonable"?

Certainly, PIPE companies, who have established viable UST remediation businesses over the course of the last several years, have as much reason as anyone to ensure that the Board establishes rules which are workable and which provide for an expeditious method of reimbursing for the "reasonable" and the easily identifiable costs of remediation. The challenge, of course, is determining what is "reasonable." The Board is generally called upon to determine "reasonableness" in a myriad of contexts; usually those contexts have to do with the economic reasonableness and technical feasibility of a standard measurement of pollution. In this context, the Board is called upon to assess, independently of course, the propriety of the Agency's proposed rules that are, in large part, intended to regulate the "reasonableness" of the costs attendant to the business of UST remediation. PIPE submits that, in this context, "reasonableness" must inevitably envelope the concept of "fairness": a fair valuation of those costs and a fair process to expeditiously reimburse those who incurred them.[1]

[1] Dictionary.com defines "fair" in this context to be "*reasonable* as a basis for exchange" as in a "fair wage" or a "fair valuation." *Emphasis added.*

It is in this concept of "fairness" that the Agency's proposal falls short of "reasonable." PIPE will attempt, in this Public Comment, to point specifically to those areas where the Board should improve and enhance the Agency's proposed rule prior to First Notice.

BASIC PROBLEMS WITH THE AGENCY'S PROPOSAL

In it's Statement of Reasons and throughout its entire testimony, the Agency generally maintains that these rules are necessary to "protect the fund" --- specifically, to the tune of $25 million dollars annually. Further, throughout the record there is an insinuation that the fund is in trouble because too much money has been paid out in reimbursement claims. Yet, there is no record evidence in support of that assertion. In fact, the record evidence shows that assumption to be wrong. The UST Fund Update Gary King submitted into evidence at the last hearing demonstrates the following:

- Over the last 3 years, less than 70% of the UST fund has actually been paid out annually in reimbursement for UST site remediation.
- While UST revenues *increased* from FY 03 to FY 04 by over $11 million dollars, the amount of money the State paid out in reimbursements for remediation actually *decreased* during this same timeframe by about $7 million dollars.
- The *only* line item to increase in expenditures from FY 03 to FY 04 was the IEPA's operation which, in two fiscal years, has seen a $500,000 increase, from $3.4 million in FY 02 to $3.9 million in FY 04. (These amounts do not include the money the IEPA also receives from the USEPA to operate this program.)

Importantly, the Agency has also not been able to provide, on the record of this proceeding, any valuable data or projection concerning what effect these rules will have on the fund. This point is crucial: if the Agency cannot provide to the Board a projected and sensible

analysis of the impact that the various costs set forth in the rules will have on the fund and, more generally, on the UST program, how can the Board honestly determine that the Agency's regulation-based costs are reasonable? More importantly, how can the Agency assure the Board that these proposed rules will have a *positive* impact on the state's UST remediation program, especially in the face of the serious concern that has been voiced by the very companies who are conducting a large number of these remediations?

PIPE has established, through its testimony and exhibits, that there are over 10,000 Illinois UST sites that yet need to be remediated and at least half of those sites are considered "inactive" -- meaning that there have been no efforts, as yet, to even begin the remediation process. Given these facts, the Agency in proposing these rules to the Board should be in a position to assure it that they are designed to provide for a more directed use of the fund: specifically, to provide for a maximum use of the fund for the purpose for which it was intended: reimbursement of UST sites. Only then can the Board be assured that the rule it promulgates will have the intended positive effect: a UST remediation program that provides for a fair, reasonable and timely reimbursement of the actual costs associated with the remediation. Only then can the Board, and the State, be assured that these rules will have the affect of *promoting* the remediation of the remaining UST sites.

However, the Agency's proposal, and its testimony, provides no such assurance. In the face of significant opposition to its proposed rules, by those very companies who have a lion's share of the UST remediation business in Illinois, the Agency's pointing to a few silent companies who claim to be comfortable with the proposed rules certainly does not provide that assurance.

There are two basic problems with the Agency's proposal. First, the proposed reimbursement rates are flawed. They are not based upon any empirical data, nor are they based upon a representative sampling of various UST sites. They are based upon outdated data, and old sites. In many cases, the rates reflect rates that were established in old "rate sheets" that have since been overridden by newer "rate sheets." They do not consider or reflect any industry standard pricing guidelines, such as *RS Means*. In the case of lump sums for specific items (Corrective Action Reports, Site Investigations, etc.) they do not identify the scope of work to be performed for the particular lump sum price.

Second, the proposal contains no commitment to any process efficiencies. PIPE has suggested many; the Agency has rejected all. Hopefully, although the Agency has not recognized that the workability of its program is at the very heart of this rulemaking, the Board will recognize such --- and deal with it --- prior to promulgating this rule as its own.

SPECIFIC ISSUES

PIPE has proposed specific changes to the rules in its filing of August 2, 2004. To a large degree, those changes were the subject of testimony and questions at the Board's last hearing. In this public comment, PIPE enhances its suggested changes, based upon the information and evidence contained in the Board's record in this proceeding.

I. REGULATORY, APPLICABILITY AND DEFINITIONAL ISSUES

Merge Parts. As previously indicated, these rules would be less confusing if they were not proposed as two separate parts. PIPE, however, does not plan to take the initiative to merge them, but would support the Board doing so. For ease of the reader, this Public Comment refers only to the specific sections contained in Part 734. To the extent a similar section is contained in Part 732, PIPE intends that the identical change be made to that section as well.

Applicability. PIPE suggests that the Agency's proposed applicability section would allow for an unlawful retroactive application of these Parts because it would apply to work performed prior to the effective date of the rules. PIPE has suggested applicability language that would avoid that result, but trusts that the Board itself can effectively "wordsmith" this section to achieve the correct result.

UST-Remediation Applicant (UST-RA) . In its proposed alternative language, PIPE simply suggested creating a definition for those who actually perform the UST remediation and, to do so, it borrowed a concept from the Brownfields program and suggested weaving that definition throughout these rules. The Agency's assertion, at the Board's last hearing, that such suggestion unlawfully draws an improper connection between Title XVI and Title XVII of the Act is simply wrong. While it is true that PIPE drew the "RA" concept from the statutory language contained in Title XVII, there was and is no intention to equate Title XVII with Title XVI. Any definitional phraseology ("remediation consultant" or "applicant" or "agent") can be utilized. The point simply is that the person dealing with the Agency under these rules is generally not the owner /operator, but the remediation consultant, however that entity or person is defined. The UST-RA definition was simply proposed so that these rules, and the Agency, would give recognition to that simple reality.

II. REIMBUSEMENT ISSUES

Subpart H has been the source of the greatest controversy in this rulemaking. This Public Comment draws upon, and enhances, PIPE's Alternative Proposal that was filed on August 2, 2004 and was the subject of testimony at the Board's last hearing.

PIPE commends the Agency for trying to find a way to protect the fund from unreasonable costs and reimbursement requests. Further, PIPE agrees, as did the Ad-Hoc

workgroup, that lump sums, where appropriate, are a good way to weed out excessive costs, encourage defined and stable pricing, and allow for quicker and more efficient processing time. However, PIPE submits that the professional services cost constraints proposed in this rule are set too low to capture reasonable service costs and do not consider the actual work required to perform the service or the variables attendant to work performance, efficiency and quality. Further, if the procedural issues regarding "maximum payment amounts" and "extraordinary costs" under Section 734.855 are not addressed by the Board, the lump sum payment concept will simply not work. On that note, PIPE suggests that Section 734.855 needs to be significantly redrafted.

Further, it is well documented in the record that the Subpart H cost numbers proposed by the Agency are primarily based upon limited data from past incidents, much of it from as far back as 1998. The cost data was not analyzed using defendable scientific statistical procedures or proper sampling of all available data. While the Agency submits, and PIPE accepts, that the proposed numbers are the Agency's attempt to establish a reasonable price, setting the numbers to met the 50th percentile and averaging costs, based on old data, unfairly hurts the consultants that are capable of, and perform, good professional work at a reasonable cost. Further, costs that the Agency reimbursed for in the past would now, upon promulgation of these rules, suddenly become unreasonable and unreimbureseable to the eligible owner and operator.

The Board is therefore challenged, based upon this record, to determine what is "reasonable" for purposes of reimbursement under Subpart H. PIPE submits there are several ways that this can be done. One way is to make the Agency go back to the drawing board, and develop these amounts based upon reliable and representative data and then, at the very least, set the lump sums at a figure that captures at least 75% of the reasonable costs that the Agency has

processed. At this point, however, PIPE does not support that approach, as it has spent much time and effort in this rulemaking, and supports the notion that reasonable reimbursement costs should be, to the extent possible, set forth in regulations. These regulations were a long time in coming as it is; PIPE would like to see the Board move something forward, in consideration of the testimony it has heard to date.

A second approach is for the Board to recognize that the Agency's Subpart H costs were in large part based upon 1998 data and, at the very least, they should be adjusted for inflation. A third approach, and the one PIPE proposes here, is for the Board to utilize, where possible, *RS Means* to ascertain standardized industry costs. See 2004 RS Means *Environmental Cost Handling Options and Solutions* (ECHOS) 10th Edition. Further, as PIPE has proposed at hearing, and further refines here, lump sum amounts, in order to be reasonable, must take into consideration the actual scope of work required for the service being given on a lump sum basis. PIPE accordingly suggests alternative values for the relevant lump sum amounts the Agency proposes in these rules.

A. Usual and Customary Costs.

The Agency's phraseology "maximum payment amounts" as the title and throughout Subpart H is itself inconsistent with the Agency's proposed Section 734.855 and Section 734.800 (b), which both provide that the Subpart H prices can be exceeded and are not intended to be exclusive. While the Agency testified to its expectation that only a minor portion of claims would fall under Section 734.855, the Agency is alone in such testimony and, further, as the rule is currently drafted, the record does not support it.

Thus, PIPE proposes that a more accurate phraseology be used and, in its proposal, it suggested the phrase "reimburseable costs." However, at the last Board hearing, the Agency

testimony reflects a confusion between the newly suggested "reimburseable costs" phraseology and its existing "corrective action costs" phraseology contained in Section 734.630. PIPE suggests that other terminology could be utilized, such as "usual and customary costs" or "reasonable costs."

The point is, as the Agency testified, and as PIPE accepts, these rules are intended to allow for a remediation consultant to project the cost of a project based upon the standardized rates set forth in this rule, but other costs might be appropriate under Section 734.855. Thus, the phraseology "maximum payment amounts" is a misnomer and should not be adopted, conceptually, by the Board in its regulatory language.

B. Section 734.800 Applicability. For that same reason, PIPE proposed alternative language to Section 734.800 in its proposal. PIPE stands by that proposal, with the following refinements, intended to provide clarity and to further address concerns raised at hearing.

Section 734.800 Applicability

a) This Subpart H sets forth the costs that an owner and operator can expect to be paid from the fund for various remediation activities. The costs are divided into one of three formats: payment by lump sum; payment for unit of production; or payment by time and materials. Where payment is by lump sum, the dollar amount set forth in this subpart is presumed to be reasonable for all tasks set forth in Appendix G. Where payment is by unit of production, the dollar amount set forth is presumed to be reasonable for all equipment, material and labor required to complete that specific unit of production task. Where payment is by time and materials, the Agency will conduct a review to ensure the reasonableness of the time and material budget request or expenditure.

b) The costs listed under a particular task identify costs associated with the task; they are not intended as an all-inclusive list of all costs associated with the task for purposes of payment from the Fund. Necessary costs not listed under a particular task may be considered to represent extenuating circumstances and, subject to adequate justification pursuant to this Part, may necessitate additional payment.

c) Eligibility or ineligibility of a type of costs will be determined pursuant to Subpart F of this Part. This Subpart H sets forth the reasonable costs for purposes of reimbursement of these eligible costs. Where lump sum or unit of production costs are contained in this Subpart, applicants are not required to provide a detailed time or materials breakdown or invoice for costs associated with each task, provided that the costs are at or below the specified lump sum or unit of production costs set forth in this Subpart. Costs in excess of these amounts will require separate and adequate justification of reasonableness on a time and materials basis.

d) Any and all activities conducted under this Part that are required to be conducted on an emergency basis, as directed by an entity of the State of Illinois, shall be paid on a time and materials basis.

C. Reasonable Costs of UST Removal – Section 734.810. PIPE proposes alternative rates to those proposed by the Agency in this Section. The rates PIPE proposes are derived specifically from *RS Means*, a publication setting forth standard industry rates for various items, rounded to the nearest hundred dollars. See 2004 RS Means *Environmental Cost Handling Options and Solutions* (ECHOS) 10th Edition. The latest *RS Means* is widely available as a technical publication but PIPE, in a separate filing, provides this document to the Board as a supplement to the materials submitted at hearing. Attachment "A" to this Public Comment sets forth the methodology PIPE used to arrive at the *RS Means* derived rate. These rates, we believe, are eminently more justifiable as "reasonable" than those proposed by the Agency. PIPE also proposes changes to the text of this section, to provide further clarity.

Section 734.810 UST Removal or Abandonment Costs

The following payment for costs associated with UST removal or abandonment of each UST shall be considered reasonable. With the exception of flowable material utilized for tank abandonment, such costs shall include those associated with the excavation, removal, disposal and abandonment of the UST. They do not include costs related to the disposal of any residual material contained in the UST system. Costs associated with the disposal of any residual material and costs associated with flowable fill material will be reimbursed on a time and materials basis

110 - 1,999 gallons	$2,000
2,000-4,999 gallons	$4,400
5,000 - 14,999 gallons	$7,500
15,000 - 19,999 gallons	$9,000
20,000 or more gallons	$11,800

D. Reasonable Costs of Free Product or Groundwater Removal and Disposal, Section 734.815. With the exception of changing the Agency's language from "costs...shall not exceed" to "The following costs....shall be considered reasonable" (and doing so throughout this subpart), PIPE can accept the numbers proposed by the Agency as "reasonable" with the understanding that the Agency's three bid scenario, proposed in Section 732.855, is available where these costs cannot be readily achieved.

E. Drilling, Well Installation, and Well Abandonment, Section 734.815. PIPE has no alternative numbers to propose regarding pricing for bedrock coring or vacuum extraction. However, PIPE points the Board to *RS Means* methodology concerning hollow-stem auger drilling, well installation and abandonment. See Attachment "B". Further, PIPE suggests that a cleaner method of ascertaining costs and payment in these categories is to include drilling costs in both subsections (a) and (b). As the Agency has proposed this section, subsection (b) stands alone, but drilling is still required. Thus, PIPE's suggested changes would establish payment under subsection (a) for hollow-stem auger drilling and related costs where there is no well installation at $26 per foot (accepting the Agency's alternative $1,500 lump sum figure) and hollow-stem auger drilling under subsection (b), where there *is* well installation, at $57 per foot.

Since the Agency has proposed the three-bid scenario where warranted, which PIPE argues is palatable with changes, PIPE proposes no further changes to the numbers proposed by the Agency in this section. However, to allow for drilling costs using the direct push-platform method in subsection (b), where a monitor well is being installed, PIPE would simply suggest

adding the Agency's proposed drilling cost of $18 per foot (subsection a) to it's proposed cost of $12.50 per foot under subsection (b) to set forth a subsection (b) rate (which now includes drilling) of $27.50.

F. Soil Removal and Disposal, Section 734.825. PIPE has proposed language changes to this section, which generally concern the need for consideration of compaction of soil and consideration of off-site stockpiling. PIPE has no alternative figures to propose for this section, however.

G. Drum Disposal, Section 734.830; Sample Handling and Analysis, Section 734.835 and Concrete, Asphalt and Paving, Section 734.840. PIPE has proposed specific language changes to each of these sections, which set forth more specific parameters for payment, and payment exclusions, under each section. PIPE stands by those proposed changes, and proposes no alternative figures to those proposed by the Agency in these sections.

H. Professional Consulting Services, Section 734.845 and various other sections.

The majority of the hearing testimony was, in one way or another, related to the concern voiced by PIPE and others that the Agency's lump sum payment figures were lacking in definition because they did not identify what tasks the Agency envisioned were included in the payments that they seek to have the Board deem "reasonable" in these regulations. The Agency's position, akin to "we know it when we see it," should not be accepted in a regulatory context. If the Board's expectation is that these rules are to provide the regulated public, in this case owners and operators and those conducting UST remediation or them, with a clear understanding of what is actually covered by these lump sum payments, such definition is essential to the workability of these rules.

Throughout these proceedings PIPE and others have raised concerns about the lack of methodology attendant to the Agency's proposed rates for professional services related to UST remediation. As just one example, PIPE has maintained that averaging of all professional job titles into one lump sum rate, as the Agency's proposal appears to do, is too heavily weighted towards clerical staff, who spend a significantly less amount of time on reports and field activities than do professional staff.

Thus, in its alternative proposed language, PIPE referred to a new Appendix that would clearly define the Scope of Work for each item where the Agency proposed a lump sum as a "reasonable" reimbursement amount. The Agency has continued to reject such Scope of Work delineation, and PIPE posits that such rejection is both unjustified and unreasonable. PIPE has now completed the Scope of Work document and, as an attachment to these Public Comments, includes a "Task Breakdown Method" which provides an explanation of the methodology used by PIPE to suggest, in these Public Comments, a method for the Board to derive alternative values to those proposed by the Agency for lump sum professional services. See Attachment "C."

PIPE also includes, as Attachment "D", a proposed Appendix G, referred to in PIPE's Alternate proposal, which provides a specific breakdown of all tasks associated with those service items the Agency proposes to deem a specific lump sum price as "reasonable." Similar methodology was utilized to ascribe a "reasonable" value to professional field tasks and travel costs.

In accordance with these attachments, PIPE suggests to the Board that there are different, and better ways to value the lump sums than that offered by the Agency. Most importantly, the figure must necessarily be reflective of the actual work and tasks required to perform the item

that is the subject of the sum. Further, *RS Means*, where applicable, represents a recognized and published industry standard. The Agency's figures did not even consider *RS Means*. The following table represents alternative values for various items in these rules, based upon the scope of work and/or *RS Means*.

REASONABLE LUMP SUM VALUE FOR SECTION 734.845 ACTIVITIES	IEPA Value	Task Breakdown Value	RS Means Value
Early Action/UST Removal/Excavation Office Tasks – 734.845(a)(1)	$960.00	$1,425.75	N/A
20 & 45 Report Preparation – 734.845(a)(3)	$4,800.00	$6,442.50	N/A
Stage 1 Site Investigation Plan – 734.845(b)(1)	$1,600.00	$2,505.00	N/A
Stage 1 Site Investigation Completion Report – 734.845(b)(6)	$1,600.00	$6,189.00	N/A
Stage 2 Site Investigation Plan – 734.845 (b)(2)	$3,200.00	$4,268.25	N/A
Conventional CAP – 734.845 (c)(1)	$5,120.00	$9,770.25	N/A
Conventional CACR – 734.845 (c)(4)	$5,120.00	$8,901.75	N/A
Reimbursement – 734.845(d)(2)	N/A	$2,466.00	N/A
New Project Startup – 734.845(d)(1)	N/A	$1,698.75	N/A

**Citations to regulations reference PIPE's proposal

REASONABLE LUMP SUM VALUE FOR PROFESSIONAL FIELD TASKS	IEPA Value	Task Breakdown Value	RS Means Value
Oversight of 200 yd^3 of Excavation, Transportation, Disposal & Backfill	$390.00 (for 225 yd^3)	$703.00	$797.40
Oversight of the Installation of 4 Soil Borings	$390.00	$703.00	$1,228.40
Field Activities for 1 Monitoring Well	$390.00	$703.00	$610.87
In-Situ Hydraulic Conductivity Testing	$0.00	$703.00	$540.39

REASONABLE LUMP SUM VALUE FOR MOBILIZATION AND TRAVEL COSTS – PROPOSED APPENDIX F	IEPA Value	Task Breakdown Value	RS Means Value
0 to 29 miles	$140.00	$218.25	N/A
30 to 59 miles	$220.00	$376.50	N/A
60 to 89 miles	$300.00	$534.75	N/A
90 to 119 miles	$300.00	$693.00	N/A
120 to 149 miles	$300.00	$851.25	N/A

For all other professional services, where PIPE has not been able to ascribe a standardized work breakdown structure, and attach estimated hours and therefore a specific value to such service, PIPE proposes that the regulations treat these items on a time and materials basis. Some of those specific areas are:

- *Costs related to Stage 3 lump sum payments.* PIPE testimony has established that many of the easier-to-resolve LUST sites have been closed, and have received NFR status, over the course of the last fifteen years. An ever-increasing number of sites that are being remediated are the more complex and difficult sites to resolve. PIPE submits that many of the open 10,000 LUST sites have not begun to be addressed due to the complexity of the project and the extent of contamination. At issue, then, is the Agency's proposed lump sum payments for stage three work, the very complex and often variable work that is necessary to address these complex sites. PIPE testimony has established that the experience of remediation consultants has shown that even when plans for monitoring and boring in the most logical off-site locations are approved, the consultant may nonetheless find himself (or herself) in the not uncommon situation of having to "chase" the contamination. In order to properly do so, additional plans and budgets may need to be sent to the Agency. This phased approach has worked well, for both the Agency and the regulated community, because it ensures that the extent of contamination is sufficiently defined with the fewest number of borings and wells. It is not, however, appropriate for "lump sum" allocation. Thus, PIPE suggests that stage 3 plans and budgets be treated on a "time and material" basis.
- *Environmental Land Use Controls (ELUCs) and Highway Authority Agreements.* The Agency has proposed a cost limitation for obtaining ELUCs and Highway Authority Agreements. PIPE members have testified to their experience that the $800 proposed by the Agency is not sufficient to cover the work tasks and efforts

generally necessary to obtain these agreements. These task items should not be lump sum costs since the work involved is highly variable, with different levels of complexity from site to site.

- *TACO related work.* The Agency has proposed an $800 lump sum cost limitation for professional consulting services associated with the development of Tier 2 and Tier 3 TACO remediation objectives, excluding field costs. PIPE members have testified to their experience that this lump sum amount is not enough to cover the work tasks and efforts generally necessary to perform and justify the TACO work for Tier 2, let alone including Tier 3, except in the most basic of site situations.

I. Bidding, Agency's Newly Proposed Section 734.855/732.855; Proof of Payment from Subcontractors. In its Third Errata Sheet, the Agency has proposed a bidding process as "an alternative to the maximum payment amounts set forth in this Subpart H." Generally in this Public Comment, PIPE refers to this provision as the "three-bid scenario." Initially, PIPE comments that the three-bid scenario is a good way to develop costs for subcontractor services when the listed Subpart H costs are not adequate.

However, several issues need to be addressed by the Board, and language changed, in order to make these provisions workable and palatable. First, the Agency seriously underestimates the amount of time and effort that will be required to conduct this bidding. How does the Agency propose that the time it takes to create and evaluate the bids will be paid? Certainly, the Agency should recognize that payment should be allowed on a time and materials basis, but such is not accounted for in the rules as drafted.

Second, as an alternative to the three-bid scenario, PIPE suggests that the Board allow for the contractor to justify costs in excess of the Subpart H costs also by the utilization of published industry data, such as *RS Means*, in lieu of obtaining three bids. Third, there is no record justification for the Board to adopt the Agency's limitation of bids to those subcontractors who are not financially related to the prime contractor.

This latter point demonstrates how the Agency's rule proposal, and thought process in presenting that proposal, is not built upon actual data and business knowledge, but based upon a faulty presumption, nowhere justified in the record, that costs are inevitably higher where a prime contractor has established his or her own subcontracting business related to the prime business such as, in the case of UST remediation, a consultant who owns a drilling company. PIPE testimony has established that this presumption is simply not justified and that rather, a contractor who has his or her own drilling company is able to operate more efficiently because the drilling service is generally able to be accessed by the prime contractor whenever necessary.

Likewise, PIPE opposes the Agency's new proposal to require proof of payment to subcontractors as a requirement for payment from the fund. First, this again is an unnecessary overly bureaucratic requirement that has no relationship to cost containment and should not be a concern addressed by state regulation. Requiring proof of subcontractor payment before a claim can be submitted only slows the reimbursement process, and provides a hardship to the small businesses and individuals in the State. It does not allow for subcontractors who have agreed to extended payment terms, or to wait for payment until reimbursement is obtained. If the primary contractor agrees to wait for payment once the money is reimbursed, why should that concern Agency or be the subject of regulations? The work was done and documented and general

accounting practices confirm that once a project is invoiced, the cost for services has been expended.

Without this ability to rely on the fund, only the largest and wealthiest UST owners or corporations can afford the up-front costs to comply with these regulations. Requiring proof of subcontractor payment before a claim can be submitted unfairly discriminates against the small businesses throughout Illinois. The Board should not sanction this proposed requirement.

J. Corrective Action Costs. PIPE testimony suggests strongly that compaction and of backfill material should be removed as an ineligible cost and treated as an eligible cost. Without compaction, the record indicates that excavation settles and the site must be revisited to add additional backfill. Further, the Board should remove, as an ineligible cost under Section 734.630 (nn) costs that are incurred after the NFR letter is issued. Also, as set forth above, Section 734.630 (ii) should be deleted (disallowance of handling charges for subcontractors when contractor has not submitted proof of payment). The Agency's interference in private party transactions, as this section represents, is unwarranted. Consultants often hire subcontractors who are willing to wait for payment until reimbursement is received. There is no reason for the Agency to prohibit this acceptable business practice.

Likewise, as also argued above, Section 734.630 (oo) should be stricken (disallowance for handling charges where the subcontractor and contractor have a related financial interest). The definition of "handling charges" means administrative, insurance, and interest costs and a reasonable profit for the procurement, oversight, and payment of subcontracts and field purchases. As is evident from the definition, consultants or contractors incur expenses when paying subcontractors regardless if they have a direct or indirect financial interest in the subcontractor. It is unfair to deny handling charges in this context.

Section 734.630 (aaa) should also be stricken (costs an owner and operator is required to pay a government entity for the remediation and corrective action such as permit fees, institutional control fees, property access fees, etc.) Further, in the past few months, the Agency has been, for the first time, denying requests for reimbursement for sales tax paid by contractors or consultants on supplies needed to conduct the remediation. The fund has been established as an insurance program to allow an owner and operator, once the deductible is paid, to access the fund for all costs incurred that are related to the remediation. The Agency's response to this suggestion was that they saw no need to transfer money from one state entity to another. The point the Agency misses is that the UST fund is not "state" money, nor is it "agency" money. It's a fund, paid into by the owners and operators via their payment of motor fuel tax, for the specific purpose of assuring them that their properties can be completed remediated by accessing the fund, once a deductible is paid.

K. TACO-related Issues, Section 732.408; 732.606 (ggg); 732.606 (hhh); 734.410; 734.630 (ggg); 734.630 (eee). Recently, the Agency has proposed to eliminate payment of remediation costs associated with Tier 1 remediation objectives and to force the use of a groundwater ordinance where a community has one. PIPE testimony indicated that, where feasible, owners and operators have utilized the benefits of TACO for UST remediation. However, IPMA is strongly opposed to mandating a TACO clean up as part of these regulations. PIPE supports IPMA's concerns regarding this mandate in the context of the UST program. PIPE believes that the TACO-related portion of this proposal should not move forward at this time, certainly not without further hearings.

III. PROCESS AND PROCEDURAL ISSUES

As stated above, process issues are at the very heart of this proposal and, while they have not been recognized by the Agency, the very workability of these rules depends on the Board recognizing those issues – and dealing with them -- to the full extent of its authority. No one, save the Agency, believes that these rules will work as envisioned without significant revision. That alone is significant. Certainly, the PIPE members who testified and who, as the record clearly establishes, access the Agency's process as much or more than anyone, certainly have no such confidence in the workability of the rules as proposed. Rather, they look to the Board to sort the issues out, prior to moving this forward as a Board rule.

PIPE has suggested to the Agency various ways that would make this process more efficient. The Agency has rejected them all, and stands on its belief, unsupported by anything at all in the record, that this process will work efficiently as soon as the Board promulgates the costs it has deemed "reasonable" as "maximum payment costs." To the extent it has heard resounding evidence to the contrary, it has responded that there are other [silent] contractors out there, waiting in the wings apparently, ready to pounce on the state's UST sites as soon as the Agency lowers its reimbursement rates. Yet, it is the members of PIPE before the Board in this rulemaking who have developed viable businesses geared specifically toward the remediation of UST sites and who know this program, and its foibles, as well as (or better than) the Agency itself.

PIPE has suggested that the Agency make this process electronic. The Agency has suggested that any such change would be entirely too costly and not beneficial. PIPE realistically recognizes, and accepts, that the Board will be hesitant to require its sister Agency to develop efficiencies in this process through the use of electronic means. However, PIPE can assure the Board that this program would benefit greatly from process efficiencies that could be

achieved through the electronic processing of reports and reimbursement claims. Such processing would allow for quicker Agency review, more timely payments, and data collection that can be used to make forward-looking decisions.

Likewise, given the different nature of disputes that arise from the UST remediation, PIPE has suggested that the Agency develop, as an alternative prior to formal appeal to the Board, an alternative process for the resolution of disputes. Clear from Gary King's testimony at the last hearing, the Agency has set in its heals in dead-set opposition to agreeing to any alternative, less costly final state determination of disputed UST remediation cost reimbursement issues. Thus, PIPE retracts that item from its proposal.

While PIPE understands why the Board would not mandate the above improvements, PIPE strenuously appeals to the Board to adopt three procedural concepts in these rules, all three of which are necessary to make this rule work. Each of these three changes is well within the Board's authority to promulgate in the context of this rule.

First, the rules should require that, prior to any denial, the Agency give notice of the specific reason for the denial and an opportunity to correct the deficiency, within the 120-day review period. The Agency's response to that suggestion, that it would take too much time because there are too many rejected claims, is inconsistent with its testimony elsewhere that these rules are designed to work so that 90% of the claims would fall within the Subpart H parameters and, accordingly, should be immediately approvable --- without any significant review. Moreover, the lack of such notice of denial may well jeopardize the due process component of the administrative process. See *Wells Manufacturing Co., v. Illinois E.P.A.* 552 N.E. 2d 1074, 195 Ill. App. 3d 593, 142 Ill. Dec. 333, (1st Dist. 1990).

Second, the rules should allow for a shorter processing time than 120 days where the applicant's budget meets all the standardized fees contained in these new rules. Gary King's testimony on this point, at the last hearing, is perplexing. Basic administrative law principals would suggest that, when a law obligates a governmental entity to make a decision within a certain time parameter, there is absolutely nothing wrong with the government entity committing, even in regulations, to a *shorter* processing time.

Mr. King's testimony on this point speaks volumes regarding the Agency's position in this whole rulemaking. He indicated that the Agency had a "right" to make its decision within a 120-day time frame and that it would be unlawful to require it to make its decision sooner. Presumably, the Agency fully intends to take its entire 120 days whenever it feels justified in doing so. What the Agency confuses here is "rights" with "obligations." As an entity of the state, it has no "right" to *take* the statutory amount of time, it has an "obligation" to make a decision *in at least* that amount of time.

Such position ignores the legitimate point PIPE is trying to make here, especially given the significant testimony regarding the concerns of PIPE members have testified to concerning the bias they believe marks the current system. That point: where a company proposes a budget, plan or seeks a claim that is totally within the parameters of these new rules, especially this new Subpart H, the processing time should be *immediate,* the review should be minimal or non-existent, and the Agency should so commit. Whether that's 30 days, 45 days, 60 days, or 90 days, it certainly should *not* take 120 days – for each and every claim. PIPE would suggest to the Board that, when the legislature designed the 120 day timeframe, it was not aware of the Agency's desire to present what, in effect, is a cost containment rule, as such cost containment

measures as the Agency presents in this rulemaking were not provided for in the legislative changes that are the actual impetus for this rulemaking.

Third and finally, the rules should mandate, as does the Act, that any Agency denial letter set forth the specific reasons for the denial, based upon the specific section of the Act (or, more appropriately, these reimbursement rules) with which the Agency believes the applicant has not complied. The current Agency's denial letter is totally insufficient. When an appeal is taken, the petitioning party is at a complete disadvantage in the Board's current process because it has the burden of showing why the Agency was wrong, based upon the way the Agency "framed" the issue and, in most cases, the Agency has not even framed an issue. PIPE has proposed language on this point would require that the Agency follow the relevant provisions of the law and, further, would put the burden on the Agency to establish why the plan, budget or report was not "approvable" in the context of its new, presumably "streamlined" rules. PIPE welcomes Board wordsmithing on this, or any, of its proposed language.

The Agency's continued opposition to these basic changes is not justified – especially given its consistent testimony that the process will work more efficiently once the Board adopts its rules. PIPE has presented significant testimony that one of the major (and most unnecessary) costs to a company is the cost of dealing with the Agency's LUST unit. The Agency asks the Board to believe that efficiencies will be the natural outcome of this very controversial rule, despite the fact that the Agency itself has not committed to any efficiencies and, presumably, upon promulgation, it will continue to administer this program utilizing the very same number of staff it currently employs. Very few who have testified in these hearings believe that these rules, without significant redrafting on the part of the Board, will work as the Agency intends.

CONCLUSION

In the interest of moving this matter forward, and providing a semblance of stability for this program, PIPE has made, in good faith, legitimate suggestions geared to achieving what should be everyone's basic objective: making this program work so that Illinois UST sites can be effectively and efficiently remediated, through an intelligent and judicious use of the UST fund.

PIPE thanks the Board for the opportunity to present its position in this important matter. While the parties appear to be significantly at loggerheads on various issues, PIPE hopes that the Board can, through its good and proficient offices, sort through these issues and move this matter forward in a way that works to promote the remediation of UST sites in Illinois.

Respectfully submitted,

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On Behalf of the Professionals of Illinois for the Protection of the Environment

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RS Means (2004) Up to - 2,000 gal UST Removal

Assembly #	Description	Unit Cost		Units		Cost
17 02 0208	Demolish Mesh Reinforced Concrete to 6" thick with Power Equipment	$42.57	c.y.	2.6	c.y.	$110.68
33 10 9502	Remove Steel/Fiberglass UST, up to 2,000 gallons	$1,765.00	ea.	1	ea.	$1,765.00
	Backfill Material, Transportation and Labor (per IEPA)	$20.00	c.y.	10	c.y.	$200.00
					Total Cost:	$2,075.68

RS Means (2004) - 2,001-5,000 gal UST Removal

Assembly #	Description	Unit Cost		Units		Cost
17 02 0208	Demolish Mesh Reinforced Concrete to 6" thick with Power Equipment	$42.57	c.y.	3.7	c.y.	$157.51
33 10 9505	Remove Steel/Fiberglass UST, 2,001-5,000 gallon	$3,747.00	ea.	1	ea.	$3,747.00
	Backfill Material, Transportation and Labor (per IEPA)	$20.00	c.y.	25	c.y.	$500.00
					Total Cost:	$4,404.51

RS Means (2004) - 5,001-15,000 gal UST Removal

Assembly #	Description	Unit Cost		Units		Cost
17 02 0208	Demolish Mesh Reinforced Concrete to 6" thick with Power Equipment	$42.57	c.y.	7.1	c.y.	$302.25
33 10 9506	Remove Steel/Fiberglass UST 5,001-15,000 gallon	$5,643.00	ea.	1	ea.	$5,643.00
	Backfill Material, Transportation and Labor (per IEPA)	$20.00	c.y.	75	c.y.	$1,500.00
					Total Cost:	$7,445.25

RS Means (2004) - 15,001-20,000 gal UST Removal

Assembly #	Description	Unit Cost		Units		Cost
17 02 0208	Demolish Mesh Reinforced Concrete to 6" thick with Power Equipment	$42.57	c.y.	8.9	c.y.	$378.87
33 10 9507	Remove Steel/Fiberglass UST, 15,001-20,000 gallon	$6,597.00	ea.	1	ea.	$6,597.00
	Backfill Material, Transportation and Labor (per IEPA)	$20.00	c.y.	100	c.y.	$2,000.00
					Total Cost:	$8,975.87

RS Means (2004) - 20,000 - 30,000 gal UST Removal

Assembly #	Description	Unit Cost		Units		Cost
17 02 0208	Demolish Mesh Reinforced Concrete to 6" thick with Power Equipment	$42.57	c.y.	9.9	c.y.	$421.44
33 10 9508	Remove Steel/Fiberglass UST 20,000-30,000 gallon	$8,364.00	ea.	1	ea	$8,364.00
	Backfill Material, Transportation and Labor (per IEPA)	$20.00	c.y.	150	c.y.	$3,000.00
					Total Cost:	$11,785.44

ATTACHMENT A

RS Means (2004) - Monitor Well Installation Costs for 2", 4", 6" and 8" Wells

Assembly #	Description	Unit Cost		Construction Cost Based on Depth of Well 15 feet	20 feet	25 feet	30 feet
33 23 2101	2" Bentonite Seal	39.29	each	39.29	39.29	39.29	39.29
33 23 2102	4" Bentonite Seal	98.25	each	98.25	98.25	98.25	98.25
33 23 2103	6" Bentonite Seal	157.17	each	157.17	157.17	157.17	157.17
33 23 2105	8" Bentonite Seal	216.16	each	216.16	216.16	216.16	216.16
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 1401	2" Screen Filter Pack	10.65	/ LF	117.15	117.15	117.15	117.15
33 23 1402	4" Screen Filter Pack	18.79	/ LF	206.69	206.69	206.69	206.69
33 23 1403	6" Screen Filter Pack	27.25	/ LF	299.75	299.75	299.75	299.75
33 23 1403	8" Screen Filter Pack	27.25	/ LF	299.75	299.75	299.75	299.75
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 1801	2" Well Grout (Annular Seal)	47.40	/ LF	47.40	284.40	521.40	758.40
33 23 1802	4" Well Grout (Annular Seal)	81.87	/ LF	81.87	491.22	900.57	1309.92
33 23 1803	6" Well Grout (Annular Seal)	120.64	/ LF	120.64	723.84	1327.04	1930.24
33 23 1804	8" Well Grout (Annular Seal)	160.86	/ LF	160.86	965.16	1769.46	2573.76
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 0101	2" PVC Sch 40 Well Casing	10.16	/ LF	50.80	101.60	152.40	203.20
33 23 0102	4" PVC Sch 40 Well Casing	16.22	/ LF	81.10	162.20	243.30	324.40
33 23 0103	6" PVC Sch 40 Well Casing	16.99	/ LF	84.95	169.90	254.85	339.80
33 23 0104	8" PVC Sch 40 Well Casing	23.05	/ LF	115.25	230.50	345.75	461.00
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 0201	2" PVC Sch 40 Well Screen	14.28	/ LF	142.80	142.80	142.80	142.80
33 23 0202	4" PVC Sch 40 Well Screen	24.17	/ LF	241.70	241.70	241.70	241.70
33 23 0203	6" PVC Sch 40 Well Screen	30.77	/ LF	307.70	307.70	307.70	307.70
33 23 0204	8" PVC Sch 40 Well Screen	42.24	/ LF	422.40	422.40	422.40	422.40
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 0301	2" PVC Well Plug	19.12	each	19.12	19.12	19.12	19.12
33 23 0302	4" PVC Well Plug	43.34	each	43.34	43.34	43.34	43.34
33 23 0303	6" PVC Well Plug	95.48	each	95.48	95.48	95.48	95.48
33 23 0304	8" PVC Well Plug	113.96	each	113.96	113.96	113.96	113.96
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 2211	2" Well Finish Flush (8" x 7.5" MH w/ Lock Cap)	309.97	each	309.97	309.97	309.97	309.97
33 23 2212	4" Well Finish Flush (8" x 7.5" MH w/ Lock Cap)	327.38	each	327.38	327.38	327.38	327.38
33 23 2214	12" x 7.5" Locking Manhole Cover, Watertight	282.41	each	282.41	282.41	282.41	282.41
33 23 2214	12" x 7.5" Locking Manhole Cover, Watertight	282.41	each	282.41	282.41	282.41	282.41
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 23 1504	Concrete Surface Pad (2 ft x 2 ft x 4 in.)	115.30	each	115.30	115.30	115.30	115.30
33 23 1504	Concrete Surface Pad (2 ft x 2 ft x 4 in.)	115.30	each	115.30	115.30	115.30	115.30
33 23 1502	Concrete Surface Pad (4 ft x 4 ft x 4 in.)	179.35	each	179.35	179.35	179.35	179.35
33 23 1502	Concrete Surface Pad (4 ft x 4 ft x 4 in.)	179.35	each	179.35	179.35	179.35	179.35
				15 feet	**20 feet**	**25 feet**	**30 feet**
33 17 0808	Decontaminate Rig, Augers (Rental Equipment)	108.60	day	14.88	19.85	24.81	29.77

		15 feet	20 feet	25 feet	30 feet
2" Monitor Well	**Total Cost**	856.71	1149.48	1442.24	1735.00
4" Monitor Well	**Total Cost**	1210.51	1705.93	2201.34	2696.75
6" Monitor Well	**Total Cost**	1542.33	2235.45	2928.56	3621.67
8" Monitor Well	**Total Cost**	1805.02	2729.54	3654.05	4578.56

		15 feet	20 feet	25 feet	30 feet
2" Monitor Well	**Cost Per Ft.**	57.11	57.47	57.69	57.83
4" Monitor Well	**Cost Per Ft.**	80.70	85.30	88.05	89.89
6" Monitor Well	**Cost Per Ft.**	102.82	111.77	117.14	120.72
8" Monitor Well	**Cost Per Ft.**	120.33	136.48	146.16	152.62

	15 feet	20 feet	25 feet	30 feet
From a **2-inch** to a **4-inch** well the difference (ratio) is:	1.41	1.48	1.53	1.55
From a **2-inch** to a **6-inch** well the difference (ratio) is:	1.80	1.94	2.03	2.09
From a **6-inch** to an **8-inch** well the difference (ratio) is:	1.17	1.22	1.25	1.26
From a **4-inch** to an **8-inch** well the difference (ratio) is:	1.49	1.60	1.66	1.70

RS Means (2004) - Monitor Well Abandonment Costs for 2", 4", 6" and 8" Wells

Assembly #	Description	Unit Cost		15 feet	20 feet	25 feet	30 feet
33 23 1822	Well Abandonment, 2" Well	18.11	/ LF	271.65	362.2	452.75	543.3
33 23 1823	Well Abandonment, 4" Well	31.13	/ LF	466.95	622.6	778.25	933.9
33 23 1824	Well Abandonment, 6" Well	57.43	/ LF	861.45	1148.6	1435.75	1722.9
33 23 1825	Well Abandonment, 8" Well	89.16	/ LF	1337.4	1783.2	2229	2674.8

RS Means (2004) - Hollow Stem Auger, 8" dia. Borehole <100 ft. Deep Costs

Assembly #	Description	Unit Cost		15 feet	20 feet	25 feet	30 feet
33 22 1101	Hollow Stem Auger, 8" dia. Borehole, < 100 ft.	24.69	ft.	370.35	493.80	617.25	740.70
33 17 0808	Decontaminate Rig, Augers (Rental Equipment)	108.60	day	14.88	19.85	24.81	29.77
		Total Cost		$385.23	$513.65	$642.06	$770.47

TASK BREAKDOWN METHOD

This document describes the methodology utilized by PIPE members in assessing alternative values to the "lump sum" payments the Agency proposes to be deemed "reasonable" in Part 732 and proposed Part 734. The method has been applied to propose new values to three specific areas where the Agency has proposed "lump sums" as the method for determining what is "reasonable" to be reimbursed for activities related to UST reimbursement. Specifically, those areas are: Section 845 and Section

Instead of coming up with one single weighted average for an hourly cost, PIPE determined that it would be more appropriate to break UST remediation project personnel into 5 groups. PIPE then used the method in which Mr. Chappel determined the $80/Hour average and applied the IEPA's personnel rates as set forth in its 3rd Errata sheet to develop the following average hourly rate to applicable categories.

SP	Staff Professional - Engineers, Geologists, Scientists, and Project Managers	$93.25
LP	Licensed Professional - Professional Engineers and Professional Geologists	$120.00
T	Technician – Technicians	$65.00
OS	Office Staff - Account Technician & Administrative Assistant	$50.00
DC	Draftsperson/CAD - Draftsperson/CAD	$60.00

Accepting that a lump sum figure could be applied to those tasks that do not vary widely in scope, so long as the scope of work necessary to properly complete the task was taken into consideration, PIPE undertook the following steps:

1. **Revised Scope of Work** – PIPE started with the scope of work originally presented to the IEPA by the Ad-Hoc Workgroup, led by ACEC (formerly CECI). Various individuals, as well as PIPE, have put that document into evidence in the Board's record. PIPE then updated that document, to match the regulations as proposed. Additionally, for tasks which the Ad-Hoc Workgroup did not have a scope of work, PIPE developed one using similar methodology. The revised scope of work is attached to PIPE's Public Comments as Attachment "D."

2. **Assignment of Hours/Duties** -- PIPE members then assigned the number of hours (minimum and maximum) that each believed were necessary to accomplish the given item. These hours were then summed to obtain a range of hours in which it is believed a report can be typically completed. Additionally, each work line item was assigned to one of the five personnel groups described above, appropriate to the task being performed. Based on that distribution, a number of hours were assigned to each personnel grouping for each report.

3. **90th percentile** – The 90th percentile between the minimum and maximum number of hours was calculated, and used, as the lump sum number of hours needed for preparation of these reports. The 90th percentile was chosen based upon the Agency's stated desire to have 90 percent of submittals fall within the lump sum prices set forth, as "reasonable" in Subpart H.

4. **Assessment of Cost of Specific Project** -- These hours were then multiplied by the personnel rates as set forth above, based upon the Agency's personnel rates, and summed together. In addition, a lump sum was developed for the direct expenses detailed (based on current document costs and postage charges as well as a typical number of copies multiplied by a copy per page rate on a previous IEPA rate sheet).

A spreadsheet, which details the above-described process, is attached.

Using a similar methodology, new figures for the half-day rate and travel expenses were also derived:

Lump Sum Rates for Field Activities

According to Mr. Bauer's testimony, the majority of the field activities for which the IEPA allocated a lump sum rate were based upon having one person on-site. Hearing testimony and exhibits indicate that OSHA and workload requirements generally mandate that two personnel are needed on-site during remediation activities. Therefore, utilizing a version of the method described above, the lump sum rate has been re-calculated and is based upon having two people on site in the following manner.

IEPA	1 person	$80/Hour	4 Hours	$70 equipment and supplies
			Total	**$390/Task**
PIPE	1 Technician	$65/Hour	4 Hours	$70 equipment and supplies
	1 Professional	$93.25/Hour	4 Hours	
			Total	**$703/Task**

PIPE submits that these changes should be made to the lump sum rates applicable to field activities throughout the IEPA's proposed regulations, including the field activities which PIPE has outlined in its proposal that were not included in the Agency's proposal.

Travel Expenses

The Agency has again based its travel upon one person traveling to the site in the manner as follows:

0 to 29 miles	1 person	1 hour $80/hour	$60/day for vehicle	$140
30-59 miles	1 person	2 hours $80/hour	$60/day for vehicle	$220
60+ miles	1 person	3 hours $80/hour	$60/day for vehicle	$300

PIPE submits that this formula should be modified in three ways: (1) the travel should be allocated for 2 people in accordance with OSHA and workload requirements as has been discussed previously; (2) the personnel rate used to calculate the total should not be a rate weighted with office/clerical staff rates, but should represent technical/professionals who will be conducting the work; (3) given testimony that establishes that remediation companies have UST sites throughout the state, a 60+ mile limitation is not "reasonable."

As with the Agency proposal, one hour is allocated towards travel for every 30 miles of one-way travel or fraction thereof and there is a $60 day vehicle charge allowed. If two personnel are considered to be traveling, as better reflects reality, the more "reasonable" travel reimbursement rates would be as follows:

0-29 miles	$218.25
30-59 miles	$376.50
60-89 miles	$534.75
90-119 miles	$693.00

Office Tasks 734

Task ID#	Section	Description	IEPA Hours	IEPA Rate	IEPA Total	Our Proposal Personnel	Hours	Rate	Total
1	(a)(1)	Early Action	12	$ 80.00	$ 960.00	OS	8	$ 50.00	$ 400.00
						SP	11	$ 93.25	$ 1,025.75
						Totals	19		$ 1,425.75
2	(a)(3)	20 & 45 Day Reports	60	$ 80.00	$ 4,800.00	DC	10	$ 60.00	$ 600.00
						OS	10	$ 50.00	$ 500.00
						LP	4	$ 120.00	$ 480.00
						SP	50	$ 93.25	$ 4,662.50
						Direct Expenses		$ 200.00	$ 200.00
						Totals	74		$ 6,442.50
3	(b)(1)	Stage 1	20	$ 80.00	$ 1,600.00	LP	2	$ 120.00	$ 240.00
						OS	6	$ 50.00	$ 300.00
						SP	20	$ 93.25	$ 1,865.00
						Direct Expenses		$ 100.00	$ 100.00
						Totals	28		$ 2,505.00
4	(b)(6)	Stage 1 SICR	20	$ 80.00	$ 1,600.00	DC	4	$ 60.00	$ 240.00
						OS	9	$ 50.00	$ 450.00
						LP	8	$ 120.00	$ 960.00
						SP	46	$ 93.25	$ 4,289.50
						Direct Expenses		$ 250.00	$ 250.00
						Totals	67		$ 6,189.50
5	(b)(2)	Stage 2 Plan	40	$ 80.00	$ 3,200.00	DC	10	$ 60.00	$ 600.00
						OS	10	$ 50.00	$ 500.00
						LP	8	$ 120.00	$ 960.00
						SP	21	$ 93.25	$ 1,958.25
						Direct Expenses		$ 250.00	$ 250.00
						Totals	49		$ 4,268.25
6	(c)(1)	Conventional CAP	64	$ 80.00	$ 5,120.00	DC	13	$ 60.00	$ 780.00
						OS	12	$ 50.00	$ 600.00
						LP	8	$ 120.00	$ 960.00
						SP	77	$ 93.25	$ 7,180.25
						Direct Expenses		$ 250.00	$ 250.00
						Totals	110		$ 9,770.25
7	(c)(4)	Conventional CACR	64	$ 80.00	$ 5,120.00	DC	16	$ 60.00	$ 960.00
						OS	15	$ 50.00	$ 750.00
						LP	12	$ 120.00	$ 1,440.00
						SP	59	$ 93.25	$ 5,501.75
						Direct Expenses		$ 250.00	$ 250.00
						Totals	102		$ 8,901.75
8	(d)(2)	Reimbursement				OS	17	$ 50.00	$ 850.00
						SP	8	$ 93.25	$ 746.00
						LP	6	$ 120.00	$ 720.00
						Direct Expenses		$ 150.00	$ 150.00
						Totals	31		$ 2,466.00
9	(d)(1)	New Project Startup				OS	6	$ 50.00	$ 300.00
						SP	15	$ 93.25	$ 1,398.75
						Totals	21		$ 1,698.75

OS	Office Staff	$ 50.00
SP	Staff Professional	$ 93.25
DC	Draftsman/CAD	$ 60.00
LP	Licensed Professional	$ 120.00

Used Chappel method & 3rd errata #'s

APPENDIX G: SCOPE OF WORK FOR LUMP SUM ITEMS

732.845 (a) & 734.845 (a)(1)--Early Action UST Removal/Excavation

OSFM Correspondence:
- Initial Notification Form preparation and submittal
- Application for Removal/Abandonment (one) preparation and submittal to o/o for signature
- Submit removal/abandonment permit to OSFM
- Scheduling
- Eligibility and Deductibility Letter preparation and submittal
- Amended Notification Form preparation and submittal

Prepare waste profile (arrange for landfill approval)
Determine EA excavation limits
Arrange for subcontractors (tank removal contractor, landfill, backfill, etc.)
Prepare waste manifests (or tracking forms)
Project scheduling
EA extension preparation, submittal and follow up
Prepare site health and safety plan
Call J.U.L.I.E and / or municipality for utility locate

732.845 (a)(3) & 734.845(a)(3)--20-Day Certification and 45-Day Report

Project management and coordination
Prepare 20 Day certification
Prepare one CAD site map
Obtain well records from ISGS and ISWS
Review well records and prepare well location map (<25 records within 2,500')
Obtain local information (ie. Sanborn maps, Aerial overlays, etc.)
Determine expected local site geology (subsurface soil conditions)
Prepare one typical cross section
Draft 45 Day report (tables and narrative), provide data concerning:
- *Nature and estimated quantity of release*
- *Surrounding populations*
- *General water quality*
- *Use and approx. location of wells potentially affected by the release*
- *General subsurface soil conditions*
- *Locations of subsurface sewers*
- *Climatological conditions*
- *Past, present and potential future land use*
- *What was done to evaluate presence of contamination*
- *Actions taken to prevent further release of substance into environment*
- *Analytical / screening results (in tabular format)*
- *UST information (in tabular format)*

Word processing
Prepare and describe photos
45 Day report review by PM or other senior staff
General correspondence with client and Agency
Project update to client
Mail draft 45 Day report to O/O for review and signature
Make copies of final 45 Day report for distribution
Deliver completed 45 Day report to IEPA and O/O
Prepare Excavation/Sample Location CAD Maps
Review Disposal Documentation

734.845 (b)(1) Stage 1 Site Investigation Plan

Project management and coordination
Prepare (update) site health and safety plan

Arrange for drilling contractor
Call J.U.L.I.E and / or municipality for utility locate
Determine expected local site geology (subsurface soil conditions)
Evaluate backfill/piping samples to Tier 1 #'s
Determine drilling location for soil samples and mw install
Word Processing - Report and Budget
Prepare budget
Plan review by PM or other senior staff
Prepare P.E./P.G. certification of budget
General correspondence with client and Agency
Project update to client
Mail draft plan to o/o for review and signature
Make copies of final report for distribution
Deliver completed report to IEPA and O/O

734.845(b)(6) Stage 1 Site Investigation Completion Report

Project management and coordination
Executive summary identifying SI objectives and technical approach
Describe history of the site with respect to the release
Describe method(s) for investigating site and surrounding area(s)
Describe observations made while investigating site and surrounding area(s)
Prepare (modify/update) site map of sufficient detail and accuracy to show:
- *Distance of at least 1,000 feet around UST (scale > 1: 200)*
- *Location of site with respect to section township and range*
- *Property boundary lines of the site and other affected properties*
- *Land use of the site and other affected properties*
- *Current and former locations of UST systems (and UST contents)*
- *Locations of all water supply wells and designated setback zones*
- *On-site and off-site injection and withdrawal wells affected by release*
- *All structures, improvements and significant features affected*

Table indicating the setback zone for each water supply well
- *Contact IEPA Division of Public Water Supply*
- *Contact Illinois Department of Public Health*
- *Contact local health department*
- *Contact local water supply entity*

Site's regional location, geography, hydrology, geology, hydrogeology, etc.
Existing and potential migration pathways and exposure routes
Current and future land use
Legal description of the site or reference to plat showing boundaries
Information regarding site specific sampling activities and methods, including:
- *Narrative description of field activities*
- *Sample collection information (date, time, method, location, sampler)*
- *Sample preservation and shipment information including QA/QC*
- *Chain of custody*
- *Field and lab blank documentation*

Analytical and / or screening results in tabular and / or graphic format
Interpretation of the results of the site investigation
Description of the release and evaluation of exposure routes
Description of nature, concentration and extent of indicator contaminants
Site map(s) of sufficient detail and accuracy to show:
- *Location of each sample labeled to correspond with analytical results*
- *Extent of indicator contaminants exceeding Tier 1 objectives*
- *Cross Section showing horz and vert extent of soil or gw*

Obtain local information (ie. Sanborn maps, Aerial overlays, etc.)
Prepare (finalize) field notes

Prepare and describe site investigation photos
Prepare (finalize) boring logs and MW completion reports
Prepare sample(s) for shipment or delivery to lab
Hydraulic conductivity test data analysis from single well (H/C calculation)
Description of physical features that may affect contaminant transport
Comparison of indicator contaminant concentrations to Tier 1 objectives
Determination whether UST system is in regulated recharge area
Demonstration that groundwater investigation is not required (if applicable)
Conclusions including assessment of sufficiency of data in report
Appendices containing references and data sources, logs, lab reports, etc.
SI completion report review by PM or other senior staff
Prepare P.E. / P.G. Certification
General correspondence with client and Agency
Project update to client
Mail draft SI Completion report to O/O for review and signature
Make copies of final SI Completion report for distribution
Deliver completed report to IEPA and O/O

734.835(b)(2) - Stage 2 Site Investigation Plan

Project management and coordination
Review and Summarize Stage I activities-Executive Summary
Describe activities to be performed during Stage 2 Investigation including:
- *The degree/extent of soil contamination*
- *The degree/extent of groundwater contamination*
- *The direction and velocity of groundwater flow*
- *Identify potential natural and man made migratory pathways*

Data Reduction of Stage I activities-Analytical, SB logs, MW Reports
Describe current and post-remediation uses of site and surrounding properties
Provide water supply well survey documentation including:
- *Location of community water supply wells and their setbacks*
- *Location and extent of regulated recharge/wellhead protection areas*
- *Modeled extent of groundwater contamination exceeding most stringent CUO*
- *Tables listing setback zones for community supply wells*
- *Documentation of entities contacted to identify potable water supply sources*
- *LPE/LPG certification that water supply survey was properly conducted*

Prepare contingency scope of work for boring/mw locations
Determine extent of property boundaries
Prepare (modify / update) CAD map(s)
Prepare (modify / update) cross section
Prepare (update) site health and safety plan
Arrange for drilling contractor/scheduling
Call J.U.L.I.E and / or municipality for utility locate
Obtain local information (ie. Sanborn maps, Aerial overlays, etc.)
Prepare (finalize) field notes
Prepare and describe site investigation photos
Prepare groundwater contour map
General correspondence with client and Agency
Project tracking and update(s) to client
Prepare budget forms
Plan & budget review by PM or other senior staff
Mail draft plan & budget to O/O for review and signature
Make copies of final plan & budget for distribution
Deliver completed plan & budget to IEPA and O/O

732.845 (d)(1) and 734.845 (c)(1)(A) Conventional (Dig & Haul) Corrective Action Plan

Project management and coordination
Prepare waste profile (arrange for landfill approval)
Mail waste profile to O/O for review and signature
Prepare (update) site health and safety plan
Determine limits of excavation
Estimate quantity of contaminated soil to be disposed of
Estimate quantity of "clean" overburden to be stockpiled (if any)
Draft Corrective Action Plan (tables and narrative), provide:
- *Description of activities performed to define extent of contamination*
- *Analytical results and cleanup objectives in tabular format*
- *Laboratory reports*
- *Boring logs*
- *Monitoring well logs*
- *Discussion of how corrective action plan shall remediate the release*
- *List of sampling parameters and corresponding remediation objectives*
- *Basis for determining sampling parameters and remediation objectives*
- *Media sampling plan to verify completion of remediation*
- *Current and future use of property*
- *Proposed preventive, engineering and institutional controls*
- *Schedule for implementation and projected completion of the plan*
- *Engineering diagrams, calculations, site maps, etc.*

Site map(s) to scale and oriented north showing:
- *Soil sample locations*
- *Monitoring well locations*
- *Plume of soil and groundwater contamination*

Word processing
Prepare budget forms
CAP & budget review by PM or other senior staff
Prepare P.E. / P.G. & O/O Budget Certification
General correspondence with client and Agency
Project update to client
Mail draft CAP & budget to O/O for review and signature
Make copies of final CAP & budget for distribution
Deliver completed CAP & budget to IEPA and O/O
Arrange for excavator
Arrange for trucking (transportation)
Arrange for backfill
Prepare waste manifests (or tracking forms)
Project scheduling
Call J.U.L.I.E and / or municipality for utility locate

732.845(d)(5) and 734.845(c)(6) Corrective Action Completion Report for Conventional

Project management and coordination
Prepare CAD map(s)
Draft Corrective Action Completion Report (tables and narrative), provide:
- *Chronological narrative of corrective action activities*
- *Explanation of how the corrective action activities remediated the release*
- *Discussion of how the remediation objectives were determined*
- *Media sampling and analytical procedures to verify completion of remediation*
- *Analytical results and remediation objectives in tabular format*
- *Laboratory reports*
- *Soil boring logs*
- *Monitoring well logs*
- *Laboratory certification*
- *Professional Engineer Certification*
- *Owner / Operator & Property Summary*
- *Photographs documenting corrective action activities*

Word processing
Prepare and describe photos
Obtain legal description of property
Obtain property tax identification number
CACR review by PM or other senior staff
General correspondence with client and Agency
Project update to client
Mail draft CACR to O/O for review and signature
Make copies of final CACR for distribution
Deliver completed CACR to IEPA and O/O
Record NFR letter
Make copies of recorded NFR letter for distribution
Deliver recorded NFR letter to IEPA and O/O
Prepare (finalize) field notes

734.845 (d)(2) Reimbursement Tasks

Prepare OSFM eligibility and deductible application
Mail draft eligibility and deductible application to O/O for review and signature
Deliver completed eligibility and deductible application to OSFM and O/O
Setup reimbursement file
Cost and budget tracking
Draft LUST reimbursement claim request
Reimbursement claim review by PM or other senior staff
Prepare P.E./P.G. & O/O Billing Certification
General correspondence with client and Agency
Mail draft reimbursement claim to O/O for review and signature
Make copies of completed reimbursement claim for distribution
Deliver completed reimbursement claim to IEPA and O/O

734.845 (d)(1) New Project Startup

FOIA review/Historical Research
Initial IEPA/Client Correspondence
Initial Site Characterization including-Equipment, Personnel and Stock Items
associated with initial site map and characterization of release (includes site visit)

732.845(b)(1)- Site Classification Work Plan

Project management and coordination

Physical Soil Classification - provide a discussion of the following

scientific publications/geologic maps that will be reviewed
drilling methods, auger types, sampling procedures and devices to be used
basis for determining the location of soil borings
justify proposed final soil boring configuration and boring depths
alternate plan in case of auger refusal
how anomalies encountered during drilling are to be handled
how cross contamination between water bearing units will be prevented

Groundwater Investigation - provide a discussion of the following

drilling methods used
basis for determining location and number of monitoring wells
monitoring well installation procedures
activities taken to prevent cross contamination during well installation
basis for determining well construction materials
basis for determining the monitoring well screen depth and screened interval
monitoring well development procedures
monitoring well sampling procedures
activities taken to prevent cross contamination between groundwater samples
how the proposed final monitoring well configuration provides likelihood of detecting migration of groundwater contamination
steps taken to determine flow direction and gw elevation

Discuss how the PE will verify Class III GW exists within 200 feet of UST system

Discuss how the PE will identify the location of all community water supply wells within 2500' and all potable water supply wells within 200 feet and determine if the UST is in the regulated recharge area of any community water supply well or potable water well

Classification by Exposure Pathway Exclusion -provide a discussion of the following

Activities to determine the full extent and concentration of contaminants in soil and/or groundwater exceeding the Tier 1 CUO's

Discussion of tests to be performed to determine whether the following requirements have been met:

1. *attentuation capacity of the soil will not be exceeded for any organic contaminants*

2. *Soil saturation limit will not be exceeded for any of the organic contaminants*
3. *contaminated soils do not exhibit any of the reactivity characteristics of hazardous waste per 35 IAC 7321.123*
4. *Contaminated soils do not exhibit a pH of $\leq$ 2.0 or $\geq$ 12.5*

5. *Contaminated soils which contain as,ba,cd, cr, pb, hg, se or ag (or their associated salts) do not exhibit any of the toxicity characteristics of haz waste per 35 IAC 721.124*

Discussion of how the inhalation exposure route will be evaluated to determine:

1. an insitutional control is in place that requires safety precautions for construction worker populations and compliance with # 2 below.
2. any contaminants of concern within 10 feet of land surface or within 10 feet of any man-made pathway does not exceed Tier 1 CUO's; or an Agency approved engineered barrier in place.

A discussion of how the soil ingestion exposure route will be evaluated to determine that:

1. an institutional control is in place that requires safety precautions for construction work populations and compliance #2 below;

2. any contaminant of concern within 3 feet of land surface does not exceed Tier 1 CUO's; or an Agency approved engineered barrier is in place.

A discussion of how the groundwater ingestion exposure route will be evaluated to determine the following:

1. the source of the release is not located within the minimum/maximum setback zone or regulated recharge area of a potable water supply well;

2. any area within 2500 feet from the source of the release is restricted under a local ordinance which prohibits the use of groundwater as a potable supply;

3. the concentration of any contaminat of concern in groundwater within the minimum/maximum setback zone of a potable water supply well meets the applicable Tier 1 CUO;

4. the concentration of any contaminant of concern in groundwater discharging into a surface water will meet the applicable surface water quality standard per 35 IAC Section 302.

Provide a Site map to scale and oriented north showing the following:

UST system and excavation limits
product and dispenser lines
pumps and islands
underground utilities (sewer, gas, water, etc.)
nearby structures (buildings, roads, etc.)
location of the proposed soil borings
location of the proposed monitoring wells
property boundaries
200 foot radius from the UST System

Provide a chart indicating the following:

boring identification
depth of boring in feet
number of samples from each boring submitted for geotechnical analysis
identification of geotechnical test what will be performed on samples

Word Processing - SCWP and Budget
Prepare SCWP budget
SCWP review by PM or other senior staff
Prepare P.E./P.G. certification of budget
General correspondence with client and Agency
Project update to client
Mail draft SCWP to o/o for review and signature
Make copies of final SCWP report for distribution
Deliver completed report to IEPA and O/O

732.845(b)(1)- Site Classification Completion Report

Project management and coordination
Executive summary identifying SCWP objectives and technical approach
Describe history of the site with respect to the release
Describe method(s) for investigating site and surrounding area(s)
Describe observations made while investigating site and surrounding area(s)
Prepare (modify / update) site map(s) of sufficient detail and accuracy to show:

Distance of at least 1,000 feet around UST (scale > 1: 200)
Location of site with respect to section township and range
Property boundary lines of the site and other affected properties
Land use of the site and other affected properties
Current and former locations of UST systems (and UST contents)
Locations of all water supply wells and designated setback zones
On-site and off-site injection and withdrawal wells affected by release
All structures, improvements and significant features affected

Table indicating the setback zone for each water supply well

Contact IEPA Division of Public Water Supply
Contact Illinois Department of Public Health
Contact local health department
Contact local water supply entity

Site's regional location, geography, hydrology, geology, hydrogeology, etc.
Existing and potential migration pathways and exposure routes
Current and future land use
Legal description of the site or reference to plat showing boundaries
Information regarding site specific sampling activities and methods, including:

Narrative description of field activities
Sample collection information (date, time, method, location, sampler)
Sample preservation and shipment information including QA/QC
Chain of custody
Field and lab blank documentation

Analytical and / or screening results in tabular and / or graphic format
Interpretation of the results of the site investigation
Description of the release and evaluation of exposure routes
Description of nature, concentration and extent of indicator contaminants
Site map(s) of sufficient detail and accuracy to show:

Location of each sample labeled to correspond with analytical results
Extent of indicator contaminants exceeding Tier 1 objectives
Cross Section showing horz and vert extent of soil or gw

Obtain local information (ie. Sanborn maps, Aerial overlays, etc.)
Prepare (finalize) field notes
Prepare and describe site investigation photos
Prepare (finalize) boring logs and MW completion reports
Prepare GW sample(s) for shipment or delivery to lab
Hydraulic conductivity test data analysis from single well (H/C calculation)
Description of physical features that may affect contaminant transport
Comparison of indicator contaminant concentrations to Tier 1 objectives
Determination whether UST system is in regulated recharge area
Demonstration that groundwater investigation is not required (if applicable)
Conclusions including assessment of sufficiency of data in report
Appendices containing references and data sources, logs, lab reports, etc.
SCCR completion report review by PM or other senior staff
Prepare P.E. / P.G. Certification
General correspondence with client and Agency
Project update to client
Mail draft SCCR Completion report to O/O for review and signature
Make copies of final SCCR Completion report for distribution
Deliver completed report to IEPA and O/O

Low Priority Ground Water Monitoring Plan

Project management and coordination

Draft LP GW monitoring plan (tables and narrative), provide data concerning:

- *Proposed time table for well installation, sampling and report submittal*
- *Discussion of monitoring well development procedures*
- *Discussion of monitoring well sampling procedures*
- *Activities that will be taken to prevent sample cross-contamination*
- *Adequacy of the monitoring well configuration to detect contaminant migration*
- *Treatment type applied to any discharge and effluent quality expected*
- *Steps taken / required to obtain necessary permits for discharge*
- *Final disposition of recovered free product*

Site map(s) to scale and oriented north showing:

- *UST system(s) and excavation*
- *Product and dispenser lines*
- *Pumps and islands*
- *Underground utility lines (sewer, gas, water, etc.)*
- *Nearby structures (buildings, roads, etc,)*
- *Location of soil boring(s)*
- *Location of monitoring well(s)*
- *Property boundaries*
- *Radius of 200 feet from the excavation*

Word processing

Prepare budget forms

LP GW monitoring plan & budget review by PM or other senior staff

General correspondence with client and Agency

Project update to client

Mail draft LP GW monitoring plan & budget to O/O for review and signature

Make Copies of final LP GW monitoring plan & budget for distribution

Deliver completed LP GW monitoring plan & budget to IEPA and O/O

Low Priority Ground Water Monitoring Report SOW

Project management and coordination

Draft LP GW monitoring plan (tables and narrative), provide data concerning:

- *Description of implementation & completion of all elements of plan*
- *Description of well development, sample collection, preservation & analysis*
- *Analytical results in tabular format*
- *Copies of laboratory reports*
- *Copies of laboratory certifications*
- *Ground water elevations in tabular format*
- *Monitoring well logs*
- *Completed chain-of-custody form(s)*

Site map(s) to scale and oriented north showing:

- *UST system(s) and excavation*
- *Product and dispenser lines*
- *Pumps and islands*
- *Underground utility lines (sewer, gas, water, etc.)*
- *Nearby structures (buildings, roads, etc,)*
- *Location of monitoring well(s)*
- *Direction of groundwater flow (groundwater contouring)*
- *Property boundaries*
- *Radius of 200 feet from the excavation*

Word processing
LP GW monitoring report review by PM or other senior staff
General correspondence with client and Agency
Project update to client
Mail draft LP GW monitoring report to O/O for review and signature
Make copies of final LP GW monitoring report for distribution
Deliver completed LP GW monitoring report to IEPA and O/O