

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

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

IN THE MATTER OF:

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

Proposed Rule. Proposal for Public Comment

**PUBLIC COMMENTS OF JOSEPH W. TRUESDALE, P.E., P.G., AND
CINDY S. DAVIS, P.G. OF CSD ENVIRONMENTAL SERVICES, INC.**

CSD Environmental Services appreciates this opportunity to offer public comments in this proceeding related to testimony provided at hearing on March 23, 2006. The comments were prepared cooperatively by Joseph W. Truesdale and Cindy S. Davis.

CSD Environmental would like to thank the Illinois Pollution Control Board for listening to our concerns and creating Subdocket B to allow for further discussion on key issues prior to preparing a final rule. We believe that it is impossible to proceed with any meaningful development of lump sum cost for professional service without some form of data collection which correlates directly to the consulting service items to be provided. We urge the Board to continue the current practice of reimbursing professional services on a time and material basis until such a time as lump sum payment rates which more accurately reflect current and historical reimbursement rates can be developed as order by the Board in their December 1, 2005 opinion and order.

We would like to provide specific comments on the items listed below, and request that the Board continue to hear testimony related to these items.

Determination of Payment Amounts for ~~ofe~~ Consulting Services.

The Agency had conducted reasonableness determinations for several years prior to this rulemaking using tools which are essentially the same as tools available to them today, ie. rate sheets. Mr. Clay testified on page 61 of the March 23, 2006 hearing transcripts that their historic "rate sheets" did not include prices per task, but provided "dollars per hour for the different job titles for the professional services." This is equivalent to the tools "legally" available to the Agency under Subpart H or the current 35 IAC 732 and 734 regulations. Prior to this rulemaking the Agency has not endeavored to exercise reimbursement from the LUST fund on a per task "lump sum" basis, and as a result, the tools required for such and undertaking are not available currently. Mr. Clay also testified on page 50 that "it's not that we (meaning the Agency) don't want to collect data," and it would seem to us that the only reasonable way to move the LUST program to a place where reimbursement on a lump sum basis can be reached is to standardize the submittal of information in such a manner as that already directed by the Agency in their current budget and billing forms. Mr. Clay also states on the following page that "there's been no proposal for any quality control", however, basic quality control provisions for random sampling of data is outlined in numerous sources including USEP SW-846.

At this point in time, regulations are in place that allow the Agency to conduct reasonableness determination in essentially the same manner as conducted previously during a time in which Mr. King testified that the LUST fund was not operated as a giveaway program. In response to questions by Mr. Koch, Mr. King stated "that was my testimony when we first started this proceeding, but that would not be my testimony today. " On page 181 of the 23, 2006 hearing transcripts Mr. King states that he believes "over the last two years, because of

the fact we have not had legal tools in place, there's been overpayment." In fact, these tools are in place now for the data collection necessary to move to lump sum unit prices. The Board's adoption of the current Subpart H, provisions under 35 IAC 732 and 734 return the rate sheet which the Agency has relied upon so heavily in the past to make it's reasonableness determinations, the new budget and billing structure specified by the Agency in the current budget and billing forms provides a basis for a uniform breakdown of tasks, and data collection and quality control provisions are outlined in other EPA document previously referenced such as SW-846.

Profes Oversight

Paragraph 325 Section 14 of the Professional Engineering Practice Act of 1989 states that "The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards." This same Section further states that "It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work."

Illinois Administrative Code, Title 68, Chapter VII, Part 1380, Section 1380.300 further states that "Licensees shall approve and seal only those designs prepared by them or under their direct supervision and found to be safe for the public health, property and welfare." The American Heritage Dictionary of the English Language defines "direct" as follows: **1.** To Manage or conduct the affairs of; regulate. **2.** To have or take charge of; control. **3.** To give authoritative instructions to. **4.** To cause to move toward a goal; aim. **5.** To show or indicate the way for. **6.** To cause to move in or follow a course....."

Given these specifications I believe that the Agency's estimation of professional oversight time for the tasks necessary under the LSUT program is inadequate. In many cases merely one or two hours of professional oversight time is allotted for tasks including more than 40 hours of time for personnel required to be working under the "direct" supervision of the certifying professional

Client Correspondence as a Necessary part of Corrective Action

In Mr. Wienhoff's line of questioning beginning on page 75 of the March 23, 2006 hearing transcripts; he makes reference to the Agency's position that correspondence with the UST owner / operator (client) is not a part a necessary part of corrective action. I believe that Mr. Weinhoff made it clear during hearing why this task is in fact a necessary part of corrective action, however, to further support this I would like to refer the Board to the Arizona Department of Environmental Quality LUST Program, which is one of the State programs the Agency presented previously in testimony in support of their proposed Maximum payment amounts. Specific excerpts form documents contained on the Arizona Department of Environmental Quality web site are included in **Attachment A**.

The first page clearly states that under Arizona's program, project management activities include **client** and regulatory agency **correspondence**, administrative and accounting activities, and related pre-and post-field planning tasks, and are considered corrective action costs.

In addition, on the Agency's own web site under the section entitled Frequently Asked Questions about LUSTs, it specifies that when choosing a consultant one of the items a UST owner or operator should consider is the consultants ability to explain LUST site cleanup options so owners and operators can make informed decisions.

Phased **Submittal** of Alternative **Technology CAP**

We would also like to take this opportunity to refer the Board to the Arizona Department of Environmental Quality (ADEQ) LUST Program in support of the phased approach to developing a scope of work for submittal of Alternative Technology Corrective Action Plans. Specific excerpts from documents contained on the Arizona Department of Environmental Quality web site are included in Attachment B.

The ADEQ outlines a system of CAP submittal which includes:

- 1.) Evaluation of three remedial options.
- 2.) Conceptual design and selection of a remedial alternative.
- 3.) Final engineering design (upon ADEQ approval).
- 4.) And implementation of the final design (upon ADEQ approval)

Attachment X also includes a copy of a standard agreement for Engineer's Services which is also broken down into Phases consisting of:

- 1.) Study and Report Phase
- 2.) Preliminary Design Phase
- 3.) Final Design Phase
- 4.) Bidding or Negotiating Phase
- 5.) And Construction Phase

This format is indicative of how engineering projects are normally conducted. The benefits of such an approach included providing more direct input from the owners and the regulatory Agencies during the design phase which serves to keep overall design and construction cost associated with late change orders to a minimum. This method serves to address concerns stated previously in testimony by both the Agency and the regulated community.

Scope Creep Concerns and Need for Clear Scope of Work for Lump Sums

We would also like to take this opportunity to illustrate to the Board the reason for the regulated communities concern regarding scope creep issues. In testimony provided by Mr. Bauer the items and associated costs included in the unit rate for monitoring well installation were provided. This list did not include use of a water level indicator to determine static water level elevations within the well, however, in recent submittals to the Agency, costs for this equipment were denied and stated to be "part of the drilling". Copies from Mr. Bauer's testimony and a recent Agency review letter are included as **Attachment C**.

We argued previously that the bailer and rope costs should not be included in the per foot cost for monitoring well construction, because this is an item not typically provided by the driller but by the consultant. Similarly the consultant is typically responsible for surveying and determining static water levels within the wells. The driller does not typically provide this service and it should not be included as part of the drilling cost, nor was it identified by the Agency during testimony as being one of the items they included in the lump sum rate for monitoring well installation.

ATTACHMENT A

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE ASSURANCE FUND**

**SCHEDULE OF CORRECTIVE ACTION COSTS
GENERAL NOTES**

1. Claiming Costs:

A Cost Schedule Item Code must be used to claim costs of eligible activities where the claimed or proposed work meets a Cost Schedule Item Code description. If claimed or proposed work does not meet the Cost Schedule Item Code description, then the work must be identified on the Amount Claimed Summary Worksheet and costs must be claimed using time and materials detail in accordance with A.A.C. R18-12-605(E). Time and materials detail must include Cost Schedule Item Codes, such as personnel rates or equipment rental, where appropriate. See the instructions for the Amount Claimed Summary Worksheet for additional information.

2. Organization of Table of Cost Schedule Item Codes and Cost Schedule Item Code Descriptions.

Non-Phase Specific Cost Schedule Items (those that may be used in more than one Phase) are listed in Item Codes 1 through 123. Item Codes 124 through 161 are Phase Specific and each code is listed under the applicable Phase title.

3. Allowable Mark-up:

SAF will reimburse Primary Provider mark-up on approved subcontracted services and/or pass-through expenses up to 16 percent. Mark-up can only be applied to actual subcontractor or purchase costs incurred by the Primary Provider as demonstrated by the subcontractor invoice(s) or retail receipt.

Mark-up cannot be applied to direct charges incurred by the Primary Provider. Direct charges include Primary Provider labor expense and capital equipment owned by the Primary Provider and billed to the project as a rental item. Mark-up on services or equipment provided by an affiliate or subsidiary company, with any common ownership interest with the Primary Provider, is not eligible for reimbursement.

4. Project Management:

Project Management activities include: client and regulatory agency correspondence, administrative and accounting activities, and related pre-and post-field planning task;

Project Management costs are included in each of the following Cost Schedule Item Codes: 18, 19, 124 through 126, and 142 through 161.

If included in one of the Cost Schedule Item Code listed above, Project Management is not eligible as a separate and unique task or activity. Project management not associated with a Cost Schedule Item Code listed above should be claimed as a separate line on the Amount Claimed Summary Worksheet with the applicable Phase Code. Project management should be claimed using the incremental "pre-field" or "post-field" Phase Code of the applicable Phase.

ATTACHMENT B

**Arizona Department of Environmental Quality UST Program
Release Reporting & Corrective Action Guidance**

7.3.6 Remedial Alternatives

This section of the CAP should consist of a site-specific analysis of three remedial alternatives. Each remedial alternative must account for all environmental media of concern. **A remedial alternative may, if appropriate, consist of a single remediation technology, OR may consist of concurrent or sequential uses of one or more remediation technologies, administrative actions, and risk management tools.** For example, a **single** remedial alternative may **initially** utilize air sparge/soil vapor extraction on-site with monitored natural attenuation off-site until specified interim remediation goals/conditions for soil source removal and groundwater contaminant mass reduction are attained. Once air sparge/soil vapor extraction achieves the on-site interim remedial goals, this remedial alternative may then rely on the use of monitored natural attenuation to achieve the site-specific corrective action standards both on-site and off-site. This example of a single remedial alternative uses one remediation technology for off-site contaminated groundwater, and uses three remediation technologies on-site. Assumptions, supporting information, and an analysis of key factors important to each remedial alternative should be provided so that a single alternative may be selected for implementation at the site. A remedial alternative should not be proposed or evaluated if it can not address a COC determined to be present in environmental media. The following information should be provided in this section of the CAP for each remedial alternative:

7.3.6.1 Permits

The purpose of this section is to identify the need for and the type of permit or contractual document which is required for implementation of any technology or risk management tool for a remedial alternative. This includes permits that are required for the installation, operation or maintenance of a technology, agreements of access rights (see Section 4.2), and DEURs (see Section 6).

Permits may be required from the appropriate federal, state, county or local regulatory authority. Permits which may be obtained from the issuing federal agency include National Pollution Discharge Elimination System (NPDES) permits for wastewater discharges, and Underground Injection Control (UIC) permits or form submittals for injecting into or above any underground source of drinking water. Types of UIC applications which commonly occur for UST corrective actions are Class V Aquifer Remediation Wells (ARW). Some examples of these wells are those installed and operated for technologies such as air sparge, pump and treat re-injection, *in situ* chemical oxidation, bioventing, bioaugmentation, bioremediation and biostimulation.

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Refer to the EPA Region IX Office of Groundwater and Drinking Water UIC Program or NPDES Program until such time that the state has been granted primacy for regulatory authority. Further information on UIC is available in EPA document, *The Class V Underground Injection Control Study: Volume 16 Aquifer Remediation Wells, September 1999*.

State issued permits may include permits for air quality. Please contact the ADEQ Air Quality Division Permits Section for further information.

Local permits typically include those for fire, electrical, mechanical, building, encroachment, architectural, and sanitary sewer discharges.

7.3.6.2 Conceptual design, operation, implementation and goals

Describe, in narrative form, the objective to be achieved by the remedial technologies and risk-management tools employed in the three remedial alternatives presented. To the extent that is applicable, provide a description of the conceptual design and operation of chemical, physical, biological and mechanical process-oriented systems. For each technology and tool employed for a given remedial alternative, provide a narrative description of tasks important to and in the order of implementation. Refer to Appendix K for an example summary form. These tasks or activities may include concise and brief descriptions of the following components when appropriate or applicable:

- general engineering schematic;
- acquisition and use of specialized equipment/materials;
- specialized subcontractors;
- on-site and off-site property access agreements;
- execution of restrictive covenants for the site or adjacent properties;
- identification of all necessary federal, state, and local permits;
- installation and initial sampling of additional monitoring points;
- installation of remedial systems;
- remedial system start-up and shake down procedures;
- acquisition of baseline operational performance data;
- fate and transport modeling in the subsurface and surface;
- acquisition of modeling calibration and verification data;
- submittal of periodic status report;
- implementation of contingency effluent treatment plans;
- implementation of confirmation sampling or monitoring plan; and
- submittal of the corrective action completion report.

When applicable to a remediation technology or risk management tool, a

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discussion should be provided identifying the short-term performance goals and intermediate-term performance goals which may be achieved for the site-specific contaminant type and distribution.

When applicable, the potential impacts of pre-existing or off-site contamination on the use or efficiency of a remediation technology should be discussed. This also applies to discussions of pre-existing potential health risk due to contaminants not present from the subject release. A specific analysis or calculation of the magnitude of decreased system efficacy or incremental increase to health risk is not needed in this section.

This section should also include a brief discussion of the data needs for the basic design and operation of each process-oriented system. This may include rates of degradation or removal which are measured or assumed. If assumed, include a citation for the supporting information reference. The locations of system components should be depicted on a site plan. In some instances, a single site plan may be used to depict the system design/layout for all three remedial alternatives.

Remedial tools which may also be applicable for use in a remedial alternative include the risk-based Tier 2 and Tier 3 evaluations. A Tier 2 or 3 evaluation may establish alternative points of compliance and cleanup standards such that one of the following benefits may result:

1. No additional remediation technologies need to be employed within a remedial alternative.
2. A remediation technology must be used in conjunction with the tier evaluation which is not a component of any other proposed remedial alternative.
3. A remediation technology must be used in conjunction with the tier evaluation which is a component of another proposed remedial alternative. However, the duration and/or costs associated with the conjunctive technology is limited relative to the use of the technology in another proposed remedial alternative.

When relying upon a Tier 2 or 3 evaluation to distinguish between remedial alternatives, sufficient information should be presented in this section which would provide a screening level tier evaluation, or provide a technical foundation for establishing the comparative differences referred to in A.A.C R18-12-263.01(A) for site-specific application. Specifically, an estimate of the order of magnitude of change in cleanup level for COCs, overestimation of risk of the prior tier evaluation, or the magnitude of change in level of effort or time

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of implementation of additional remediation technologies to be concomitantly applied. This allows risk-based tier evaluations to be treated similarly to any other remediation technology for consideration in a CAP remedial alternative.

7.3.6.3 Periodic Monitoring, Sampling and Reporting

A description of the monitoring and sampling plan associated with each remedial alternative should be provided unless each remedial alternative relies upon the same plan. If the latter is the case, details of this plan should be presented in the section of the CAP presenting the selected remedial alternative. Otherwise, a brief discussion of the number and frequency of sampling events, the number of samples collected at each event, and the number and types of analyses to be conducted should be provided in this section. The purpose of this discussion is to present relative differences in the monitoring and sampling requirements between remedial alternatives which are key to following the progress of the remediation technology and compliance with cleanup goals.

7.3.6.4 Schedule

In general, the schedule should depict the time frames for each task associated with a remedial alternative. It should encompass the key components required for the various phases of each remedial alternative. The schedule should clearly identify the time period necessary to conduct each task, and an overall cumulative time period for completion of the remedial alternative.

The schedule may be presented in a table or Gantt chart format such that relative time requirements for remedial alternative may be easily reviewed. It is not necessary to include within the schedule the estimated time periods for the tasks of remedial goal confirmation sampling and submittal of the Corrective Action Completion Report. Refer to the example schedule in Appendix K of this guidance.

7.3.6.5 Costs

This section should provide a narrative summary of cost estimates for each remedial alternative's employed remedial technologies and risk management tools. Costs should include all applicable, key tasks and assumptions identified in prior sections discussed for CAP contents. These cost estimates should be based on professional experience and application of remediation technologies and tools. Cost estimates should also be adjusted for site-specific conditions, and contaminant distribution and mass, which may

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influence the range of costs reported in widely used peer-reviewed scientific publications.

Refer to the example cost estimate sheet provided in Appendix K of this guidance. This sheet may be used to establish a comparative basis of cost differences between the three remedial alternatives presented in the CAP.

7.3.6.6 Additional Information

Additional information not presented as part of one of the CAP sections discussed above may be presented in this section of the CAP. The purpose of this additional information is to demonstrate the site-specific conditions contributing to the technical feasibility, cost-effectiveness, or ease of implementability or administration of a remedial alternative.

For example, evidence exists that an identified or unidentified off-site source of contamination has contributed to a release. An owner or operator has the right, pursuant to A.R.S. § 49-1016(G), to limit corrective action liability. Under these circumstances, additional information regarding off-site contamination contributing to the comingled plume should be addressed in the CAP. This should include information on the location and identity, when possible, of the known and unknown off-site source(s), alternative proposed corrective action standards and remedial goals based on owner/operator LUST release source contribution, and evidence supporting the determination of the extent and distribution of the owner/operator's portion of the comingled plume.

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7.3.7 Remedial Alternative Selection

Obviously, remediation is necessary when one or more contaminants are present in environmental media at levels which are not adequately protective of human health, safety and the environment. Therefore, this section should present an evaluation of each remedial alternative so that a clear justification can be made for the selection of a single alternative for addressing all COCs in all affected media at the LUST site in achieving this goal. The evaluation should demonstrate the extent to which each remedial alternative is reasonable, necessary, technically feasible and cost-effective pursuant to A.R.S. § 49-1005(D). A remedial alternative can be selected when the combination of proposed remediation technologies and risk management tools best meets these criteria.

Information and conclusions drawn from pilot testing and feasibility studies should be provided, if appropriate, as justification for the selection of a remedial alternative. As used in this guidance, a feasibility study differs from a pilot study in that the certainty of success of the technology is more fully understood in the case of the latter. Pilot studies are typically conducted for a remediation technology to define the engineering parameters of system design and operation needed to accommodate site-specific conditions prior to full scale implementation. For example, a pilot study on an SVE system may indicate that the zone of influence around wells is greater than initially estimated, thus resulting in an increased distance between well locations and fewer well installations. Feasibility studies for LUST sites, on the other hand, are not to be confused with formal feasibility studies conducted in conjunction with a remedial investigation for Superfund sites. Rather, feasibility studies typically appropriate for LUST site corrective actions are limited to the further evaluation of a remediation technology or risk management tool which in theory is technically or legally feasible, but may not be possible to implement due to on-site or off-site conditions that significantly influence the process. The results of the feasibility study will determine whether the technology or tool of interest is rendered inapplicable to the site, or less useful relative to another remedial alternative. The purpose of the pilot test or feasibility study should be clearly stated, and demonstrated as necessary toward evaluating site-specific applicability of the alternative in achieving one or more of the criteria of A.R.S. § 49-1005(D). The following conditions warrant the use of a pilot test or feasibility study:

- basic engineering design for a technology which is reasonable, technically feasible, and cost-effective;
- confirmation of the site-specific technical feasibility for a technology which is reasonable and cost-effective;
- calculation of a more precise estimate of volume of contaminated media or contaminant mass when utilizing technologies which are substantially cost-

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sensitive or time-dependent on this parameter (*e.g.*, excavation with ex-site treatment/disposal); and
cost-effectiveness of a non-presumptive technology in comparison to the cost of a presumptive technology, *e.g.*, excavation with ex-situ treatment/disposal, or soil vapor extraction.

In comparing the relative ability among remedial alternatives to attain the regulatory cleanup goals, an estimate of the baseline contaminant volume and contaminant mass is needed. These calculations should be provided in this section of the CAP, along with the assumptions, qualifications or limitations used in this determination. When determining the estimated volume of contaminated soil or mass of contamination in soils exceeding remedial standards, consideration should be given to the amount and concentration of separate or sorbed phase contamination within the vadose zone and the volumetric extent of the vadose zone. When determining the estimated volume of contaminated groundwater or mass of contamination in groundwater exceeding remedial standards, consideration should be given to the amount and concentration of separate or sorbed phase contamination below the water table, and the volume and concentration of dissolved phase contamination in the saturated zone. Determination of the estimated mass of contamination found within the capillary fringe aids assessing the costs and schedule for groundwater remedial technologies. Therefore, information from the levels of contamination present in the dissolved phase in the saturated zone, and in the adsorbed phase of the vadose zone, may be utilized in estimating this additional contaminant mass if the thickness of the capillary zone can be estimated coincident to installation of monitor wells.

For the selected remedial alternative, short-term performance goals and intermediate-term performance goals should be stated for the site-specific contaminant type and distribution. These performance goals will be used to assess the actual performance of a remedial system and/ or efficiency of the implemented remediation technology. When applicable, performance goals should be specified for monitoring locations at specified time frames. For systems which can measure the level of contaminant remaining, performance goals should be specified in terms of concentrations not to exceed. Performance goals should not be specified for COC concentrations which are achieved under optimal system performance, but rather, those concentrations which may be achieved by the system or technology operating under site-specific conditions.

When pre-existing or off-site contamination impacts the performance of the remediation technology, the extent which system is affected should be assessed. Information known on the location, quantity, type, sources of, and degree of contaminant contribution should be provided and evaluated with respect to impacts upon the remedial system performance goals. For example, certain types or levels of pre-existing contamination within a zone of the groundwater contaminant plume may

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be too toxic to allow the biodegradative process to occur. Therefore, the time period to achieve the AWQS at the point of compliance using natural attenuation is extended unless the toxic zone is treated.

This section should also include a detailed discussion of the data necessary for the basic design and operation of each process-oriented system employed by the selected remedial alternative. Supporting data may include information and conclusions obtained through feasibility studies or pilot tests, *e.g.*, the number, location and cone of influence of SVE wells, groundwater extraction and sparge points; or rates of biodegradation. The locations of system components should be depicted on a site plan.

For remedial alternatives which include a risk-based site-specific tier evaluation, documentation should include the appropriate tier evaluation form for all tiers completed, the completed screening level tier evaluation (if a full tier evaluation is not completed at time of CAP submittal), and the full tier evaluation(s) for the subsequent proposed tier level which establishes an alternative cleanup standard or point of compliance. If a full tier evaluation was submitted and approved prior to CAP submittal, attach a copy of the approved tier evaluation(s) in the CAP appendix.

The periodic monitoring and sampling plan should be provided in this section. It should be designed such that the relative progress of the remedial system can be tracked, and a quantitative assessment made for changes in levels of COCs. Therefore, the plan should reflect site-specific conditions, contaminant plume distribution, COC levels, potential receptor exposure point locations, and other site-specific factors as necessary. For liquid and dissolved phase contamination sites, periodic sampling of the groundwater is required. If the selected remedial alternative includes soil vapor extraction, air sparging, or other remediation technology that causes a discharge of vapors (air or water), periodic influent and effluent sampling is required. If the selected remedial alternative includes the injection, foaming or aerosolization of any regulated substance into the subsurface or onto the surface, periodic sampling at appropriate monitoring locations is required. The monitoring and sampling plan should discuss the following, as appropriate:

- media to be sampled
- monitoring and sampling locations
- field measurements and parameters
- sampling and measurement protocols and procedures
- laboratory analyses to be conducted
- initiation, frequency, and duration of monitoring and sampling events

The results of the periodic monitoring program conducted and conclusions based upon

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these results should be submitted in conjunction with the periodic corrective action status report. These reports should include interpretation of reported data including written and graphical analyses, as appropriate [A.A.C. R18-263.02 (B)] so that remedial progress toward short-term and long-term performance measures can be documented.

A detail of the schedule for remedial alternative implementation and completion should be presented. The schedule should depict the time frames for each task associated with the remedial alternative, and should encompass the phases of installation, start up, operation, and demobilization for each remediation technology; implementation periods of risk management tools, and the submission dates of periodic reports. The schedule should clearly identify or describe each task, the time period necessary to conduct each task, and an overall cumulative time period for completion of the remedial alternative. To the extent possible, this schedule should reflect the anticipated disruptions or delays in critical activities or steps of implementation.

At a minimum, the schedule, beginning with final CAP approval, should show the time frames and milestone dates, if possible, for the following elements, as applicable:

- Final engineering design;
- Procurement of on-site and off-site access agreements, permits, and DEURs;
- Installation of additional monitoring points;
- Initial sampling of monitoring points;
- Acquisition of additional modeling data;
- Refinement of health risk assessment components, *i.e.*, exposure assessment, toxicity assessment, risk characterization;
- Remediation system installation;
- Remediation system start-up;
- Preparation and submittal of first and subsequent periodic status reports;
- Periodic monitoring events; and
- Subsequent reports other than periodic status reports.

The schedule may be presented in a table or Gantt chart format. It is not necessary to include within the schedule the estimated time periods for the tasks of remedial goal confirmationsampling and submittal of the Corrective Action Completion Report. This is due to the difficulty in determining precise time periods for attainmentof corrective action standards.

A detailed cost estimate for each remediation technology and risk management tool should be provided for the selected remedial alternative. Costs should include all

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applicable substantive activities, subactivities, and assumptions (see example cost sheet in Appendix K). These estimates should be made as accurately as possible. Costs for related subactivities for a particular activity may be presented as lump sum, *e.g.*, time, materials, travel, subcontracts and fees for periodic waste disposal. Examples of substantive activities which should have cost estimates provided, and apply to multiple remedial technologies and risk management tools are:

- pilot testing or feasibility studies
- final engineering design
- property access agreements
- permits and DEURs
- installation of remedial systems
- installation of additional monitoring points
- start up and first month operation and maintenance (O&M)
- CAP periodic status reports
- monthly and cumulative O&M (inclusive of scheduled and unscheduled site visits, equipment lease, utilities, effluent treatment or waste disposal, sampling and reporting per permit requirements)
- periodic monitoring for progress toward achieving remedial cleanup goals
- confirmation sampling and reporting
- decommissioning and abandonment

In conclusion, the justification of the remedial alternative chosen for the contamination at and from the LUST site must be made upon consideration of site-specific conditions, information and data collected to support a comparative evaluation of the remedial alternatives. The remedial alternative selected must meet the remedial criteria listed in A.R.S. § 49-1005(D) and site-specific corrective action standards. The rationale presented should include references to industry standards of practice that were relied upon. These standards may include technical guidance documents, professional scientific peer-reviewed publications, and vendor literature.

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7.3.8 Attachments and Appendices

The CAP appendix should consist of the department approved SCR, any feasibility study/pilot test reports, any tier evaluation reports, copies of completed water use survey forms.

The following maps, tables, figures should be attached when not present as part of one or more of the reports required to be submitted with the CAP in the CAP appendix:

- site plan(s) showing remedial methodology design, including basic components of system, overlaid contaminant plumes, and expected zone of influence for each system component addressing a portion the contaminant plume;
- remedial methodology design figure(s) provided by manufacturer;
- well construction schematic;
- site location map showing properties surveyed for water use;
- site location map showing location of water rights area of water providers;
- property and water provider use survey summary table;
- remedial alternative cost comparison table;
- remedial alternative corrective action implementation schedule; and
- most recent site classification form.

SUGGESTED FORMAT
(for use with 1910-1, 1996 Edition)

This is EXHIBIT A, consisting of _____ pages, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated _____,

Initial:
OWNER _____
ENGINEER _____

ENGINEER's Services

Article 1 of the Agreement is amended and supplemented to include the following agreement of the parties. ENGINEER shall provide Basic and Additional Services as set forth below.

PART 1 -- BASIC SERVICES

A1.01 *Study and Report Phase*

A. ENGINEER shall:

1. Consult with OWNER to define and clarify OWNER's requirements for the Project and available data.
2. Advise OWNER as to the necessity of OWNER's providing data or services of the types described in Exhibit B which are not part of ENGINEER's Basic Services, and assist OWNER in obtaining such data and services.
3. Identify, consult with, and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project designed or specified by ENGINEER, including but not limited to mitigating measures identified in the environmental assessment.
4. Identify and evaluate _____ alternate solutions available to OWNER and, after consultation with OWNER, recommend to OWNER those solutions which in ENGINEER's judgment meet OWNER's requirements for the Project.
5. Prepare a report (the "Report") which will, as appropriate, contain schematic layouts, sketches and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved, and those alternate solutions available to OWNER which ENGINEER recommends. This Report will be accompanied by ENGINEER's opinion of Total Project Costs for each solution which is so recommended for the Project with each component separately itemized, including the following, which will be separately itemized: opinion of probable Construction Cost, allowances for contingencies and for the estimated total costs of design, professional, and related services provided by ENGINEER and, on the basis of information furnished by OWNER, allowances for other items and services included within the definition of Total Project Costs.
6. Perform or provide the following additional Study and Report Phase tasks or deliverables:
7. Furnish _____ review copies of the Report to OWNER within _____ days of authorization to begin services and review it with OWNER.
8. Revise the Report in response to OWNER's and other parties' comments, as appropriate, and furnish _____ final copies of the revised Report to the OWNER within _____ days after completion of reviewing it with OWNER.

B. ENGINEER's services under the Study and Report Phase will be considered complete on the date when the final copies of the revised Report have been delivered to OWNER.

A1.02 Preliminary Design Phase

A. After acceptance by OWNER of the Report, selection by OWNER of a recommended solution and indication of any specific modifications or changes in the scope, extent, character, or design requirements of the Project desired by OWNER, and upon written authorization from OWNER, ENGINEER shall:

1. On the basis of the above acceptance, selection, and authorization, prepare Preliminary Design Phase documents consisting of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
2. Provide necessary field surveys and topographic and utility mapping for design purposes. Utility mapping will be based upon information obtained from utility owners.
3. Advise OWNER if additional reports, data, information, or services of the types described in Exhibit B are necessary and assist OWNER in obtaining such reports, data, information, or services.
4. Based on the information contained in the Preliminary Design Phase documents, submit a revised opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER, which will be itemized as provided in paragraph A1.01.A.5.
5. Perform or provide the following additional Preliminary Design Phase tasks or deliverables:
6. Furnish the Preliminary Design Phase documents to and review them with OWNER.
7. Submit to OWNER ___ final copies of the Preliminary Design Phase documents and revised opinion of probable Construction Cost within ___ days after authorization to proceed with this phase.

B. ENGINEER's services under the Preliminary Design Phase will be considered complete on the date when final copies of the Preliminary Design Phase documents have been delivered to OWNER.

A1.03 Final Design Phase

A. After acceptance by OWNER of the Preliminary Design Phase documents and revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, but subject to any OWNER-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, and upon written authorization from OWNER, ENGINEER shall:

1. On the basis of the above acceptance, direction, and authorization, prepare final Drawings indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared, where appropriate, in general conformance with the 16-division format of the Construction Specifications Institute.
2. Provide technical criteria, written descriptions, and design data for OWNER's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the Project and assist OWNER in consultations with appropriate authorities.
3. Advise OWNER of any adjustments to the opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER, itemized as provided in paragraph A1.01.A.5.
4. Perform or provide the following additional Final Design Phase tasks or deliverables:

5. Prepare and furnish Bidding Documents for review and approval by OWNER, its legal counsel, and other advisors, as appropriate, and assist OWNER in the preparation of other related documents.

6. Submit ___ final copies of the Bidding Documents and a revised opinion of probable Construction Cost to OWNER within ___ days after authorization to proceed with this phase.

B. In the event that the Work designed or specified by ENGINEER is to be performed or furnished under more than one prime contract, or if ENGINEER's services are to be separately sequenced with the work of one or more prime Contractors (such as in the case of fast-tracking), OWNER and ENGINEER shall, prior to Commencement of the Final Design Phase, develop a schedule for performance of ENGINEER's services during the Final Design, Bidding or Negotiating, Construction, and Post-Construction Phases in order to sequence and coordinate properly such services as are applicable to the work under such separate prime contracts. This schedule is to be prepared and included in or become an amendment to Exhibit A whether or not the work under such contracts is to proceed concurrently.

C. The number of prime contracts for Work designed or specified by ENGINEER upon which the ENGINEER's compensation has been established under this Agreement is _____

D. ENGINEER's services under the Final Design Phase will be considered complete on the date when the submittals required by paragraph A1.03.A.6 have been delivered to OWNER.

A1.04 *Bidding or Negotiating Phase*

A. After acceptance by OWNER of the Bidding Documents and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by OWNER to proceed, ENGINEER shall:

1. Assist OWNER in advertising for and obtaining bids or negotiating proposals for the Work and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, attend pre-Bid conferences, if any, and receive and process Contractor deposits or charges for the Bidding Documents.

2. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.

3. Consult with OWNER as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by Contractor for those portions of the Work as to which such acceptability is required by the Bidding Documents.

4. Perform or provide the following additional Bidding or Negotiating Phase tasks or deliverables:

5. Attend the Bid opening, prepare Bid tabulation sheets, and assist OWNER in evaluating Bids or proposals and in assembling and awarding contracts for the Work.

B. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective Contractors (except as may be required if Exhibit F is a part of this Agreement).

A1.05 *Construction Phase*

A. Upon successful completion of the Bidding and Negotiating Phase, and upon written authorization from OWNER, ENGINEER shall:

1. *General Administration of Construction Contract.* Consult with OWNER and act as OWNER's representative as provided in the General Conditions. The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in said General Conditions shall not be modified, except as ENGINEER may otherwise agree

ATTACHMENT C

The above rates include, but are not limited to, all costs for the installation of a groundwater-monitoring well except for costs associated with drilling or consultant oversight of the drilling or monitoring well installation.

The rates are broken down into two different drilling types: hollow-stem auger and direct-push platform. Some direct-push platforms are capable of using an auger tool for the installation of a monitoring well. Since the materials used to install monitoring wells via a direct-push platform with an auger attachment are similar to the materials used to install monitoring wells via a hollow-stem auger, the applicable rate for monitoring wells installed via a direct-push platform with an auger attachment will be the hollow-stem auger rate rather than the direct-push platform rate.

An evaluation of thirty-seven LUST sites revealed the following cost averages for the components of a monitoring well:

<u>Material</u>	<u>Hollow-stem auger</u>	<u>Direct-push platform</u>
PVC Screen 10-foot	\$35.00	\$30.00
PVC Riser 10-foot	\$20.00	\$15.00
Well Box	\$87.00	\$87.00
Bottom Cap	\$9.00	\$7.00
Locking Cap	\$22.00	\$18.00
Lock	\$7.00	\$7.00
Bailer/rope	\$16.00	\$14.00
Concrete	\$10.00	\$10.00
Sand	\$70.00	\$40.00
Bentonite	\$45.00	\$15.00

<u>Incidentals</u>	<u>\$9.00</u>	<u>\$7.00</u>
Total	\$330.00	\$250.00

The above averages are based on a monitoring well installed to a depth of 20 feet below ground surface. The hollow-stem auger monitoring well is based on a 2-inch diameter for the screen and riser. The direct-push platform monitoring well is based on a 1 to 1.5-inch diameter screen and riser. The rates for the installation of a monitoring well were determined by dividing the totals from the above table by 20 feet.

Section 734.820(c) Drilling, Well Installation, and Well Abandonment

Groundwater-recovery Wells

The rates for the installation of groundwater-recovery wells are included in the Agency's First Errata Sheet to 35 Ill. Adm. Code 734. The maximum rates listed in the following table would be applicable based on the diameter of the finished recovery well:

<u>Well Diameter</u>	<u>Maximum Total Amount</u>
4 or 6 inches	\$25.00/foot
8 inches or greater	\$41.00/foot

The above rates include, but are not limited to, all costs for the installation of a groundwater recovery well except for costs associated with drilling or consultant oversight of the drilling or monitoring well installation.

An evaluation of seven LUST sites and extrapolation of the data for the 2-inch monitoring well revealed the following values and cost averages for the components of a groundwater-recovery well:

<u>Material</u>	<u>4 or 6 inches</u>	<u>8 inches or greater</u>
PVC Screen 10 foot	\$65.00	\$110.00



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

2171782-6762

CERTIFIED MAIL

7004 2510 0001 8590 6686

APR 25 2006

recd

APR 26 2006

Leaking UST Incident Nos.
Leaking UST Technical File

Dear Mr.

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended High Priority Corrective Action Plan submitted for the above-referenced incident. The Illinois EPA received this amended plan, dated March 13, 2006, on March 14, 2006. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c), the amended plan is approved. The activities proposed in the amended plan are appropriate to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732.

Based on the March 31, 2006 telephone conversation between the Illinois EPA, Mike Prigge (CSD Environmental Services, Inc.) and Joseph Truesdale (CSD Environmental Services, Inc.), the owner or operator will use the results of the proposed investigation activities to obtain closure under 35 Ill. Adm. Code 742. If the owner or operator does not use the results of the proposed investigation activities to obtain closure under 35 Ill. Adm. Code 742, approval for some or all of the investigation activities will be voided.

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c), the amended High Priority Corrective Action Plan Budget is modified. Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s) and 732.611.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Page 2

If the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended budget is not required (Section 57.7(c) of the Act).

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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

If you have any questions or need assistance, please contact Trent Benanti at (217) 524-4649.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lowder", followed by a long horizontal line extending to the right.

Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects2\

Attachments: Attachment A
Appeal Rights

c: CSD Environmental Services, Inc.
Division File

Attachment A

Re:

Leaking UST Incident Nos.
Leaking UST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

SECTION 1

The High Priority Corrective Action Plan Budget was previously approved for:

\$ 8,119.25	Investigation Costs
\$ 26,345.00	Analysis Costs
\$121,213.00	Personnel Costs
\$ 5,627.80	Equipment Costs
\$208,772.59	Field Purchases and Other Costs
\$ 9,535.07	Handling Charges

As a result of the Illinois EPA's modifications in Section 2 of this Attachment A, the amended High Priority Corrective Action Plan Budget is approved for:

\$ 8,340.00	Investigation Costs
\$ 7,011.00	Analysis Costs
\$ 14,784.00	Personnel Costs
\$ 1,224.00	Equipment Costs
\$ 1,635.00	Field Purchases and Other Costs
\$ 1,636.08	Handling Charges

Therefore, the total cumulative High Priority Corrective Action Plan Budget is approved for:

\$ 16,459.25	Investigation Costs
\$ 33,356.00	Analysis Costs
\$135,997.00	Personnel Costs
\$ 6,851.80	Equipment Costs
\$210,407.60	Field Purchases and Other Costs
\$ 11,171.15	Handling Charges

SECTION 2

1. \$500.00 for an adjustment in the mobilization costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The mobilization costs are part of the drilling costs, which have already reached the maximum payment amount.

2. \$138.00 for an adjustment in the concrete coring machine costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The concrete coring machine costs are part of the drilling costs, which have already reached the maximum payment amount.

3. \$100.00 for an adjustment in the fuel surcharge. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The fuel surcharge is part of the drilling costs, which have already reached the maximum payment amount.

4. \$212.00 for an adjustment in the 55-gallon drum costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The 55-gallon drum costs are part of the drum disposal costs, which have already reached the maximum payment amount.

5. \$36.00 for an adjustment in the soil sample disposal costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The soil sample disposal costs are part of the sample handling and analysis costs, which have already reached the maximum payment amount.

6. \$5.50 for an adjustment in the groundwater sample disposal costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The groundwater sample disposal costs are part of the sample handling and analysis costs, which have already reached the maximum payment amount.

7. \$6.00 for an adjustment in the lab energy surcharge. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The lab energy surcharge is part of the sample handling and analysis costs, which have already reached the maximum payment amount.

8. \$132.00 for an adjustment in the disposable bailer costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The disposable bailer costs are part of the drilling, sample handling and analysis costs, which have already reached the maximum payment amount.

9. \$30.00 for an adjustment in the water level indicator costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The water level indicator costs are part of the drilling, sample handling and analysis costs, which have already reached the maximum payment amount.

10. \$100.00 for an adjustment in the United Parcel Service costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The maximum payment amount is \$50 per shipment (day).

11. \$20.00 for an adjustment in the miscellaneous item costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The miscellaneous item costs (ice for samples) are part of the drilling, sample handling and analysis costs, which have already reached the maximum payment amount.

12. \$20.00 for an adjustment in the UPS fuel surcharge. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The UPS fuel surcharge is part of the sample shipping charge, which has already reached the maximum payment amount.

13. \$91.00 for an adjustment in the handling charges.

.MTL:TLB:H:\Projects2\

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision; however, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544