

ILLINOIS POLLUTION CONTROL BOARD

March 17, 2011

IN THE MATTER OF:)
)
UNDERGROUND STORAGE TANKS (35) R11-22
ILL.ADM. CODE 731) AND PETROLEUM) (Rulemaking – Land)
LEAKING UNDERGROUND STORAGE)
TANKS (35 ILL. ADM. CODE 732 AND 734))

**AMENDED TESTIMONY & REVISED REGULATIONS FROM CW³M COMPANY,
INC. FOR THE ILLINOIS POLLUTION CONTROL BOARD'S 1st NOTICE OF
AMENDMENTS TO 35 ILL. ADM. CODE 732 AND 734**

My name is Vince Smith. I am employed with the CW³M Company as the senior environmental engineer. I have been in my current position since June 2000. I am a Registered Professional Engineer in the State of Illinois.

The testimony was prepared with the assistance of Carol L. Rowe and Kevin M. Corcoran of CW³M Company who are available to assist with providing information will be available for the June 16, 2011 Hearing. Ms. Rowe is an Illinois Licensed Professional Geologist and Mr. Corcoran has a Bachelor of Science degree in Integrative Biology from the University of Illinois.

Once again, we would like to thank the Illinois Pollution Control Board for alerting the regulated community of the rulemaking meetings. This program has been the source of our livelihood, and these meetings provide an opportunity for our concerns to be heard by an unbiased committee. Though we voice our concerns weekly, if not daily, with the IEPA; they fall on deaf ears. As it has already been stated, the IEPA deliberately chose to keep consultants in the dark in the time leading up to the rulemaking; and if it were not for the IPCB, we would likely have no voice at all.

We thank the Board for reading our entire pre-filed testimony prior to the first hearing and genuinely trying to understand the issues we are faced with, given the proposed rules and statues; and attempting to find some set of rules that accommodates the Agency's need to regulate, and our need to implement. We also thank the Agency for considering some of the proposals voiced by the consultants during the May hearing.

Section 734.210 Early Action

a) (1) Immediately report the release in accordance with OSFM rules; Report the release to IEMA (e.g., by telephone or electronic mail)

BOARD NOTE: The OSFM rules for the reporting of UST releases are found at 41 Ill. Adm. Code 176.320(a)

c) Within 20 days after initial notification to IEMA of a release plus 7 14 days, the owner or operator must submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) of this Section and any resulting information or data.

d) Within 45 days after initial notification to IEMA of a release plus 7 14 days, the owner or operator must assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measure in subsections (a) and (b) of this Section. This information must include, but is not limited to, the following:

1) Data on the nature and estimated quantity of release;

2) Data from available source or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;

3) Results of the site check required at subsection (b)(5) of this Section; and

4) Results of the free product investigations required at subsection (b)(6) of this Section, to be used by owners or operators to determine whether free product must be recovered under Section 734.215 of this Part.

e) Within 45 days after initial notification to IEMA of a release plus 7 14 days, the owner or operator must submit to the Agency the information collected in compliance with subsection (d) of this Section in a manner that demonstrates its applicability and technical adequacy.

g) For purposes or payment from the Fund, the activities set forth in subsection (f) of this Section (f) of this Section must be performed within 45 days after initial notification to IEMA or a release plus 7 14 days, unless special circumstances, approved by the Agency in writing, warrant continuing such activities beyond 45 days plus 7 14 days. The owner or operator must notify the Agency in writing of such circumstances within 45 days after initial notification to IEMA of a release plus 7 14 days. Costs incurred beyond 45 days plus 7 14 days must be eligible if the Agency determines that they are consistent with early action.

BOARD NOTE: Owners or operators seeking payment from the Fund are to first notify IEMA of a suspected release and then confirm the release within 7 14 days to IEMA pursuant to regulations promulgated by the OSFM. See 41 Ill. Adm. Code 176.300 through 176.320~~170.560 and 1760.580~~. The Board is setting the beginning of the payment period at subsection (g) to correspond to the notification and confirmation to IEMA.

In the previous hearing, Mr. Albarracin stated, on the record, that the Early Action period was shortened from the set number of days "plus 14 days" to "plus 7 days" to match the OSFM regulations that were adopted last year. CW³M recognizes the fact that the reporting requirements have increased. CW³M asks that the IEPA recognize that consulting costs will positively correlate with the increase in reporting requirements. While CW³M has no objection to the shortening of the reporting window, the shortening of the clock for assembling the reimbursement does have an impact on consultants. Is there a regulatory reason why the clock for the reimbursement also has to be shortened?

Section 734.632 Eligible Corrective Action Costs Incurred After NFR Letter

Notwithstanding subsections (gg) and (nn) of Section 734.630 of this Part, [t] following shall be considered corrective action activities eligible for payment from the Fund even when an owner or operator conducts these activities after the issuance of a No Further Remediation Letter. Corrective action conducted under this Section and costs incurred under this Section must comply with the requirements of Title XVI of the Act and this Part, including, but not limited to, requirements for the submission and Agency approval of corrective action plans and budgets, corrective action completion reports, and applications for payment.

a) Corrective action to achieve residential property remediation objectives if the owner or operator demonstrates that property remediated to industrial/commercial property remediation objectives pursuant to subdivision (c)(3)(a)(ii) of Section 57.7 of the Act and subsection (b) of Section 734.360 of this Part is being developed into residential property.

b) Corrective action to address groundwater contamination if the owner or operator demonstrates that such action is necessary because a groundwater ordinance used as an institutional control pursuant to subsection (c)(3)(A)(iii) of Section 57.7 of the Act and subsection (c) of Section 734.360 of this Part can no longer be used as an institutional control.

c) Corrective action to address groundwater contamination if the owner or operator demonstrates that such action is necessary because an on-site groundwater use restriction used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7 of the Act and subsection (d) of Section 734.360 of this Part must be lifted in order to allow the installation of a potable water supply well due to public water supply service no longer being available for reasons other than an act or omission of the owner or operator.

d) The disposal of soil that does not exceed industrial/commercial property remediation objectives, but that does exceed residential property remediation objectives, if industrial/commercial property remediation objectives were used pursuant to subdivision (c)(3)(A)(ii) of Section 57.7 of the Act and subsection (b) of Section 734.360 of this Part and the owner or operator demonstrates that (i) the contamination is the result of the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the soil is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation; and water or sewer line replacement.

e) The disposal of water exceeding groundwater remediation objectives that is removed from an excavation on the site where the release occurred if a groundwater ordinance is used

as an institutional control pursuant to subdivision (c)(3)(A)(iii) of Section 57.7 of the Act and subsection (c) of Section 734.360 of this Part, or if an on-site groundwater use restriction is used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7 of the Act and subsection (d) of Section 734.360 of this Part, and the owner or operator demonstrates that (i) the excavation is located within the measured or modeled extent of groundwater contamination resulting from the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the groundwater is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation, and water or sewer line replacement. [415 ILCS 5/57.19].

f) Consulting fees for additional Site Investigation and Corrective Action including, but not limited to, field activities, plans, budgets, payment, and all time and materials necessary that are dedicated to the final product of the aforementioned activities. Consulting fees for the Corrective Action Completion Report, subsequent to the additional remediation activities required after the issuance of a No Further Remediation Letter shall be subject to the rates of Subpart H.

The first hearing included testimony that the only eligible costs for reimbursement after an NFR dated June 8, 2010, or later would be the costs of soil or groundwater disposal. Several instances were presented in the last hearing that would require excessive costs to owner/operators, if the rule remained unchanged. We appreciate the willingness of the IEPA to re-evaluate this rule, as they said they would in the first hearing.

Section 734.810 UST Removal or Abandonment Costs

Payment for the Costs associated with ~~UST-removal or abandonment~~ of each UST must not exceed the amounts set forth in this Section. Such costs must include, but not be limited to, those associated with the excavation, removal, and disposal, and abandonment of UST systems.

It was stated by Mr. Albarracin in the first hearing that costs for UST abandonment would move from "inadequate" Subpart H rates to a "time and materials" payment. We appreciate the initiative of the IEPA to proactively make this change, and assume that the procedure will be clarified in the final rules. As the language currently reads, and as both consultants that were present at the first hearing confirmed, the intent is murky. It goes without saying that this language must be clarified, and the terms for payment must clearly be stated in the rules.

Section 734.810 Bidding

As an alternative to the maximum payment amounts set forth in this Subpart H, one or more maximum payment amounts may be determined via bidding in accordance with this Section. Each bid must cover all costs included in the maximum payment amount that the bid is replacing. Bidding is optional. Bidding is allowed only if the owner or operator demonstrates

that corrective action cannot be performed for amounts less than or equal to maximum payment set forth in this Part [415 ILCS 5/57.7 (c)(3)(C)].

a) Bidding must be publicly-noticed, competitive, and sealed bidding that includes, at a minimum, the following:

- 1) The owner or operator must issue invitations for bids that include, at a minimum, a description of the work being bid and applicable contractual terms and conditions. The criteria on which the bids will be evaluated must be set forth in the invitation for bids. The criteria may include, but shall not be limited to, criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measurable.

The invitation for bids must include instructions and information concerning bid submission requirements, including but not limited to the time during which bids may be submitted, the address to which bids must be submitted, and the time and date set for opening of the bids. The time during which bids may be submitted must begin on the date the invitation for bids is issued and must end at the time and date set for opening of the bids. In no case shall the time for bid submission be less than 14 days.

Each bid must be stamped with the date and time of receipt and stored unopened in a secure place until the time and date set for opening the bids. Bids must not be accepted from persons in which the owner or operator, or the owner or operator's primary contractor, has a financial interest.

- 2) At least 14 days prior to the date set in the invitation for the opening of bids, public notice of the invitation for bids must be published by the owner or operator in a local paper of general circulation for the area in which the site is located. The owner or operator must also provide a copy of the public notice to the Agency. The notice must be received by the Agency at least 14 days prior to the date set in the invitation for the opening of bids.

- 3) Bids must be opened publicly by the owner or operator in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information must be recorded and submitted to the Agency in the applicable budget in accordance with subsection (b) of this Section. After selection of the winning bid, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

The person opening the bids may not serve as a witness. The names of the person opening the bids and the names of all witnesses must be recorded and submitted to the Agency on the bid summary form required under subsection (b) of this Section.

- 4) Bids must be unconditionally accepted by the owner or operator without altercation or correction. Bids must be evaluated based on the requirements

set forth in the invitation for bids, which may include criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measureable. The invitation for bids shall set forth the evaluation criteria to be used.

- 5) Correction or withdrawal of inadvertently erroneous bids before or after selection of the winning bid, or cancellation of winning bids base on bid mistakes, shall be allowed in accordance with subsection (c) of this Section. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the awner or operator or fair competition shall be allowed. All decisions to allow the correction or withdrawal of bids based on bid mistakes shall be supported by a written determination made by the owner or operator.
 - 6) The owner or operator shall select the winning bid with reasonable promptness by wrtten notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. The winning bid and other relevant information must be recorded and submitted to the Agency in the applicable budget in accordance with subsection (b) of this Section.
 - 7) All bidding documentation must be retained by the owner or operator for a minimum of 3 years after the costs bid are submltted in an application for payment, except that documentation relating to an appeal, litigation, or other disputed claim must be maintained for at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. All bidding documentation must be made available to the Agency for inspection and copying during normal business hours. [415 ILCS 5/57.7(c)(3)(B)]
- a) ~~A minimum of three written bids must be obtained. The bids must be based upon the same scope of work and must remain valid for a period of time that will allow the owner or operator to accept them upon the Agency's approval of the associated budget. Bids must be obtained only from persons qualified and able to perform the work being bid. Bids must not be obtained from persons in which the owner or operator, or the owner's or operator's primary contractor, has a financial interest.~~
 - b) ~~All The bids must be summarized on forms prescribed and provided by the Agency. The bid summary forms form, along with copies of the invitation for bids, the public notice required under subsection (a)(2) of this Section, proof of publication of the notice, and each bid received, the bid requests and the bids obtained, must be submitted to the Agency in the associated budget. If more than the minimum three bids are obtained, summaries and copies of all bids must be submitted to the Agency.~~
 - c) Corrections of bids are allowed only to the extent the corrections are not contrary to the best interest of the owner or operator and the fair treatment of other bidders. If a bid is corrected, copies of both the original bid and the revised bid must be submitted in accordance with subsection (b) of this Section along with an explanation of the corrections made.

- 1) Mistakes discovered before opening. A bidder may correct mistakes discovered before the time and date set for opening of bids by withdrawing his or her bid and submitting a revised bid prior to the time and date set for opening of bids.
- 2) Mistakes discovered after opening of a bid but before award of the winning bid.
 - A) If the owner or operator knows or has reason to conclude that a mistake has been made, the owner or operator must request the bidder to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted.
 - B) If the mistake and the intended correct information are clearly evident on the face of the bid, the information shall be corrected and the bid may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid are typographical errors, errors extending price units, transportation errors, and mathematical errors.
 - C) If the mistake and the intended correct information are not clearly evident on the face of the bid, the low bid may be withdrawn if:
 - i) a mistake is clearly evident on the face of the bid but the intended correct bid is not similarly evident.
 - ii) there is proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.
- 3) Mistakes shall not be corrected after selection of the winning bid unless the Agency determines that it would be unconscionable not to allow the mistake to be corrected (e.g., the mistake would result in a windfall to the owner or operator).
- 4) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the invitation for bid, the correction of waiver of which would not be prejudicial to the owner or operator (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The owner or operator must waive such informalities or allow correction depending on which is in the owner's or operator's best interest.
- d) For purposes of this Section, factors to be considered in determining whether a bidder is responsible include, but are not limited to, the following:
 - 1) The bidder has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements;

- 2) The bidder is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
- 3) The bidder has a satisfactory record of performance. Bidders who are or have been deficient in current or recent contact performance in dealing with the owner or operator or other clients may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the bidder; and
- 4) The bidder has a satisfactory record of integrity and business ethics. Bidders who are under investigation or indictment for criminal or civil actions that bear on the subject of the bid, or that create a reasonable inference or appearance of a lack of integrity on the part of the bidder, may be declared not responsible for the particular subject of the bid.
- ~~d) The maximum payment amount for the work bid must be the amount of the lowest bid, unless the lowest bid is less than the maximum payment amount set forth in this Subpart H must be allowed. The owner or operator is not required to use the lowest bidder to perform the work, but instead may use another person qualified and able to perform the work, including, but not limited to, a person in which the owner or operator, or the owner's or operator's primary consultant, has a direct financial interest. However, regardless of who performs the work, the maximum payment amount will remain the amount of the lowest bid.~~

At the previous hearing, CW³M was requested to prepare an estimate of costs for completing the bidding process as described in the regulations. That estimate is attached in Appendix B. The estimate was prepared for bidding something along the lines of an excavation and backfill for an incident. This was chosen over something like drilling, where virtually all of the potential bidders would have experience or at least a working knowledge of environmental drilling work. In the case of excavation and backfill, any contractor with (or with access to) earthmoving equipment could attempt to bid, and therefore issues that appear obvious to someone experienced in this field would need to be addressed during the bidding process.

As with most items, unit costs go down as volume goes up, so the most likely scenario where bidding will be necessary is a very small quantity, at a great distance from suppliers, unless one of the variables is abnormally high (i.e., landfill costs, fuel costs). For instance, if the estimate attached is for a 500 cubic yard excavation, the cost per cubic yard just for the completion of the bidding process would be $9,000 / 500 = \$18.00$ per cubic yard. The current Subpart H maximum rate for excavation is \$64.67; if the low bid cost of doing a particular small dig comes in at \$70.00 (8.24% over Subpart H), the cost to the LUST Program would be \$88.00, (36.08% over Subpart H). It seems foolish to spend almost 28% of the total cost of the item just to verify that the total cost is reasonable.

In the interest of saving the LUST Program money, an Agency reviewer would feel pressure to find a reason to reject the entire bidding process, as it would save almost 30% if the Subpart H rate was used instead. As we discussed in our testimony in the previous hearing, CW³M does not plan on gambling ours and our client's money on this process. If the Agency can find any reason to say no, then we would

be out what we have invested in the process, and the project would stall. If the project cannot be done for Subpart H rates, it is stalled anyway. Walking away is much less risky than proceeding with the bidding process.

The methodology incorporated into the statutes differs from this program in several ways. As was pointed out in the previous hearing, there is no prequalification procedure, and no opportunity for change orders. The work for which the bids are obtained will not start immediately after the winning bidder is chosen. In the case of the LUST Program, several months, or even longer will elapse between the opening of the bids and the start of the work. The quantity of work may get amended during the approval process. To expect a bidder to give a great price for an unknown quantity, with an open-ended timeframe, without the possibility of change orders, is absurd. If the winning bidder walks away during the wait, because prices for items such as fuel have changed significantly during the wait, or the project just does not fit into the bidder's schedule, or the quantity of work has been significantly reduced, then the project would have to be re-bid, leading to further costs and delays. There is no provision for an owner operator to recover costs for re-bidding either. The use of bonding could be implemented, but this would raise costs, and could be seen as discriminatory by a reviewer.

The bidding process proposed in these regulations mirrors the statutory language in the Environmental Protection Act. Any significant changes to the bidding procedure would require a statutory change. CW³M is willing to work with the Agency, the Pollution Control Board, or whomever is interested in coming up with a less cumbersome, less costly solution to this issue.

CONCLUSION

Again, we thank the Board for our opportunity to express the needs and concerns of consultants, as well as owner/operators. The items that we have addressed here, along with those addressed in the first hearing, could mean that doors close for some consulting firms. The Fund is in an opportune place right now. It is anticipated that the Fund will be in the black between 2013 and 2015. We have learned to deal with the substantial delay in payment. This is a self-sustaining system, and although Mr. Albarracin testified "Under the current system that we have in the program, the existing funding sources are not sufficient to keep up with the cost of clean-up"; we provided estimates to the Task Force which proved otherwise. The owner/operator costs have continued to decline over the last several years, and substantially over the last year. The consultant that presented the strongest demand on the Fund, USI, ceases to exist. Somehow, IEPA costs managed to increase during all of this. On the surface of logical thinking, if consultants are doing less and submitting less to the IEPA, the IEPA demand on the Fund should go down too. We ask that the IPCB recognize the fact that the IEPA is manipulating the Fund.

APPENDIX A
SERVICE AND NOTICE LISTS

Service and Notice Lists

The pre-filed comments were distributed to the attached Service and Notice Lists.

The hearing officer will establish and maintain both a Notice List and a Service List for this proceeding. See 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive copies only of the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and receive not only the Board's opinions and orders but also other filings such as pre-filed testimony. See 35 Ill. Adm. Code 102.422(b).

The Board begins this rulemaking proceeding by including in the Service List and Notice List a number of persons and entities that have appeared on the corresponding lists in recent UST proceedings. While the Board will mail a copy of the Board's March 17, 2011, order and this hearing officer order to each of them, the Board will maintain on the Notice List or Service List only those entities requesting to be maintained on it. The Board requests that any entity wishing to remain on either the Notice List or Service List provide the information requested in the form attached to this order as Attachment A and return the form to the Board by Friday, April 1, 2011.

Not that interested persons may not request electronic notice of filings by providing their e-mail address through COOL under this docket number R11-22. This electronic notice includes notice of the filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's Web site. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at www.ipcb.state.il.us or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.

Electronic Filing - Received, Clerk's Office, 06/01/2011

Service List

Party Name	Address	City/State/Zip	Phone/Fax
<u>Office of the Attorney General</u> Interested Party <ul style="list-style-type: none"> • Matthew J. Dunn 	69 West Washington Street, Suite 1800	Chicago IL 60602	312-814-2634 312-814-2347
<u>IEPA</u> Petitioner <ul style="list-style-type: none"> • Gary P. King - Assistant Counsel • Hernando Albarran • Kyle Rominger - Assistant Counsel 	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
<u>Sidley Austin LLP</u> Interested Party <ul style="list-style-type: none"> • William G. Dickett 	One South Dearborn Suite 900	Chicago IL 60603	312/853-7000 312/853-7036
<u>Illinois Petroleum Marketers Association</u> Interested Party <ul style="list-style-type: none"> • Bill Fleischi 	112 West Cook Street	Springfield IL 62704	217/793-1858
<u>Illinois Environmental Regulatory Group</u> Interested Party <ul style="list-style-type: none"> • Alec Messina 	215 East Adams Street	Springfield IL 62701	217/522-5512 217/522-5518
<u>Chemical Industry Council of Illinois</u> Interested Party <ul style="list-style-type: none"> • Lisa Frede 	1400 East Touhy Avenue Suite 110	DesPlaines IL 60019-3338	
<u>Rapps Engineering & Applied Science</u> Interested Party <ul style="list-style-type: none"> • Michael W. Rapps 	821 South Durkin Drive P.O. Box 7349	Springfield IL 62791-7349	217/787-2118 217/787-6641
<u>Illinois Pollution Control Board</u> Interested Party <ul style="list-style-type: none"> • - Clerk of the Board 	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814-3620 312/814-3669

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Notice List

Party Name	Address	City/State/Zip	Phone/Fax
Deuchler Environmental, Inc. Interested Party • Carrie Carter	230 Woodlawn Avenue	Aurora IL 60506	630-897-8380
Illinois Petroleum Council Interested Party • Dave Sykuta	400 W. Monroe	Springfield IL 62704	
Thomas Holbrook Interested Party • *	9200 W. Main Suite 4	Belleville IL 62223	618-394-2211
John D. Cavaletto Interested Party • *	1370 W. Main Street, Suite A Box1264	Salem IL 62881	618-548-9080
William R. Haine Interested Party • *	307 Henry Street Suite 210	Alton IL 62002	618-465-4764
John O. Jones Interested Party • *	2929 Broadway Suite 5	Mt. Vernon IL 62864	618-242-9511

Total number of participants: 6

Scheduled Hearings

Hearing Date/Time	Location	City & State
6/17/2011 9:00 AM	Illinois Pollution Control Board Videoconference Room, 11-512	Chicago, IL
6/16/2011 1:00 PM	Illinois Pollution Control Board Videoconference Room, 11-512	Chicago, IL
5/11/2011 9:00 AM	Illinois Pollution Control Board Conference Room, First Floor	Springfield, IL
5/10/2011 1:00 PM	Illinois Pollution Control Board Conference Room, First Floor	Springfield, IL

APPENDIX B
BIDDING ESTIMATE

Electronic Filing - Received, Clerk's Office, 06/01/2011

Section	Subsection and Descriptions	Title	Units	Unit Type	Rate	Total	
734.855 a)							
	Invitation to Bid 734.855 a) 1)						
	Prepare Bid specifications, and bid criteria	Engineer 3	24	/hr	\$ 113.46	\$ 2,723.04	
		copies	200	/each	\$ 0.10	\$ 20.00	
	Compile and send packages to bidders	Admin. Asst. 3	6	/hr	\$ 39.71	\$ 238.26	
		copies	1000	/each	\$ 0.10	\$ 100.00	
		postage	25	/dollars	\$ 1.00	\$ 25.00	
	Time and Date Stamp received bids	Admin. Asst. 3	3	/hr	\$ 39.71	\$ 119.13	
	Publishing a) 2)						
	Prepare notice for publication	Engineer 3	3	/hr	\$ 113.46	\$ 340.38	
	Publishing costs	Admin. Asst. 3	2	/hr	\$ 39.71	\$ 79.42	
		print costs	5	/inch	\$ 12.50	\$ 62.50	
	Send copy of publication to IEPA	Admin. Asst. 3	1	/hr	\$ 39.71	\$ 39.71	
		postage	2	/dollars	\$ 1.00	\$ 2.00	
	<i>Pre-bid meeting</i>	Engineer 3	8	/hr	\$ 113.46	\$ 907.68	This is not required by statute, but common practice
		mileage	200	/mile	\$ 0.52	\$ 104.00	Assumes site is 100 miles from office
	<i>Issue addendum / minutes from Pre-bid</i>	Engineer 3	4	/hr	\$ 113.46	\$ 453.84	
		Admin. Asst. 3	3	/hr	\$ 39.71	\$ 119.13	
		copies	250	/each	\$ 0.10	\$ 25.00	
		postage	15	/dollars	\$ 1.00	\$ 15.00	
	Opening a) 3)	Engineer 3	3	/hr	\$ 113.46	\$ 340.38	
		Admin. Asst. 3	2	/hr	\$ 39.71	\$ 79.42	
	Acceptance criteria a) 4)	Engineer 3	6	/hr	\$ 113.46	\$ 680.76	
	Bid Corrections or Withdrawals a) 5)	Engineer 3	4	/hr	\$ 113.46	\$ 453.84	
	Winning Bid Selection a) 6)	Engineer 3	6	/hr	\$ 113.46	\$ 680.76	
	Bid Retention a) 7)						Assumed no cost
734.855 b)							
	Bid Summaries 734.855 b)	Admin. Asst. 3	2	/hr	\$ 39.71	\$ 79.42	
		copies	250	/each	\$ 0.10	\$ 25.00	
		postage	5	/dollars	\$ 1.00	\$ 5.00	
734.855 c)							
	Bid Corrections 734.855 c)	Engineer 3	4	/hr	\$ 113.46	\$ 453.84	
734.855 d)							
	Determination of Responsible Bids 734.855 d)	Engineer 3	6	/hr	\$ 113.46	\$ 680.76	
				Estimated Total:		\$ 8,853.27	