

PCB 18-72

March 14, 2018

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Illinois Pollution Control Board
John Therriault – Assistant Clerk
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

RECEIVED
CLERK'S OFFICE
MAR 20 2018

Re: LUST Budget Appeal
LPC# 0970055077 – Lake County
Antioch / Ted's State Line
284 Main Street
Leaking UST Incident # 961671

STATE OF ILLINOIS
Pollution Control Board

A Leaking Underground Storage Tank (LUST) budget was received by the Illinois Environmental Protection Agency (IEPA) on August 24, 2017. After review of this budget, this budget was modified and several aspects of the budget were deemed ineligible and removed from the modified final budget. This was documented in a letter from the IEPA to the LUST operator dated February 20, 2018. A copy of the incident budget letter is included in Attachment A.

The LUST operator for this site is Mr. William Ozga, 16026 Glenbrook Boulevard, Fountain Hills, AZ 85268. Pursuant to Sections 40 and 57(c)(4) of the Illinois Environmental Act (415 ILCS 5), the LUST operator is requesting to exercise his right to appeal the final decision of the budget included in Attachment A. This letter serves as a petition for a hearing, as described in the letter included in Attachment A.

If you have any questions or require additional information, please contact me at (312) 346-2140.

Sincerely,

CARLSON ENVIRONMENTAL, INC.



Scott McSorley
Senior Project Manager

Enclosure

Cc Mr. William Ozga – LUST Operator

ATTACHMENT A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/524-3300

CERTIFIED MAIL

7015 0640 0004 7916 3247

FEB 20 2018

Ted's State Line
Attention: Bill Ozga
16026 Glenbrook Blvd.
Fountain Hills, Arizona 85268

Re: LPC #0970055077 -- Lake County
Antioch / Ted's State Line
284 Main Street
Leaking UST Incident No. 961671
Leaking UST Technical File

Dear Mr. Ozga:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated August 22, 2017, was received by the Illinois EPA on August 24, 2017. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). 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 57.7(c), 57.8(d), 57.8(e) and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

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.

Page 2

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 further assistance, please contact Carol Hawbaker at 217/782-5713.

Sincerely,



Eric A. Kuhlman
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

EAK:CLH

Attachment: A
Appeal Rights

c: Scott McSorley, Carlson Environmental, Inc. (electronic copy),
SMcSorley@carlsonenv.com
BOL File

Attachment A

Re: LPC #0970055077 -- Lake County
Antioch / Ted's State Line
284 Main Street
Leaking UST Incident No. 961671
Leaking UST Technical File

SECTION 1

The budget was previously approved for:

\$4,268.24	Drilling and Monitoring Well Costs
\$9,500.00	Analytical Costs
\$18,786.74	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$12,674.30	Paving, Demolition, and Well Abandonment Costs
\$66,358.72	Consulting Personnel Costs
\$2,165.85	Consultant's Materials Costs

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts are approved:

\$0.00	Drilling and Monitoring Well Costs
\$0.00	Analytical Costs
\$108,515.00	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$3,532.90	Consulting Personnel Costs
\$139.00	Consultant's Materials Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

Therefore, the total cumulative budget is approved for:

\$4,268.24	Drilling and Monitoring Well Costs
\$9,500.00	Analytical Costs
\$127,301.74	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$12,674.30	Paving, Demolition, and Well Abandonment Costs
\$69,891.62	Consulting Personnel Costs
\$2,304.85	Consultant's Materials Costs

SECTION 2

1. \$110,173.00 for costs for remediation and disposal, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Pursuant to 35 Ill. Adm. Code 734.850(b) costs associated with activities that do not have a maximum payment amount set forth pursuant to 35 Ill. Adm. Code 734 Subpart H must be determined on a site-specific basis and the owner/operator must demonstrate to the Illinois EPA the amounts sought for reimbursement are reasonable.

The budget includes 3 cost estimates each for the following scopes of work:

- Hook-up to a municipal water supply at the commercial business located at the site.
- Hook-up to a municipal water supply at the residence located adjacent west of the site.
- Install a new potable water well at the residence located adjacent north of the site.

The Illinois EPA notes the budget does not include cost estimates for hook-up to a municipal water supply at the commercial property located east of the site across Illinois Route 83.

The cost estimates for hooking up to a municipal water supply include costs associated abandoning septic fields, installing sanitary lines and a municipal sewer line. Costs for these activities exceed the minimum requirements to comply with the Act and its regulations; therefore, the costs are not eligible for payment from the Fund. The Illinois EPA deducted the ineligible costs from the estimates, and the following costs are approved:

- For hook-up to a municipal water supply at the commercial business located at the site: \$82,900.00 (Behm Enterprises, Inc. estimate is the lowest estimate when only eligible costs are considered).
- For hook-up to a municipal water supply at the residence located adjacent west of the site: \$13,465.00 (Leo Fox Trucking/Collette and Ano estimate is the lowest estimate when only eligible costs are considered).
- For installation of a new potable water well at the residence located adjacent north of the site: \$11,150.00 (Rock-Well Well and Pump Service, Inc. estimate is the lowest estimate).

The total amount approved in this budget for Remediation and Disposal costs is \$108,515.00. The amount proposed is \$218,688.00. \$110,173.00 is deducted.

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:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson 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