

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

THE BENEDICTINE SOCIETY)	
OF ST. BEDE,)	
Petitioner,)	
v.)	PCB: _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: Don Brown, Clerk	Division of Legal Counsel
Illinois Pollution Control Board	Illinois Environmental Protection Agency
100 West Randolph Street	1021 North Grand Avenue East
State of Illinois Building, Suite 11-500	P.O. Box 19276
Chicago, IL 60601	Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a PETITION FOR REVIEW OF THE AGENCY LUST DECISION, a copy of which is herewith served upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 16th day of April, 2018.

Respectfully submitted,
THE BENEDICTINE SOCIETY OF ST. BEDE,
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw
LAW OFFICE OF PATRICK D. SHAW
80 Bellerive Road
Springfield, IL 62704
217-299-8484
pdshaw1law@gmail.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE BENEDICTINE SOCIETY OF ST. BEDE,)	
Petitioner,)	
)	
v.)	PCB _____
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

PETITION FOR REVIEW OF AGENCY LUST DECISION

NOW COMES Petitioner, THE BENEDICTINE SOCIETY OF ST. BEDE, pursuant to Section 57.8(I) of the Illinois Environmental Protection Act, 415 ILCS 5/57.8(I), and hereby appeals the Agency’s final decision, refusing to pay in full an application for payment, stating as follows:

1. Petitioner operates a church, dormitory and school in the City of Peru, County of LaSalle, Illinois, which previously contained two heating oil underground storage tanks for consumptive uses on the premises. The facility has been assigned LPC # 0990855122.

2. On May 17, 2017, a release from the tanks was reported at the facility from the two underground storage tanks, which was assigned Incident Number 2017-0406.

3. On June 2, 2017, the Office of the State Fire Marshal (hereinafter “OSFM”) approved a permit to remove the two tanks and on June 16, 2017, excavation equipment was transported to the site.

4. On June 19, 2017, the tanks were uncovered and it was discovered that the largest (15,410 gallons) had been set in a massive concrete bed, and was close to a brick tunnel used for access and utilities that was believed to be over a century old. The smaller tank (5,000 gallons) was found to be located under a major electrical transformer and a church building, as opposed to

laying outward and away from these structures as originally believed.

5. Based upon the above unusual conditions, which posed access and safety issues, and in consultation with OSFM, the tank removal was cancelled and a permit for abandonment of the two tanks was submitted to OSFM. OSFM later circulated information about the site to all field inspectors for educational training purposes.

6. On June 21, 2017, OSFM issued a permit to abandon the tanks in place, and tank abandonment activities were initiated the same day.

7. From June 21, 2017 to June 28, 2017, contaminated soil was removed and disposed as part of early action activities. Due to the confined space limitations, Future Environmental, Inc. was subcontracted to enter and clean tanks. Also, representatives from the utility company were on site to stabilize the transformer and shut off gas line in order for the work to be performed. The tanks were then filled with flowable fill slurry and covered with backfilled soil to grade.

8. On July 14, 2017, Petitioner, through its consultant, submitted a 45-Day Report, detailing early action activities taken and describing the limitations site conditions had imposed.

9. On August 1, 2017, the Agency approved the 45-Day Report as meeting the reporting requirements, but requested submission of the laboratory results from early action sampling before Stage 1 Site Investigation activities could be approved.

10. On August 7, 2017, Petitioner, through its consultant, submitted a 45-Day Report Addendum, detailing early action activities taken, and sampling results showing exceedances of the most stringent Tier 1 Clean-Up Objectives for various indicator contaminants.

11. On August 23, 2017, the Agency approved the submittal and authorized

performance of Stage 1 Site Investigation Activities pursuant to certification.

12. On October 26, 2017, Petitioner, through its consultant, submitted an application for payment for early action activities in the amount of \$124,621.00, including a request pursuant to Section 734.860 of the Board's regulations for treatment as unusual or extraordinary circumstances.

13. On February 6, 2018, the Agency demanded time and materials breakdowns for the subcontractor that cleaned the tanks, as well as documentation for the per diem, PID and copying charges. This information needed to be supplied by February 9, 2018.

14. On February 9, 2018, Petitioner's consultant answered the demand, including breakdowns provided by the cleaning subcontractor.

15. On February 13, 2018, the Agency rejected the adequacy of the response, requested that the consultant accept the Agency's unpromulgated rate for PIDs, and demanded additional information by February 19, 2018, or a waiver of the decision deadline.

16. On February 19, 2018, Petitioner's consultant detailed responses to the questions presented and accepted the Agency's unpromulgated PID rate of \$75 per day.

17. On February 21, 2018, the Agency issued its final decision, cutting \$21,256.80 of the amount requested. A true and correct copy of the decision is attached hereto as Exhibit A.

18. In all but the last itemized deduction involving a handling charge, the Agency improperly conducted its review pursuant to Section 57.7(c)(3) of the Act, which governs the review of plans and budgets. (415 ILCS 5/57.7(c)(3)) A review of an application for payment determines whether the costs have been expended; it is subject to Section 57.8 of the Act and Part 734 Subpart F of the Board rules. City of Benton Fire Department v. IEPA, PCB 17-01, slip

op. at 5 (Feb. 22, 2018).

19. The application for payment included paid invoices from the cleaning subcontractor, Future Environmental, Inc., one for each tank cleaned (\$7,500 and \$6,500). While the Agency can demand these invoices pursuant to 35 Ill. Adm. Code § 734.605(b), T-Town Drive Thru v. IEPA, PCB 07-85 (Apr. 3, 2008), the Agency cannot demand breakdowns from subcontractors as if they were consultants. And while Petitioner's consultant provided additional information regarding the work performed by the subcontractor, the Agency improperly eliminated reimbursement of almost the entirety of each invoice without authority or citation to relevant authority.

20. The submittal contained all of the information required for a complete application for payment as required by the applicable Board regulations. (35 Ill. Adm. Code § 734.605(b)) The Agency failed to cite Section 734.605(b) even once.

21. All of the costs were reasonable and in compliance with applicable Subpart H rates. In addition, Petitioner's consultant provided voluminous additional documentation to justify rates charged, which were simply ignored in the Agency's final decision without explanation, or citation to relevant authority.

22. The subject Illinois EPA letter was received by certified mail on March 12, 2018, therefore the appeal deadline is April 16, 2018, and this appeal is thus timely.

WHEREFORE, Petitioner, THE BENEDICTINE SOCIETY OF ST. BEDE, prays that:

(a) the Agency produce the Record; (b) a hearing be held; (c) the Board find the Agency erred in its decision, (d) the Board direct the Agency to issue a voucher for \$21,256.80; (e) the Board award payment of attorney's fees; and (f) the Board grant Petitioner such other and further relief as it deems meet and just.

THE BENEDICTINE SOCIETY OF ST. BEDE,
Petitioner

By its attorneys,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw
LAW OFFICE OF PATRICK D. SHAW
80 Bellerive Road
Springfield, IL 62704
217-299-8484
pdshaw1law@gmail.com



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 3322

FEB 21 2018

Benedictine Society of St. Bede
Attn: CWM Company, Inc.
P.O. Box 571
Carlinville, IL 62626

Re: LPC #0990855122 – La Salle County
Peru / Benedictine Society
24 West US Highway 6
Incident-Claim No.: 20170406 -- 68780
Queue Date: October 26, 2017
Leaking UST Fiscal File

Dear Ms. Postula:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated October 24, 2017 and was received by the Illinois EPA on October 26, 2017. The application for payment covers the period from May 1, 2017 to September 30, 2017. The amount requested is \$124,621.00.

On October 26, 2017, the Illinois EPA received your application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$98,364.20 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

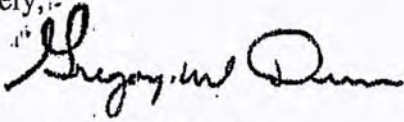


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An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or require further assistance, please contact Brian Bauer of my staff at (217)782-3335.

Sincerely,



Gregory W. Dunn, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

GWD:mao 

Attachments

c: Benedictine Society
Leaking UST Claims Unit

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:

Clerk of the Board
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

Attachment A
Deductions

Re: LPC #0990855122 – La Salle County
Peru / Benedictine Society
24 West US Highway 6
Incident-Claim No.: 20170406 -- 68780
Queue Date: October 26, 2017
Leaking UST FISCAL FILE

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$380.48, deduction for costs for Analytical, 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).

\$380.48 is being cut for two PNA's because they exceed the minimum requirements necessary to comply with the Act.

2. \$300.00, deduction for costs for Analytical, 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).

\$300.00 is being cut for two VOC's because they exceed the minimum requirements necessary to comply with the Act.

3. \$1,927.50, deduction for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$1,927.50 is being cut from the \$6,500 Future invoice because it exceeds the Subpart H rate for groundwater disposal.

4. \$4,232.50, deduction for site investigation or corrective action costs for UST Abandonment that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The costs also lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Finally, the costs also 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).

When the Agency asked for a time and materials breakdown for the invoice, the first documentation provided listed four hours onsite. When the Agency notified the consultant that the documentation was not sufficient, another breakdown was provided. The newer breakdown lists 11.5 hours onsite. Further, the amounts listed for Hotsy, air compressor, pickup truck and PPE are not reasonable and lack supporting documentation. Finally, the newer breakdown provided still does not add up to the total of the invoice.

5. \$1,477.50, deduction for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$1,477.50 is being cut from the \$7,500 Future invoice because it exceeds the Subpart H rate for groundwater disposal.

6. \$4,757.50, deduction for site investigation or corrective action costs for UST Abandonment that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The costs also lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will

not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Finally, the costs also 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).

When the Agency asked for a time and materials breakdown for the invoice, the first documentation provided listed 8.5 hours onsite. When the Agency notified the consultant that the documentation was not sufficient, another breakdown was provided. The newer breakdown lists 11.5 hours onsite. Further, the amounts listed for Hotsy, air compressor, pickup truck, dirty diesel, and PPE are not reasonable and lack supporting documentation. Finally, the newer breakdown provided still does not add up to the total of the invoice.

7. \$450.00, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

\$450.00 is being cut for site safety equipment.

8. \$150.00, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

\$150.00 is being cut for hoses, fittings, vlvs vent/pump. The documentation provided indicates that they were used for cleaning, but Future did all the cleaning.

9. \$50.00, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

\$50.00 is being cut for submersible pump rental.

10. \$1,476.00, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, based on documentation provided, it appears that the costs would be part of the subpart H rate for ETD and backfill. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$1,476.00 is being cut for a trackhoe and laborer on June 20, 2017.

11. \$819.00, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act

because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, based on documentation provided, it appears that the costs would be part of the subpart H rate for ETD and backfill. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$819.00 is being cut for a loader and laborer on June 20, 2017.

12. \$1,574.40, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, based on documentation provided, it appears that the costs would be part of the subpart H rate for ETD and backfill. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$1,574.40 is being cut for a trackhoe and laborer on June 27, 2017.

13. \$873.60, deduction for costs for UST Abandonment, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, based on documentation provided, it appears that the costs would be part of the subpart H rate for ETD and backfill. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

\$873.60 is being cut for a loader and laborer on June 27, 2017.

14. \$1,106.00, deduction for site investigation or corrective action costs for Consulting Personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

In addition, the costs 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).

8.75 hours at \$126.40 per hour for C.L. Rowe as a Senior Project Manager for reimbursement development/inputs/verification are being cut.

15. \$284.40, deduction for site investigation or corrective action costs for Consulting Personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

In addition, the costs 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).

2.25 hours at \$126.40 per hour for W.T. Sinnott as a Senior Project Manager for reimbursement oversight/coordination are being cut.

16. \$128.40, deduction for costs for Consultant's Materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Finally, the costs 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).

856 copies at \$0.15 per copy are being cut.

17. \$54.00, deduction for costs for Consultant's Materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Finally, the costs 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).

Adequate documentation was not provided for the \$129.00 per day being requested for PID. The consultant agreed to \$75.00 per day.

18. \$108.00, deduction for costs for Consultant's Materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Finally, the costs 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).

Measuring wheel costs totaling \$108.00 are being cut.

19. \$9.42 for costs for vehicle charges, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

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 Agency the amounts sought for reimbursement are reasonable. The Agency has requested additional documentation to support the rate requested for vehicle charges pursuant to 35 Ill. Adm. Code 734.505(a). The documentation was either not provided or fails to provide sufficient information for the Agency to make a site specific reasonableness determination.

In addition, without supporting documentation the rate requested for vehicle costs is not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

The Illinois EPA will reimburse for mileage at a rate of \$0.535 when sufficient documentation has not been submitted for vehicle charges.

1,885 miles are being adjusted from \$0.54 per mile to \$0.535 per mile.

20. \$55.00, deduction for costs for Consultant's Materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, the costs are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Finally, the costs 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).

Digital camera costs in the amount of \$55.00 are being cut.

21. \$62.29, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

Handling charges are not payable on hotel costs.

22. \$990.81, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

Handling charges are being adjusted to account for the unreimbursable portion of the \$6,500.00 and \$7,500.00 Future invoices.

mao