

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 2004

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

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

ORDER OF THE BOARD (by G.T. Girard):

On January 13, 2004, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking for Part 732 (R04-22Prop.) and Part 734 (R04-23Prop.). The Agency proposes to amend the Board's petroleum leaking underground storage tanks rules. The Board will consolidate the two proposals for hearing.

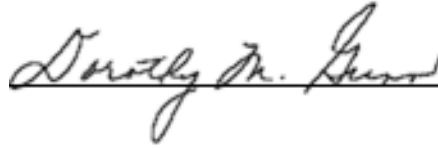
The amendments to Part 732 set forth corrective action measures that must be taken in response to a leak and procedures for seeking payment from the Underground Storage Tank Fund (UST Fund). R04-22Prop. at 1. The amendments to Part 732 also reflect changes from P.A. 92-0554, effective June 24, 2002 and 92-0735, effective July 25, 2003, which allow a Licensed Professional Geologist to certify certain information. *Id.* Finally, the Agency amends Part 732 to streamline the process for obtaining payment from the UST Fund. R04-22Prop. at 2.

The Agency has also proposed a new Part 734, which is applicable to releases reported after June 24, 2002. R04-23Prop. at 1. Part 734 is identical to Part 732 except for changes enacted in P.A. 92-0554. *Id.* Those exceptions include different corrective action requirements and increased caps on the total amount owners and operators can be paid from the UST Fund. *Id.*

The petition meets the content requirements of Section 102.202 of the Board's procedural rules. *See* 35 Ill. Adm. Code 102.202. The Board accepts the proposal for hearing and directs the hearing officer assigned to this matter to schedule hearings as required by Title VII of the Environmental Protection Act. 415 ILCS 5/26 *et seq.* (2002).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board