

MAY - 7 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY ON BEHALF OF
THE ILLINOIS SOCIETY OF PROFESSIONAL ENGINEERS REGARDING
THE AGENCY'S PROPOSAL
TO AMEND 35 ILL. ADM. CODE 732**

1. Background

My name is Kim Robinson. I am the Executive Director of the Illinois Society of Professional Engineers (ISPE). The Illinois Society of Professional Engineers (ISPE) is an association of more than 2000 Professional Engineers (P.E.'s), Engineers-in-training (EIT's) and engineering students. ISPE members have interest in the instant proceeding insofar as the Agency proposal has the potential to impact their employment and the manner in which they conduct their professional activities. The questions herein are directed to the Agency, in general, and not to any one individual.

2. Questions For The Agency

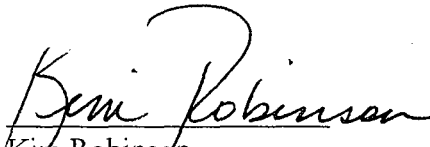
A. The Agency has testified that in the past fifteen years it "...has approved over half a billion dollars in reimbursement (Clay, Tr. P-17, 23)." As a means to gauge the significance and impact of the Agency's proposal, but recognizing that a precise accounting may not exist, can the Agency provide at least a rough estimate of the how the funds were distributed? What percentage of the funds was dispersed to engineers/consultants, to excavation contractors, to laboratories, to landfills, to truckers, and to cement contractors/pavers? By determining this, it may demonstrate that the portion of reimbursement monies being distributed for consulting is, in many cases, a small fraction of the project costs.

B. What approximate fraction of LUST remediation is accomplished by "TACOing out" versus conventional "dig and haul" versus "pump and treat" or other alternative technologies?

C. The Agency presents data and statistics for cost associated with excavation, transportation, disposal, backfill, and personnel. Is this data gathered from a pool of reimbursement packages submitted to the Agency prior to Agency review and approval, or from a pool of approved reimbursements?

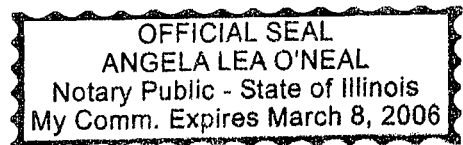
D. English Common Law, the basis for much of current law in the United States, recognizes only four groups of professionals: the clergy, attorneys-at-law, physicians, and architects/engineers. Society does not constrain the clergy in their practices, limit the efforts of defense counsel, or prescribe to physicians the length of time that may be devoted to a surgical operation. Per this rulemaking, does the Agency propose to limit the amount of reimbursable time that a licensed professional engineer may devote to the investigation and remedial design of LUST incidents?

Respectfully submitted,



Kim Robinson
Executive Director
Illinois Society of Professional Engineers

DATE: May 4, 2004



Notary Public

STATE OF ILLINOIS)
) · SS
COUNTY OF SANGAMON)

PROOF OF SERVICE

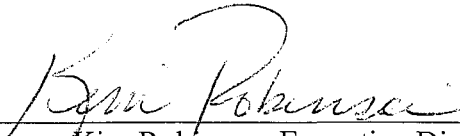
I, the undersigned, on oath state that I have served the attached Pre-filed questions to the Illinois Environmental Protection Agency on behalf of the Illinois Society of Professional Engineers upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
110 West Randolph, Suite 11-500
Chicago, Illinois 60601
(Overnight Mail)

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
110 West Randolph, Suite 11-500
Chicago, Illinois 60601
(Overnight Mail)

SEE ATTACHED SERVICE LIST
(Regular Mail)

and mailing it from Springfield, Illinois, on May 5, 2004, with sufficient postage affixed as indicated above.



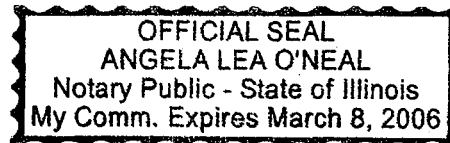
Kim Robinson, Executive Director
Illinois Society of Professional Engineers

SUBSCRIBED AND SWORN TO BEFORE ME

this 5th day of May, 2004



Notary Public



Party Name	Role	City & State	Phone/Fax
<u>IEPA</u> Petitioner	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794- 9276	217/782- 5544 217/782- 9807
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	Kyle Rominger, Assistant Counsel		
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	Marie Tipsord, Hearing Officer		

Terrence W. Dixon, P.G.

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<u>United Science Industries, Inc.</u> Interested Party	Jarrett Thomas, V.P. 6295 East Illinois Hwy 15	Woodlawn 618-735- IL 62898 2411 e
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<u>Wendler Engineering</u> <u>Services, Inc.</u> Interested Party	1770 West State Street Glen Lee, Manager	Sycamore 815-895- IL 60178 5008
<u>Great Lakes</u> <u>Analytical</u> Interested Party	1380 Busch Parkway A.J Pavlick	Buffalo (847) 808- Grove 7766 IL 60089
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