

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

MAY 19 2004

STATE OF ILLINOIS  
Pollution Control Board

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

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

**NOTICE OF FILING**

**TO:** ALL COUNSEL OF RECORD  
(Service List Attached)

**PLEASE TAKE NOTICE** that on May 19, 2004, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of Response of CW<sup>3</sup>M Company, Inc. to the Illinois Environmental Protection Agency's Amended Motion for Emergency Rules in the above-captioned matter.

Dated: May 19, 2004

Respectfully submitted,

CW<sup>3</sup>M Company

By:

  
\_\_\_\_\_  
One of Its Attorneys

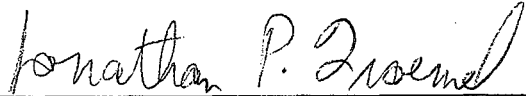
Carolyn S. Hesse, Esq.  
Jonathan P. Froemel  
**Barnes & Thornburg LLP**  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313

219636v1

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]

**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached Response of CW<sup>3</sup>M Company, Inc. to the Illinois Environmental Protection Agency's Amended Motion for Emergency Rules by placing a copy in an envelope addressed to the Service List Attached from One North Wacker Drive, Suite 4400, Chicago, Illinois 60606 before the hour of 5:00 p.m., on this 19<sup>th</sup> Day of May, 2004.

  
Jonathan P. Froemel

## Service List

Gina Roccaforte  
Kyle Rominger  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/792-5544  
217/782-9807 (fax)

William G. Dickett  
Sidley Austin Brown & Wood  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603  
312/853-7000  
312/953-7036 (fax)

Bill Fleischi  
Illinois Petroleum Marketers Association  
112 West Cook Street  
Springfield, IL 62704  
217/793-1858

Robert A. Messina  
General Counsel  
Illinois Environmental Regulatory Group  
3150 Roland Avenue  
Springfield, IL 62703  
217/523-4942  
217/523-4948

Lisa Frede  
Chemical Industry Council of Illinois  
2250 East Devon Avenue  
Des Plaines, IL 60018  
(847) 544-5995

Thomas G. Safley  
Hodge Dwyer Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705-5776  
217/528-4900  
217/523-4948 (fax)

Barbara Magel  
Karaganis & White, Ltd.  
414 North Orleans Street  
Suite 801  
Chicago, IL 60610  
312/836-1177  
312/836-9083 (fax)

Joe Kelly, PE  
United Science Industries, Inc.  
6295 East Illinois Highway 15  
P.O. Box 360  
Woodlawn, IL 62898-0360  
618/735-2411  
618/735-2907 (fax)

Kenneth James  
Carison Environmental, Inc.  
65 East Wacker Place  
Suite 1500  
Chicago, IL 60601

Michael W. Rapps  
Rapps Engineering & Applied Science  
821 South Durkin Drive  
P.O. Box 7349  
Springfield, IL 62791-7349  
217/787-2118  
217/787-6641 (fax)

Joel J. Sternstein, Assistant Attorney General  
Matthew J. Dunn, Division Chief  
Office of the Attorney General  
Environmental Bureau  
188 West Randolph, 20<sup>th</sup> Floor  
Chicago, IL 60601  
312/814-2550  
312/814-2347 (fax)

Tom Herlacher, P.E.  
Principal Engineer  
Herlacher Angleton Associates, LLC  
8731 Bluff Road  
Waterloo, IL 62298  
618/935-2261  
618/935-2694 (fax)

Dorothy M. Gunn, Clerk of the Board  
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312/814-3956

James E. Huff, P.E.  
Huff & Huff, Inc.  
512 West Burlington Avenue  
Suite 100  
LaGrange, IL 60525

Scott Anderson  
Black & Veatch  
101 North Wacker Drive  
Suite 1100  
Chicago, IL 60606

Melanie LoPiccolo, Office Manager  
Marlin Environmental, Inc.  
1000 West Spring Street  
South Elgin, IL 60177  
847/468-8855

Claire A. Manning  
Posegate & Denes  
111 North Sixth Street  
Springfield, IL 62701  
(217) 522-6152

Brian Porter  
Terracon  
870 40<sup>th</sup> Avenue  
Bettendorf, IA 52722  
563/355-0702

Jonathan Furr, General Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 72702-1271  
217/782-1809  
217/524-9640 (fax)

Glen Lee, Manager  
Wendler Engineering Services, Inc.  
1770 West State Street  
Sycamore, IL 60178  
815/895-5008

A.J. Pavlick  
Great Lakes Analytical  
1380 Busch Parkway  
Buffalo Grove, IL 60089  
847/808-7766

Joseph W. Truesdale, P.E.  
CSD Environmental Services, Inc.  
2220 Yale Boulevard  
Springfield, IL 62703  
217/522-4085

David L. Rieser, Partner  
McGuire Woods LLP  
77 West Wacker Drive  
Chicago, IL 60601  
312/849-8249

Monte Nienkerk  
Clayton Group Services, Inc.  
3140 Finley Road  
Downers Grove, IL 60515  
630/795-3207

Kurt Stepping  
Director of Client Services  
PDC Laboratories  
2231 West Altorfer Drive  
Peoria, IL 61615  
309/692-9688

Thomas M. Guist, PE  
Team Leader  
Atwell-Hicks, Inc.  
940 East Diehl Road  
Suite 100  
Naperville, IL 60563  
630/577-0800

Daniel J. Goodwin  
Secor International, Inc.  
400 Bruns Lane  
Springfield, IL 62702

Dan King, Team Leader  
United Science Industries, Inc.  
6295 East Illinois Hwy 15  
Woodlawn, IL 62898  
618/735-2411

Richard Andros, P.E.  
Environmental Consulting & Engineering, Inc.  
551 Roosevelt Road, #309  
Glen Ellyn, IL 60137

Terrence W. Dixon, P.G.  
MACTEC Engineering & Consulting, Inc.  
8901 N. Industrial Road  
Peoria, IL 61615

Steven Gobelman  
Illinois Department of Transportation  
2300 Dirksen Parkway  
Springfield, IL 62764

Collin W. Gray  
SEECO Environmental Services, Inc.  
7350 Duvon Drive  
Tinley Park 60477

Jennifer Goodman  
Herlacher Angleton Associates, LLC  
522 Belle Street  
Alton, IL 62002

George F. Moncek  
United Environmental Consultants, Inc.  
119 East Palatine Road  
Palatine, IL 60067

Ron Dye  
President  
Core Geological Services  
2621 Monetga  
Suite C  
Springfield, IL 62704  
(217) 787-6109

Tina Archer, Attorney  
Greensfelder, Hemker & Gale  
10 South Broadway  
Suite 2000  
St Louis, MO 63104  
314/241-9090

Erin Curley, Env. Department Manager  
Midwest Engineering Services, Inc.  
4243 W. 166<sup>th</sup> Street  
Oak Forest, IL 60452  
708/535-9981

Ken Miller, Regional Manager  
American Environmental Corp.  
3700 W. Grand Ave., Suite A  
Springfield, IL 62707  
217/585-9517

Russ Goodiel, Project Manager  
Applied Environmental Solutions, Inc.  
P.O. Box 1225  
Centralia, IL 62801  
618/533-5953

Jarrett Thomas  
Vice President  
Suburban Laboratories, Inc.  
4140 Litt Drive  
Hillside, IL 60162  
(708) 544-3260

Eric Minder  
Senior Environmental Engineer  
Caterpillar, Inc.  
100 NE Adams Street  
Peoria, IL 61629  
(309) 675-1658

Daniel Caplice  
K-Plus Environmental  
600 West Van Buren Street  
Suite 1000  
Chicago, IL 60607  
(312) 207-1600

208776v1

**RECEIVED  
CLERK'S OFFICE**

**MAY 19 2004**

**STATE OF ILLINOIS  
Pollution Control Board**

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

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

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

**RESPONSE OF CW<sup>3</sup>M TO THE ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY'S AMENDED MOTION FOR EMERGENCY RULES**

Now comes CW<sup>3</sup>M Company, Inc., by and through its attorneys, Carolyn S. Hesse and Jonathan Froemel of Barnes & Thornburg, and responds to the Illinois Environmental Protection Agency's Amended Motion for Emergency Rules as follows:

1. On April 16, 2004, the Illinois Environmental Protection Agency (IEPA) filed proposed emergency rules and, on April 19, 2004, CW<sup>3</sup>M filed an objection to those rules.
2. Subsequently, IEPA has met with a trade association referred to as Professionals of Illinois for the Protection of the Environment (PIPE). Through those meetings, IEPA has developed amended emergency rules.
3. On May 17, 2004, IEPA filed its Amended Motion for the adoption of emergency rules. CW<sup>3</sup>M has reviewed the IEPA's proposed amended emergency rules that were filed on May 17, 2004.

4. CW<sup>3</sup>M joins in the response of PIPE to the IEPA Amended Motion for Emergency Rules, which was filed on May 18, 2004. CW<sup>3</sup>M also withdraws its prior objection to the adoption of these amended emergency rules.

Dated: May 19, 2004

Respectfully submitted,

**CW<sup>3</sup>M Company**

By: Jonathan P. Froemel  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Jonathan P. Froemel, Esq.  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313

219627v1