

**RECEIVED**  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **MAY 19 2004**

STATE OF ILLINOIS  
Pollution Control Board

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

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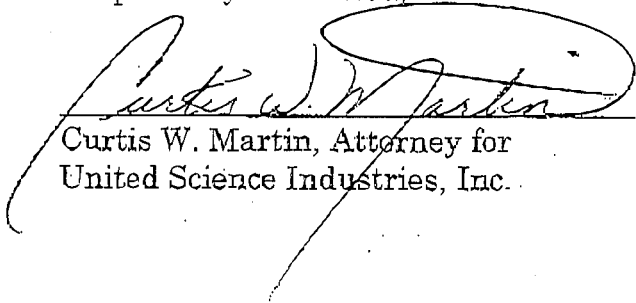
IN THE MATTER OF: )  
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 PROPOSED AMENDMENTS TO: ) R04-23  
 REGULATION PETROLEUM LEAKING ) (Rulemaking - UST)  
 UNDERGROUND STORAGE TANKS ) Consolidated  
 35 ILL. ADM. CODE 734 )

NOTICE OF FILING

TO: SEE ATTACHED PROOF OF SERVICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the WITHDRAWAL OF RESPONSE OF UNITED SCIENCE INDUSTRIES, INC. TO ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S MOTION FOR ADOPTION OF EMERGENCY RULES for the above-titled proceeding, a copy of which is herewith served upon you.

Respectfully submitted,



Curtis W. Martin, Attorney for  
United Science Industries, Inc.

DATE: May 19, 2004

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MAY 19 2004

PROOF OF SERVICE

STATE OF ILLINOIS  
Pollution Control Board

The undersigned certifies that a copy of the foregoing instrument was served upon the following individuals by enclosing the same in an envelope addressed to said persons at their last known address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a United States Post Office mail box in Mt. Vernon, Illinois, at 5:00 P.M., on the 19<sup>th</sup> day of May 2004.

Gina Roccaforte  
Kyle Rominger  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Thomas G. Safley  
Hodge Dwyer Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705-5776

William G. Dickett  
Sidley Austin Brown & Wood  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603

Barbara Magel  
Karaganis & White, Ltd.  
414 North Orleans Street  
Suite 301  
Chicago, IL 60610

Bill Fleischi  
Illinois Petroleum  
Marketers Association  
112 West Cook Street  
Springfield, IL 62704

Robert A. Messina  
General Counsel  
Illinois Environmental  
Regulatory Group  
3150 Roland Avenue  
Springfield, IL 62703

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

Lisa Frede  
Chemical Industry Council  
of Illinois  
2250 East Devon Avenue  
Des Plaines, IL 60018

Michael W. Rapps  
Rapps Engineering &  
Applied Science  
821 South Durkin Drive  
P.O. Box 7349  
Springfield, IL 62791-7349

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

Tom Herlacher, P.E.  
Principal Engineer  
Herlacher Angleton Associates, LLC  
8731 Bluff Road  
Waterloo, IL 62298

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

Claire A. Manning  
Posegate & Denes  
111 North Sixth Street  
Springfield, IL 62701

Jonathan Furr, General Counsel  
Illinois Department of  
Natural Resources  
One Natural Resources Way  
Springfield, IL 72702-1271

A.J. Pavlick  
Great Lakes Analytical  
1380 Busch Parkway  
Buffalo Grove, IL 60089

David L. Rieser, Partner  
McGuire Woods LLP  
77 West Wacker Drive  
Chicago, IL 60601

Kurt Stepping  
Director of Client Services  
PDC Laboratories  
2231 West Altorfer Drive  
Peoria, IL 61615

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

Dorothy M. Gunn  
Clerk of the Board  
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street  
Chicago, IL 60601

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

Melanie LoPiccolo, Office Manager  
Marlin Environmental, Inc.  
1000 West Spring Street  
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Brian Porter  
Terracon  
870 40<sup>th</sup> Avenue  
Bettendorf, IA 52722

Glen Lee, Manager  
Wendler Engineering Services, Inc.  
1770 West State Street  
Sycamore, IL 60178

Joseph W. Truesdale, P.E.  
CSD Environmental Services, Inc.  
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Springfield, IL 62703

Monte Nienkerk  
Clayton Group Services, Inc.  
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Downers Grove, IL 60515

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

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

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

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

Ron Dye, President  
Core Geological Services  
2621 Monetga, Suite C  
Springfield, IL 62704

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

Russ Goodiel, Project Manger  
Applied Environmental  
Solutions, Inc.  
P.O. Box 1225  
Centralia, IL 62801

Eric Minder  
Senior Environmental  
Engineer  
Caterpillar, Inc.  
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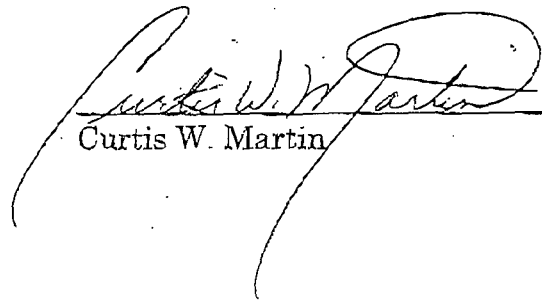
Tina Archer, Attorney  
Greensfelder, Hemker & Gale  
10 South Broadway, Suite 2000  
St. Louis, MO 63104

Ken Miller, Regional Manager  
American Environmental Corp.  
3700 W. Grand Ave., Suite A  
Springfield, IL 62707

Jarrett Thomas, Vice President  
Suburban Laboratories, Inc.  
4140 Litt Drive  
Hillside, IL 60162

Daniel Caplice  
K-Plus Environmental  
600 West Van Buren Street  
Suite 1000  
Chicago, IL 60607

Upon penalties as provided by law pursuant to 735 ILCS 5/1-109 (1992 State Bar Edition), the undersigned certifies that the statements set forth in this Proof of Service are true and correct.

  
Curtis W. Martin

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**MAY 19 2004**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**  
STATE OF ILLINOIS  
Pollution Control Board

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

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

**WITHDRAWAL OF RESPONSE OF UNITED SCIENCE  
INDUSTRIES, INC. TO ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY'S MOTION FOR ADOPTION  
OF EMERGENCY RULES**

NOW COMES United Science Industries, Inc. ("USI") by its attorneys, Shaw & Martin, P.C., and for its Withdrawal of the Response of United Science Industries, Inc. to Illinois Environmental Protection Agency's Motion for Adoption of Emergency Rules, states as follows:

On April 19, 2004, the Agency filed with the Illinois Pollution Control Board ("Board") a Motion for the Adoption of Emergency Rules. Various objections were filed to that Motion, including an objection filed by Professionals of Illinois for the Protection of the Environment ("PIPE") on May 3, 2004, and an objection by two of its members, CW<sup>2</sup>M and USI, on April 19, 2004, and May 3, 2004, respectively.

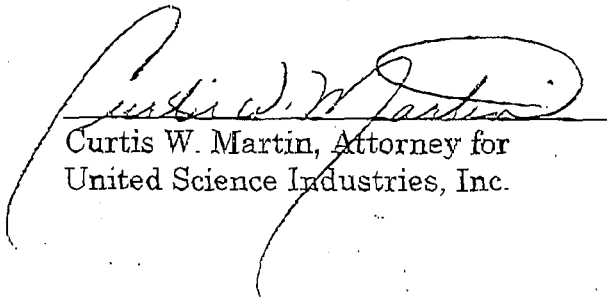
Since such objections were filed, PIPE and its members have conferenced with the

Agency on several occasions in an attempt to address mutual concerns with the Emergency Rules and the process by which the Agency proposed to promulgate such rules.

As a result of those efforts, the Agency has withdrawn its request that the Board adopt, in emergency fashion, its proposed Emergency Rules, and now requests that the Board amend current Section 732.505 by adding, in emergency fashion, a new subsection 732.505(d). This new subsection will provide the Agency with the regulatory framework it claims it needs in order to apply a standard method of reviewing budgets, corrective action plans and requests for reimbursement while the remaining rulemaking process proceeds on its normal course before this Board.

USI believes the numerous conferences have resulted in an amendment (subsection 732.505(d)) which contains provisions that are reasonable, practicable and workable. For the foregoing reasons, USI hereby withdraws its Response to the Agency's Motion for adoption of Emergency Rules and supports the adoption of proposed subsection 732.505(d) as an emergency rule.

Respectfully submitted,



Curtis W. Martin, Attorney for  
United Science Industries, Inc.

6-19-04 1:50PM  
6182441788: # 9

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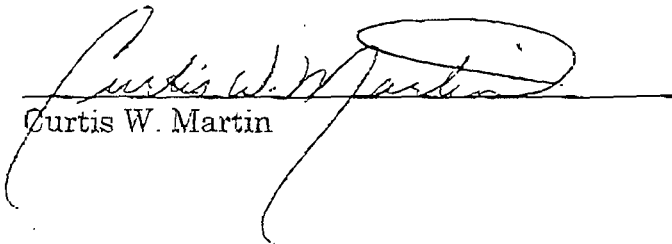
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Curtis W. Martin

MAY 19 2004

STATE OF ILLINOIS  
Pollution Control Board

SHAW & MARTIN, P.C.  
ATTORNEYS

Robert E. Shaw

123 SOUTH TENTH STREET - SUITE 302  
P.O. BOX 1789  
MT. VERNON, ILLINOIS 62864  
TELEPHONE: 618/244-1788  
FAX: 618/244-2588  
e-mail: shawmartin@mvn.net

Curtis W. Martin

May 19, 2004

VIA FAX AND U.S. MAIL

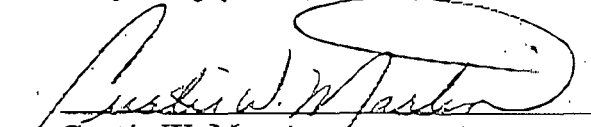
Ms. Dorothy Gunn  
Clerk of Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

RE: PROPOSED AMENDMENTS TO: REGULATION PETROLEUM  
LEAKING UNDERGROUND STORAGE TANKS  
35 ILL. ADM. CODE 732; R04-22  
PROPOSED AMENDMENTS TO REGULATION PETROLEUM  
LEAKING UNDERGROUND STORAGE TANKS 35 ILL. ADM.  
CODE 734; R04-23

Dear Ms. Gunn:

Enclosed are the originals and copies of a Notice of Filing and Withdrawal of Response of United Science Industries, Inc. to Illinois Environmental Protection Agency's Motion for Adoption of Emergency Rules for filing in the above matter. Please return a file-marked copy to me in the envelope provided. Thank you for your assistance in this matter.

Very truly yours,

  
Curtis W. Martin

CWM/cm

Enclosures.

cc: -- Jay P. Koch

Parties in attached Proof of Service