

COPY

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

RECEIVED
CLERK'S OFFICE
Curtis W. Martin
MAY 24 2004
STATE OF ILLINOIS
Pollution Control Board

May 19, 2004

VIA FAX AND U.S. MAIL

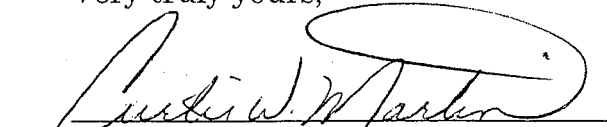
Ms. Dorothy Gunn
Clerk of Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

MAY 24 2004

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:)
REGULATION PETROLEUM LEAKING)
UNDERGROUND STORAGE TANKS)
35 ILL. ADM. CODE 732)

R04-22
(Rulemaking - UST)

STATE OF ILLINOIS
Pollution Control Board

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PROPOSED AMENDMENTS TO:)
REGULATION PETROLEUM LEAKING)
UNDERGROUND STORAGE TANKS)
35 ILL. ADM. CODE 734)

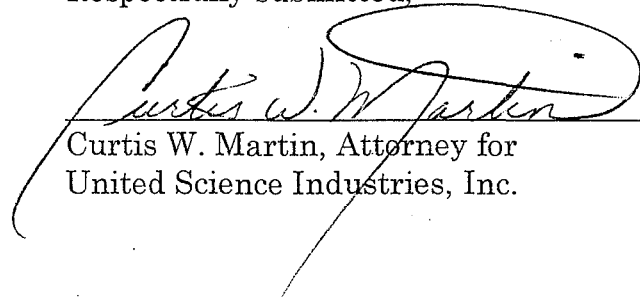
R04-23
(Rulemaking - UST)
Consolidated

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

PROOF OF SERVICE

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 19th 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, 20th 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
South Elgin, IL 60177

Brian Porter
Terracon
870 40th 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.
2220 Yale Boulevard
Springfield, IL 62703

Monte Nienkerk
Clayton Group Services, Inc.
3140 Finley Road
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. 166th 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.
100 NE Adams Street
Peoria, IL 61629

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

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

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

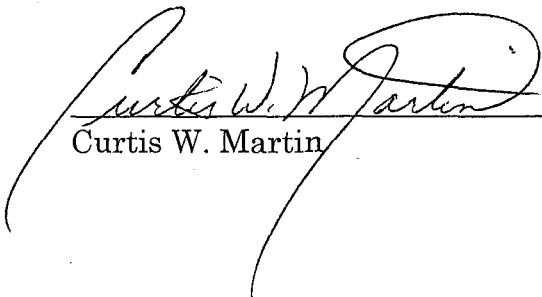
Tina Archer, Attorney
Greensfelder, Hemker & Gale
10 South Broadway, Suite 2000
St. Louis, MO 63104

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIVED
CLERK'S OFFICE

MAY 24 2004

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)

STATE OF ILLINOIS
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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:

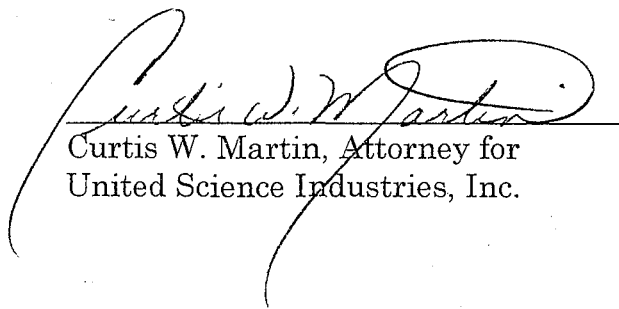
On April 19, 2004, the Agency filed with the Illinois Pollution Control Board ("Board") a Motion for the Adoption of Emergency Rules. Various objections were filed to that Motion, including an objection filed by Professionals of Illinois for the Protection of the Environment ("PIPE") on May 3, 2004, and an objection by two of its members, CW³M 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.

PROOF OF SERVICE

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 19th 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

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Karaganis & White, Ltd.
414 North Orleans Street
Suite 301
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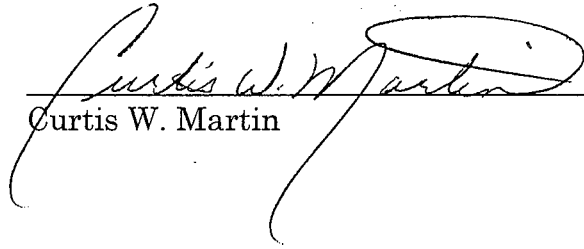
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