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**JUN 29 2005**

STATE OF ILLINOIS  
Pollution Control Board

June 25, 2005

Ms. Marie E. Tipsord  
Hearing Office  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

PC#44

RE: Proposed Revisions to Leaking Underground Storage Tank Regulations R04-22 and R04-23

Dear Ms. Tipsord:

We are writing you today because we are concerned about proposed revision by the Illinois Environmental Protection Agency (IEPA) to the regulations that govern leaking underground storage tanks (LUSTs).

My brother and I operated a marina in Oquawka, Illinois and a portion of our business was selling gasoline to boaters. We complied with the State regulations for registering underground storage tanks. In 1991 it was found that we had some leakage from the tanks and at that time the tanks were removed. We hired an environment engineering firm and had the soil and ground water tested to document the contamination. We have paid out the required deductible of \$10,000, which was a considerable sum of money for our small business.

We have continued to retain an environmental engineer and are now working with our third environmental firm, United Science Industries, Woodlawn, Illinois. Over the past fourteen (14) years our engineers have submitted several remediation plans to the IEPA and all have been rejected. In one instance, it took so long to receive a response from IEPA that the proposed technology became obsolete. At the present time our engineer is revising our latest proposal so that it can be resubmitted to IEPA.

The proposed revisions to the LUST Fund Regulations are grossly unfair to the individuals that have LUST sites. We complied with all of the requirements and were approved for LUST Fund reimbursement for cleanup costs over and above the \$10,000 deductible. If the revisions proposed by the IEPA increase the amount of non-recoverable costs from the LUST Fund beyond our deductible, we are adamantly opposed to those revisions. To increase our non-recoverable costs from the LUST Fund will be a significant hardship for both of us. We are both retired and are 64 and 68 years of age living on fixed incomes.

If the intent of the proposed revisions is to contain remediation costs then there must be other considerations than shifting unreimbursed costs to the backs of the private property owners. We would suggest that IEPA revisit this matter and identify a better means to achieve their goals. We would strongly suggest that IPCB reject the current proposal and demand that any future proposed revision be appropriately supported by scientific and statistical data to ensure that cost are controlled without posing financial threats to the private individuals who are unfortunate enough to own LUST sites.

We would appreciate your careful review and consideration of this matter.

Sincerely,



Kent Devore

Hal Devore

Former owners of:

Devore Marina, Inc.

PO Box 216

Oquawka, IL 61469