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Pollution Control Board
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July 18, 2005

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Ms. Marie Tipsord
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

RE: Public Comment on R04-22 and R04-23

PC#52

Ms. Tipsord:

A petition regarding the proposed changes to the LUST Fund is attached for your records. The signatories are clients of HDC Engineering who are concerned about the future of the LUST fund. A letter written by one of our clients is also attached. If you have any other questions or concerns, please contact our office at (217) 352-6976.

Respectfully,
HDC Engineering

Kevin Saylor, PE
Environmental Division Manager

Enclosures

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STATE OF ILLINOIS
Pollution Control Board

PETITION

We, the undersigned, do hereby petition the Illinois Pollution Control Board (IPCB) and the Illinois Environmental Protection Agency (IEPA) to ensure the proposed new rulemaking R04-22 and R04-23 meets the following standards:

- 1. The LUST Fund continues to provide financial responsibility adequate to cover ALL costs of environmental clean-up incurred in order to comply with the requirements of the Illinois LUST Regulations.*
- 2. The reimbursement practices of the Illinois LUST Fund shall assure the sanctity of our environmental compliance efforts by ensuring that the environmental professionals that we rely upon to achieve compliance are fairly and adequately compensated for each hour of work that they are required to perform on our behalf in order that we may comply with IEPA regulations and requirements.*
- 3. Maximum payment amounts for professional consulting work tasks are established based on a statistically valid review of detailed and standardized scopes of work . In the absence of historically available standardized scopes of work the "maximum payment amounts" for professional services should be treated and administered merely as "guidance" and not absolutes during an interim period during which statistically valid "maximum payment amounts" can be established pursuant to standardized scopes of work..*
- 4. All data and related information used to develop work task rates and levels of effort are fully-disclosed and available to the public.*

These standards are critical to our ability to work with the IEPA and environmental consultants/contractors to remediate our leaking underground storage tank sites in a timely manner and in accordance with applicable regulations. In the absence of regulations that meet the above standards, we do not have the technical, financial, legal and management resources to implement the mandated remedial projects without jeopardizing our businesses and financial livelihoods. The following background information generally outlines our circumstances and our rationale for making this petition.

Background Information

We are the owners/operators of LUST Incidents subject to remediation in Illinois and are genuinely concerned that, if implemented as written, the proposed regulations are likely to cause serious detrimental financial impact to us, our businesses or both. Typical characteristics of our businesses and our sites are as follows:

- We typically represent small or medium sized businesses. We are NOT BIG BUSINESS!
- We have limited financial, legal, technical and management resources. We DO NOT HAVE DEEP POCKETS!
- We are concerned about the environment and recognize our responsibilities to clean-up our LUST sites.
- Because of limited technical and legal resources, we rely upon our designated environmental consultant to interface with the IEPA to achieve the clean-up in accordance with the regulations.

To Whom it may concern:

We paid into the best fund, as an insurance for leaks and other damages. Now when we have a claim they decide they want to review the insurance to suit themselves. Other insurance companies can't get by with that. What makes the IEPA able to change insurance coverage.

We have no money so if our insurance is no good the work would have to stop. If the IEPA wants work stopped on these sites, taking the insurance away would probably do the trick for most owners.

Ellen Drake
Drake Amoco
Fisher, IL 61843

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