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May 8, 2006

Marie Tipsord,
Hearing Officer

PC# 76

Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Il. 60601

Re: R04-23B (UST Rulemaking – Consolidated)
Public Comment

Madam Hearing Officer:

The record reflects that more than one half billion Illinois tax dollars has been distributed to owner-operators of leaking underground storage tanks during the past one and one half decades. Yet, the record lacks any specificity as to just what those tax dollars actually purchased. Landfill air space? Earth moving? Trucking? Consultant's man-hours? The only reliable statistics in the record that reflect the distribution of the expenditures are those that were developed by a private sector participant to identify the recipients of the money, not how it was spent. So, although I can appreciate the Agency's effort in itemizing tasks and assigning to them man-hours and unit costs, it must be said that the Agency's conclusions are not supported by actual data; they are largely guesswork.

The Board has been asked to install cost controls to rein in an assumed, but unarticulated problem, with measures that have been assembled by arbitrary and subjective means, in a process that is seemingly no more complex than a round table discussion. Is this credible? No. Even less credible is the assertion that resources are unavailable to compile a statistical data base. I respectfully submit that, in the absence of hard data, the Board should order, for the present time, that LUST Fund reimbursements be made on the basis of time and materials. Secondly, and to the extent that the Board may believe that there exists a problem with LUST Fund over-payment, the record in these proceedings not containing any actual evidence of such, I think it appropriate that the Board direct the Agency to compile statistically valid LUST Fund expenditure data. That data, collected over some reasonable period of time, say twelve months, should then be presented to the Board for its further consideration. Thank you.

Respectfully Submitted,

Michael W. Rapps, P.E.

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COMMENT:

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