



**Illinois Petroleum Marketers Association
Illinois Association of Convenience Stores**

WM. R. DEUTSCH BUILDING • 112 WEST COOK STREET
P.O. BOX 12020 • SPRINGFIELD, ILLINOIS 62791-2020
PHONE: 217/544-4609 • FAX: 217/789-0222

WILLIAM J. FLEISCHLI
EXECUTIVE VICE PRESIDENT

ORIGINAL

RECEIVED
CLERK'S OFFICE

NOV 29 2011

November 22, 2011

STATE OF ILLINOIS
Pollution Control Board

Pct# 1/2

Mr. John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Re: Underground Storage Tanks. Comments on Docket R11-22

Dear Mr. Therriault:

I am the Executive Vice President of the Illinois Petroleum Marketers Association (IPMA), a trade association made up of 350 members who own, operate or supply 3,500 gasoline stations and convenience stores in Illinois. On behalf of my members, I submit the following comments on the captioned rulemaking.

The captioned rulemaking provides for an owner of commercial property to be able to have his property cleaned to residential standards if the owner can demonstrate that the property is being developed into residential property. This can occur even after a Letter of No Further Remediation (NFR) has been issued. One circumstance that is not covered by this rulemaking occurs when the owner of commercial property attempts to change the retail use of his property, for example from a gasoline station to a coffee shop. If a bank that would finance this change denies a loan because of the existing level of contamination after a tiered clean-up, the owner should be able to obtain reimbursement from the UST Fund for post-NFR costs. Another scenario that could occur in either a lease or sale situation; if the purchaser or lessee (McDonald's or Walgreen's for example) has its own criteria as to what is an acceptable level of contamination, the purchase/lease could fall through. The owner in such a circumstance should be able to obtain reimbursement from the Fund.

Another situation that should be considered by the Board occurs when a property owner enters into a Highway Authority Agreement (HAA) with the Illinois Department of Transportation. If IDOT later decides to rework/rebuild the highway and previous contamination is found, IDOT will look to the owner to pay for or reimburse the cost of removing the contaminated soil. If this occurs after the property owner has received an NFR letter, he cannot seek reimbursement from the UST Fund. Because of this possibility, the owner will not seek an NFR determination. If the Board wants to encourage property owners to completely remediate their sites, the rules should provide that an owner can seek reimbursement from the UST Fund after an HAA and an NFR determination.

Thank you for the opportunity to comment on this rulemaking.

Sincerely yours,

Bill Fleischli

BILL FLEISCHLI
Executive Vice President