

Proposals To Amend Regulations Of Petroleum Leaking Underground Storage Tanks Go To First Notice

The Illinois Pollution Control Board, on February 17, 2005, sent to first notice two proposals to amend the Board's petroleum leaking underground storage tank rules. Those rulemaking proposals are entitled Proposed Amendments To: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732), R04-22 and Proposed Amendments To Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 734), R04-23.

The Illinois Environmental Protection Agency (IEPA) initiated the rulemakings by filing proposals with the Board on January 13, 2004. The Board held seven days of hearings and received substantial comments on the proposals. After evaluating the comments and additional language changes suggested by both the IEPA and the participants, the Board proposes for first notice a rule that includes lump sum maximum payments for certain tasks, but not a defined scope of work for those tasks. The Board proposes the maximum payment amounts proposed by the IEPA in most cases. The first-notice proposal will also include provisions for bidding and extraordinary circumstances.

Additionally, the Board proposes that Stage 3 investigations be reimbursed based on time and materials. This proposal also includes a definition for "financial interest" and prohibits reimbursement for handling charges when the primary contractor has a financial interest in the subcontractor. The Board also retains the prohibition for a subcontractor to bid on the project where the primary contractor has a financial interest in the subcontractor.

A 45-day period for public comments will begin following first-notice publication in the *Illinois Register*.

Seven days of hearings have already been held in this matter and substantial public comment received. Transcripts and the public comments are available on the Board's Website (www.ipcb.state.il.us), or by writing the Clerk of the Board at the address below.

Written comments should contain the rulemaking title and docket number (R04-22 and R04-23) and should be sent to the Clerk's Office at the following address:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

For more information contact Marie Tipsord at (312) 814-4925 or email at tipsordm@ipcb.state.il.us