

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 04 2004

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO REGULATION OF) R04-22
PETROLEUM LEAKING UNDERGROUND STORAGE) (Rulemaking- Land)
TANKS (35 Ill. Adm. Code 732))

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO REGULATION OF) R04-23
PETROLEUM LEAKING UNDERGROUND STORAGE) (Rulemaking- Land)
TANKS (35 Ill. Adm. Code 734))

NOTICE OF FILING

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218
(Overnight Mail)

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218
(Overnight Mail)

SEE ATTACHED SERVICE LIST
(Regular Mail)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the MOTION FOR DELAY OF DECISION of the Illinois Environmental Protection Agency for the above-titled proceeding, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Kyle Rominger
Kyle Rominger, Assistant Counsel

DATE: May 3, 2004
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 04 2004

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO:)	R04-22
REGULATION OF PETROLEUM)	(Rulemaking – Land)
LEAKING UNDERGROUND STORAGE)	
TANKS (35 ILL. ADM. CODE 732))	

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO:)	R04-23
REGULATION OF PETROLEUM)	(Rulemaking – Land)
LEAKING UNDERGROUND STORAGE)	
TANKS (35 ILL. ADM. CODE 734))	

MOTION FOR DELAY OF DECISION

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Kyle Rominger, and, pursuant to 35 Ill. Adm. Code 101.500, respectfully requests that the Illinois Pollution Control Board (“Board”) delay its decision on the Illinois Environmental Protection Agency’s Motion for the Adoption of Emergency Rules (“Motion”) until its May 20, 2004, meeting. In support of this motion, the Illinois EPA states as follows:

1. On April 19, 2004, the Illinois EPA filed a Motion for the Adoption of Emergency Rules. In that Motion the Illinois EPA requests that the Board adopt in an emergency rulemaking the Illinois EPA’s proposed amendments to 35 Ill. Adm. Code 732 and new 35 Ill. Adm. Code 734.

2. Since the filing of the Illinois EPA’s Motion the Illinois EPA has met twice with the newly formed group Professionals of Illinois for Protection of the

Environment ("PIPE") to discuss alternative emergency rules and changes to the Illinois EPA's proposed rules that are agreeable to everyone.

3. Members of PIPE involved in the discussions with the Illinois EPA include the following consulting firms that have filed objections to the Illinois EPA's Motion and/or whose members expressed concern about the Illinois EPA's rulemaking proposal at the first hearing: CW³M Company, Inc., United Science Industries, CSD Environmental Services, and Marlin Environmental.

4. Representatives of the Consulting Engineers Counsel of Illinois ("CECI") and the Illinois Petroleum Marketers Association ("IPMA") also attended the meetings between the Illinois EPA and PIPE.

5. The Illinois EPA believes that alternative emergency rules that are agreeable to it, PIPE, CECI, and IPMA can be developed and submitted to the Board prior to its May 20, 2004, Board meeting. The members of PIPE have expressed a desire to work with the Illinois EPA to develop such rules. The Illinois EPA intends to submit the alternative emergency rules to the Board as soon as possible.

6. The Board's adoption of emergency rules will provide the Illinois EPA with rules for the review of budgets and applications for reimbursement during the period the emergency rules are effective.

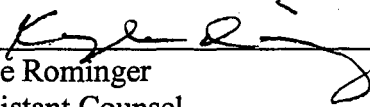
7. Once emergency rules are adopted the Illinois EPA intends to work with PIPE, CECI, and IPMA to develop an amended rulemaking proposal that is agreeable to everyone. The members of PIPE have expressed a desire to work with the Illinois EPA to develop such rules. The Illinois EPA intends to submit the amended proposal to the

Board as soon as possible so the Board, hopefully, can, adopt final rules by the time the emergency rules expire.

WHEREFORE, for the reasons stated above, the Illinois EPA respectfully requests that the Board delay its decision on the Illinois EPAs Motion for the Adoption of Emergency Rules to allow for the submission of alternative emergency rules.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Kyle Rominger
Assistant Counsel

DATED: May 3, 2004
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

PROOF OF SERVICE

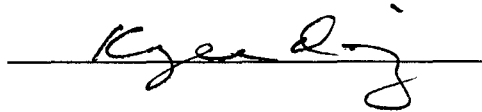
I, the undersigned, on oath state that I have served the attached MOTION FOR DELAY OF DECISION on behalf of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(Overnight Mail)

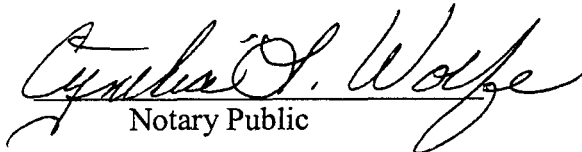
SEE ATTACHED SERVICE LIST
(Regular Mail)

and mailing it from Springfield, Illinois, on May 3, 2004, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

this 3rd day of May, 2004



Notary Public



Party Name	Role	City & State	Phone/Fax
<u>IEPA</u> Petitioner	1021 North Grand Avenue East P.O. Box 19276 Gina Roccaforte, Assistant Counsel Kyle Rominger, Assistant Counsel Doug Clay	Springfield IL 62794-9276	217/782-5544 217/782-9807
<u>Hodge Dwyer Zeman</u> Interested Party	3150 Roland Avenue Post Office Box 5776 Thomas G. Safley	Springfield IL 62705-5776	217/523-4900 217/523-4948
<u>Sidley Austin Brown & Wood</u> Interested Party	Bank One Plaza 10 South Dearborn Street William G. Dickett	Chicago IL 60603	312/853-7000 312/953-7036
<u>Karaganis & White, Ltd.</u> Interested Party	414 North Orleans Street Suite 810 Barbara Magel	Chicago IL 60610	312/836-1177 312/836-9083
<u>Illinois Petroleum Marketers Association</u> Interested Party	112 West Cook Street Bill Fleischi	Springfield IL 62704	217/793-1858
<u>United Science Industries, Inc.</u> Interested Party	P.O. Box 360 6295 East Illinois Highway 15 Joe Kelly, PE	Woodlawn IL 62898-0360	618/735-2411 618/735-2907
<u>Illinois Environmental Regulatory Group</u>	3150 Roland Avenue	Springfield IL 62703	217/523-4942 217/523-

Interested Party		4948
	Robert A. Messina, General Counsel	
<u>Carlson Environmental, Inc.</u>	65 E. Wacker Place Suite 1500	Chicago IL 60601
Interested Party		
	Kenneth James	
<u>Chemical Industry Council of Illinois</u>	9801 W. Higgins Road Suite 515	Rosemont IL 60018
Interested Party		
	Lisa Frede	
<u>Barnes & Thornburg</u>	1 North Wacker Drive Suite 4400	Chicago IL 60606
Interested Party		312/357-1313 312/759-5646
	Carolyn S. Hesse, Attorney	
<u>Rapps Engineering & Applied Science</u>	821 South Durkin Drive P.O. Box 7349	Springfield IL 62791-7349
Interested Party		217/787-2118 217/787-6641
	Michael W. Rapps	
<u>Office of the Attorney General</u>	Environmental Bureau 188 West Randolph, 20th Floor	Chicago IL 60601
Interested Party		312/814-2550 312/814-2347
	Joel J. Sternstein, Assistant Attorney General	
<u>Herlacher Angleton Associates, LLC</u>	8731 Bluff Road	Waterloo IL 62298
Interested Party		618/935-2262 618/935-2694
	Tom Herlacher, P.E., Principal Engineer	
<u>Illinois Pollution Control Board</u>	100 W. Randolph St. Suite 11-500	Chicago IL 60601
Interested Party		
	Dorothy M. Gunn, Clerk of the Board	
	Marie Tipsord, Hearing Officer	

<u>Huff & Huff, Inc.</u> Interested Party	512 West Burlington Avenue Suite 100 James E. Huff, P.E.	LaGrange IL 60525
<u>Black & Veatch</u> Interested Party	101 North Wacker Drive Suite 1100 Scott Anderson	Chicago IL 60606
<u>Claire A. Manning</u> Interested Party	111 N. Sixth Street Claire A. Manning, Posegate & Denes	Springfield 217-522- IL 62701 6152
<u>Marlin</u> <u>Environmental, Inc.</u> Interested Party	1000 West Spring Street Melanie LoPiccolo, Office Manager	South 847-468- Elgin 8855 IL 60177
<u>Terracon</u> Interested Party	870 40th Avenue Brian Porter	Bettendorf (563) 355- IA 52722 0702
<u>Illinois Department of</u> <u>Natural Resources</u> Interested Party	One Natural Resources Way Jonathan Furr, General Counsel	Springfield 217/782- IL 62702- 1809 1271 217/524- 9640
<u>EcoDigital</u> <u>Development LLC</u> Interested Party	PO Box 360 6295 East Illinois Hwy 15 Joe Kelly, VP Engineering	Woodlawn (618) 735- IL 62898 2411
<u>Wendler Engineering</u> <u>Services, Inc.</u> Interested Party	1770 West State Street Glen Lee, Manager	Sycamore 815-895- IL 60178 5008
<u>Great Lakes</u> <u>Analytical</u> Interested Party	1380 Busch Parkway A.J Pavlick	Buffalo (847) 808- Grove 7766 IL 60089
<u>CSD Environmental</u> <u>Services, Inc</u> Interested Party	2220 Yale Boulevard	Springfield 217-522- IL 62703 4085

	Joseph W. Truesdale, P.E.	
<u>CORE Geological Services, Inc.</u> Interested Party	2621 Monetga, Suite C	Springfield 217-787- IL 62704 6109
	Ron Dye, President	
<u>Clayton Group Services Inc</u> Interested Party	3140 Finley Road	Downers Grove 630.795.3207 IL 60515
	Monte Nienkerk	
<u>PDC Laboratories</u> Interested Party	2231 W. Altorfer Dr.	Peoria 309-692- il 61615 9688
	Kurt Stepping, Director of Client Services	
<u>Atwell-Hicks, Inc.</u> Interested Party	940 East Diehl Road Sute 100	Naperville 630 5770800 IL 60563
	Thomas M. Guist, PE, Team Leader	
<u>CW3M Company, Inc.</u> Interested Party	701 South Grand Ave. West	Springfield 217-522- IL 62704 8001
	Jeff Wienhoff	
<u>Suburban Laboratories, Inc.</u> Interested Party	4140 Litt Drive	Hillside 708-544- IL 60162 3260
	Jarrett Thomas, V.P.	
<u>United Science Industries, Inc.</u> Interested Party	6295 East Illinois Hwy 15	Woodlawn 618-735- IL 62898 2411 e
	Dan King, Team Leader	
<u>Environmental Consulting & Engineering, Inc.</u> Interested Party	551 Roosevelt Road #309	Glenn Ellyn IL 60137
	Richard Andros, P.E.	
<u>MACTEC Engineering & Consulting, Inc.</u> Interested Party	8901 N. Industrial Road	Peoria IL 61615

	Terrence W. Dixon, P.G.	
<u>Illinois Department of Transportation</u> Interested Party	2300 Dirksen Parkway	Springfield IL 62764
	Steven Gobelman	
<u>SEECO Environmental Services, Inc.</u> Interested Party	7350 Duvon Drive	Tinley Park IL 60477
	Collin W. Gray	
<u>Herlacher Angleton Associates, LLC</u> Interested Party	522 Belle Street	Alton IL 62002
	Jennifer Goodman	
<u>United Environmental Consultants, Inc.</u> Interested Party	119 East Palatin Road Suite 101	Palatine IL 60067
	George F. Moncek	
<u>McGuire Woods LLP</u> Interested Party	77 W. Wacker Suite 4400	Chicago IL 60601
	David Rieser	
<u>Greensfelder, Hemker & Gale</u> Interested Party	10 S. Broadway Suite 2000	St. Louis MO 314-241- 9090 63104
	Tina Archer, Attorney	
<u>Midwest Engineering Services, Inc.</u> Interested Party	4243 W. 166th Street	Oak Forest 708-535- IL 60452 9981
	Erin Curley, Env. Department Manager	
<u>American Environmental Corp.</u> Interested Party	3700 W. Grand Ave., Suite A	Springfield (217) 585- IL 62707 9517
	Ken Miller, Regional Manager	
<u>Applied Environmental Solutions, Inc.</u>	P O Box 1225	Centralia 6185335953 IL 62801

Interested Party

Russ Goodiel, Project Manager

Secor International,
Inc.

400 Bruns Lane

Springfield
IL 62702

Interested Party

Daniel J. Goodwin

Caterpillar, Inc.
Interested Party

100 NE Adams Street

Peoria 3096751658
IL 61629

Eric Minder, Sr. Environmental
Engineer

K-Plus
Environmental
Interested Party

Suite 1000
600 W. Van Buren Street

Chicago 312-207-
IL 60607 1600

Daniel Caplice

Posegate & Danus, P.C. Claire A. Manning
111 N. Sixth Street

Springfield, IL 62705

Illinois Society of Kim Robinson
Professional Engineers Brittan Bolin
300 West Edwards

Springfield, IL 62704