

MAY 13 2004

STATE OF ILLINOIS  
Pollution Control Board  
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

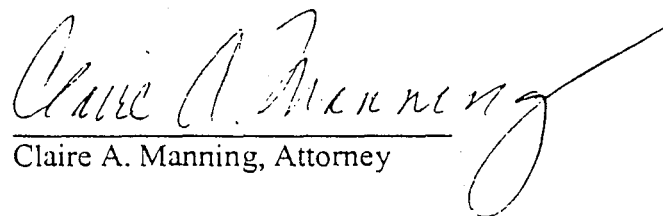
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REGULATION PETROLEUM LEAKING ) (Rulemaking - UST)  
UNDERGROUND STORAGE TANKS ) Consolidated  
35 ILL. ADM. CODE 734 )

To: Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

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

**NOTICE OF FILING**

PLEASE TAKE NOTICE that on May 11, 2004, I filed with the Clerk of the Illinois Pollution Control Board, an original and nine (9) copies of a MOTION FOR EXTENSION OF TIME, with the Clerk and the HEARING OFFICER of the ILLINOIS POLLUTION CONTROL BOARD, copies of which are herewith served upon you.

  
\_\_\_\_\_  
Claire A. Manning, Attorney

**CLAIRE A. MANNING**  
Posegate & Denes, P.C.  
111 N. Sixth Street, Suite 200  
Springfield, Illinois 62701  
(217) 522-6152  
(217) 522-6184 (FAX)  
claire@posegate-denes.com

**PROOF OF SERVICE**

The undersigned, being duly sworn, states that a true and correct copy of the foregoing NOTICE OF FILING, together with a copy of MOTION FOR EXTENSION OF TIME, was served on the individuals as listed below, by mailing the same via the United States postal service, Springfield, Illinois on May 11, 2004:

Gina Roccaforte  
Kyle Rominger  
IEPA  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794

Thomas G. Safley  
Hodge, Dwyer, Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705

William G. Dickett  
Sidley, Austin, Brown & Wood  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603

Barbara Magel  
Karaganis & White, Ltd.  
414 North Orleans St., Suite 810  
Chicago, IL 60610

Bill Fleischli  
Illinois Petroleum Marketers Association  
112 West Cook Street  
Springfield, IL 62704

Joe Kelly, PE  
United Science Industries, Inc.  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

Robert A. Messina, General Counsel  
Illinois Environmental Regulatory Group  
3150 Roland Avenue  
Springfield, IL 62703

Kenneth James  
Carlson Environmental, Inc.  
65 E. Wacker Place, Suite 1500  
Chicago, IL 60601

Lisa Frede  
Chemical Industry Council of IL  
2250 E. Devon Ave., Suite 239  
DesPlaines, IL 60018

Carolyn S. Hesse  
Barnes & Thornburg  
1 North Wacker Drive, Suite 4400  
Chicago, IL 60606

Michael W. Rapps  
Rapps Engineering & Applied Science  
821 S. Durkin Drive  
P.O. Box 7349  
Springfield, IL 6279107349

Joel J. Sternstein  
Office of the Attorney General  
Environmental Bureau  
188 West Randolph, 20<sup>th</sup> Floor  
Chicago, IL 60601

Tom Herlacher  
Herlacher Angleton Associates, LLC  
8731 Bluff Road  
Waterloo, IL 62298

Jennifer Goodman  
Herlacher Angleton Associates  
522 Belle Street  
Alton, IL 62002

James E. Huff, PE  
Huff & Huff, Inc.  
512 W. Burlington Ave., Suite 100  
LaGrange, IL 60525

Scott Anderson  
Black & Veatch  
101 N. Wacker Dr., Suite 1100  
Chicago, IL 60606

Melanie LoPiccolo, Office Manager  
Marlin Environmental, Inc.  
1000 West Spring St.  
South Elgin, IL 60177

Brian Porter  
Terracon  
870 40<sup>th</sup> Avenue  
Bettendorf, IA 52722

Jonathan Furr, General Counsel  
Illinois Dept. of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702

Joe Kelly, VP Engineering  
EcoDigital Development LLC  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898

Glen Lee, Manager  
Wendler Engineering Services, Inc.  
1770 West State St.  
Sycamore, IL 60178

A.J. Pavlick  
Great Lakes Analytical  
1380 Busch Parkway  
Buffalo Grove, IL 60089

Joseph W. Truesdale, PE  
CSD Environmental Services  
2220 Yale Blvd.  
Springfield, IL 62703

Ron Dye, President  
CORE Geological Services, Inc.  
2621 Monetga, Suite C  
Springfield, IL 62704

Monte Nienkerk  
Clayton Group Services, Inc.  
3140 Finley Road  
Downers Grove, IL 60515

Kurt Stepping  
PDC Laboratories  
2231 W. Altorfer Drive  
Peoria, IL 61615

Thomas M. Guist, PE  
Atwell-Hicks, Inc.  
940 E. Diehl Road, Suite 100  
Naperville, IL 60563

Jeff Wienhoff  
CW<sup>3</sup>M Company, Inc.  
701 S. Grand Ave. West  
Springfield, IL 62704

Jarrett Thomas, V.P.  
Suburban Laboratories, Inc.  
4140 Litt Drive  
Hillside, IL 60162

Dan King  
United Science Industries, Inc.  
6295 East Illinois Highway 15  
Woodlawn, IL 62898

Richard Andros, PE  
Environmental Consulting &  
Engineering, Inc.  
551 Roosevelt Rd., #309  
Glenn Ellyn, IL 60137

Terrence W. Dixon  
MACTEC Engineering & Consulting, Inc.  
8901 N. Industrial Road  
Peoria, IL 61615

Steve Gobelman  
Illinois Dept. of Transportation  
2300 Dirksen Parkway  
Springfield, IL 62764

Collin W. Gray  
SEECO Environmental Services, Inc.  
7350 Duvon Drive  
Tinley Park, IL 60477

George Moncek  
United Environmental Consultants  
119 E. Palatine Road, Suite 101  
Palatine, IL 60067

David Rieser  
McGuire Woods LLP  
77 W. Wacker, Suite 4400  
Chicago, IL 60601

Tina Archer  
Greensfelder, Hemker & Gale  
10 S. Broadway, Suite 2000  
St. Louis, MO 63104

Erin Curley  
Midwest Engineering Services, Inc.  
4243 W. 166<sup>th</sup> St.  
Oak Forest, IL 60452

Ken Miller, Regional Manager  
American Environmental Corp.  
3700 W. Grand Avenue, Suite A  
Springfield, IL 62707

Russ Goodiel  
Applied Environmental Solutions, Inc.  
P.O. Box 1225  
Centralia, IL 62801

Daniel Goodwin  
Secor International, Inc.  
400 Bruns Lane  
Springfield, IL 62702

Eric Minder  
Caterpillar, Inc.  
100 N.E. Adams St.  
Peoria, IL 61629

Daniel Caplice  
K-Plus Environmental  
600 W. Van Buren St., Suite 1000  
Chicago, I 60607

*Claire A. Manning*

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of May, 2004

*[Signature]*  
NOTARY PUBLIC

**CLAIRE A. MANNING**  
111 N. Sixth Street, Suite 200  
Springfield, Illinois 62701  
(217) 522-6152  
(217) 522-6184 (FAX)  
[claire@posegate-denes.com](mailto:claire@posegate-denes.com)



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**PROFESSIONALS OF ILLINOIS FOR THE PROTECTION OF THE ENVIRONMENT**  
**("PIPE") MOTION TO EXTEND DATE FOR PRE-FILING TESTIMONY**

NOW COMES the Professionals of Illinois for the Protection of the Environment ("PIPE"), by and through its attorney Claire A. Manning, and, for the following reasons, respectfully moves that HEARING OFFICER TIPSORD of the Illinois Pollution Control Board extend the time for the pre-filing of testimony. In support of such Motion, PIPE asserts the following:

- (1) As established by the Hearing Officer, the current hearing schedule sets forth pre-filing of all testimony by May 11, 2004.
- (2) Already the parties have been actively consumed in this proceeding, having pre-filed questions to the Illinois Environmental Protection Agency on May 5, 2004, as required by the Hearing Officer.
- (3) Additionally, the Agency has filed a Motion for Emergency rulemaking, requiring swift response on the part of all participants. That Motion is still pending.

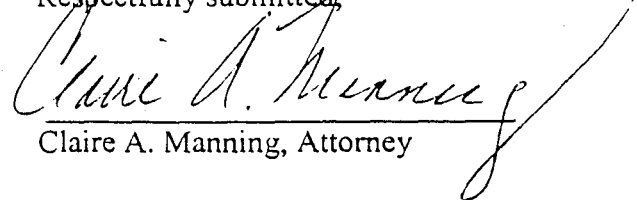
(4) The preparation of those documents consumed so much time on the part of PIPE participants and the undersigned that more time is needed to effectively prepare the testimony which will be presented by members of PIPE in opposition to various aspects of the proposal.

(5) Additionally, since the questions asked of the Agency require significant and specific response, PIPE members will be seriously disadvantaged by the requirement to prepare and file testimony in advance of the Agency's responses, since that testimony would not be responsive to the Agency's answers and any follow-up to those answers.

(6) Further, given the nature of the questions required of the Agency, it is likely that the May 25 hearing day, as well as the spillover hearing day, May 26, will be consumed solely by the Agency answering questions, and providing answers to whatever follow-up questions are asked. Thus, it appears that another hearing date may be necessary for the Board to have a clear and complete record in this rulemaking and that the requirement for pre-filing of all non-Agency testimony, given how this rulemaking has progressed, may be premature.

(7) In any event, in order to ensure that the Board is provided with the best possible information and testimony from members of PIPE, that is responsive to all of the issues raised by this rulemaking and any concerns of the Board, PIPE respectfully requests that the Hearing Officer extend its time for filing pre-filed questions to a more suitable date than May 11, 2004.

Respectfully submitted,



Claire A. Manning, Attorney

**CLAIRE A. MANNING**  
Posegate & Denes, P.C.  
111 N. Sixth Street  
Springfield, Illinois 62705  
(217) 522-6152  
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