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STATE OF ILLINOIS
Pollution Control Board

July 6, 2005

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

PC#49

RE: Proposed Revisions to Leaking Underground Storage Tank Regulations
R04-22 and R04-23

Dear Ms. Tipsord:

I am writing to express my concerns in regard to revisions proposed by the Illinois Environmental Protection Agency (IEPA) to regulations governing leaking underground storage tanks (USTs).

As I'm sure you are aware, UST Owners and Operators are required by Illinois leaking underground storage tank (LUST) regulations to satisfy a financial responsibility adequate to cover *all* costs of environmental clean-up incurred in response to a leaking UST. Like most Illinois UST Owners and Operators, I rely on the Illinois LUST Fund to satisfy this financial responsibility for costs exceeding my deductible. I consider the deductible itself to be a considerable sum of money. If there is even the slightest potential that the revisions proposed by the IEPA will increase the amount of non-recoverable costs from the LUST Fund beyond my deductible, I am not supportive of these revisions. Illinois UST Owners and Operators contribute to the LUST Fund for the very specific purpose of satisfying our financial responsibility. I will not support regulations that will ultimately result in increasing the costs I must incur in order to satisfy this financial responsibility.

I must rely on environmental professionals to assist me in my effort to comply with LUST regulations. I must also rely upon the Illinois LUST Fund to ensure the cost of professional assistance is recovered in full. Being able to do so is critical to my financial stability. I will not support proposed revisions that could potentially result in my ability to recover only a portion of the costs I incur as a result of seeking professional assistance to comply with LUST regulations. This is simply not a financial risk I am willing to take.

I recognize the need for cost containment. However, this is an extremely important issue that *must* be evaluated thoroughly and addressed responsibly. In the Illinois Pollution Control Board (IPCB) decision to move to First Notice, you acknowledged that the IEPA proposed revisions were not well supported by scientific or statistical data. If the proposed revisions are not well supported by scientific or statistical data, then it appears to me that a thorough and responsible evaluation has not been performed. I fear that the proposed revisions to provide cost containment measures will have a negative financial impact on me and other Illinois UST Owners and Operators. I strongly urge the IPCB to demand that *any* proposed revision be adequately supported by scientific and statistical data to ensure the intended purpose (i.e., cost containment) is achieved without posing unnecessary financial threats to Illinois UST Owners and Operators. In addition, this information must be fully-disclosed and available to the public. I would suggest that such notices and proposed changes of LUST regulations be forwarded to each Illinois UST Owner and Operator.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Mueller".

Mr. Tom Mueller

Thomas Mueller
11 Woodfield Dr.
Belleville, IL 62226