

ILLINOIS POLLUTION CONTROL BOARD

August 1, 2005

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

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Pollution Control Board

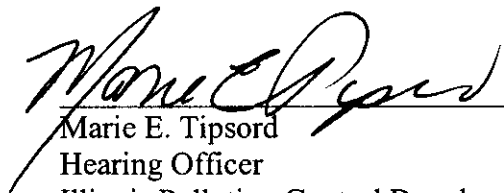
IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R04-23
REGULATION OF PETROLEUM LEAKING) (UST Rulemaking)
UNDERGROUND STORAGE TANKS (35) (Consolidated)
ILL. ADM. CODE 734))

HEARING OFFICER ORDER

On July 27, 2005, the Board held a hearing in this matter in Carbondale, Illinois. At that hearing, substantial testimony that had not been prefiled was submitted by Mr. Jay P. Koch with United Science Industries (USI). Both the Board and the Illinois Environmental Protection Agency (Agency) indicated that after reviewing the testimony, seen for the first time at hearing, there may be additional questions for USI. Therefore, before the close of hearing, the parties agreed that the Board and the Agency will file any additional question for USI by August 12, 2005. The mailbox rule does not apply. USI will file any response by August 26, 2005, and the mailbox rule will not apply. In addition, USI will file by August 3, 2005 a copy of USI's suggested rulemaking language changes, marking the changes in the text of the document. The mailbox rule does not apply.

All final comments in this rulemaking must be filed by September 23, 2005. The mailbox rule does not apply. The Board must complete this rulemaking by February, 2006, and therefore must proceed to second notice under the Administrative Procedure Act (5 ILCS 100/5 *et. seq.* (2004)) no later than the November 3, 2005 Board meeting. Because of the tight timeframe for Board action, extensions of the final comment period will not be granted.

IT IS SO ORDERED.


Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
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