

Board Sends to Second Notice Proposals To Amend Regulations Of Petroleum Leaking Underground Storage Tanks

On December 1, 2005, the Illinois Pollution Control Board sent to second notice two proposals amending the Board's petroleum leaking underground storage tank rules, and opening a subdocket B in this rulemaking to address ongoing issues involving scopes of work and reimbursement for professional consulting services. 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 were originally proposed by the Illinois Environmental Protection Agency on January 13, 2004.

Due to the comments received after the first notice began and in consideration of prior comments in this rulemaking, the second notice differs from the first notice proposal in one major aspect—the reimbursement of professional consulting services. The Board proposes that professional consulting services be reimbursed on a time and materials basis. The Board also opened a subdocket B for the purpose of developing scopes of work to be used in reimbursing professional consulting services in the remediation of underground storage tank (UST) sites. Subdocket B would also examine issues surrounding the hourly payment amounts and hours of work for professional services. The Board will, at a future meeting, propose language for consideration on each these issues. The Board will hold at least one additional hearing on the language before proceeding to first notice with an appropriate rule. During the pendency of subdocket B, professional consulting services will continue to be reimbursed on a time and material basis.

The Board also made several changes to the proposed rule in response to comments. Some of the more significant changes include allowing for reimbursement of handling charges for a subcontractor if the primary contractor has a financial interest in the subcontractor and removing professional services from eligibility for bidding. The Board also determines that some changes requested by the participants are not necessary or supported by the record, such as adding mobilization charges for drill rigs and adjusting maximum payment amounts for abandonment and removal of tanks.

Opinions and orders of the Board, hearing transcripts, and other documents in this rulemaking record are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office.

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