

Board Adopts Amended Regulations Of Petroleum Leaking Underground Storage Tanks

The Illinois Pollution Control Board, on February 16, 2006, adopted amendments to the Board's petroleum leaking underground storage tank rules. The amendments contained in the docket entitled Proposed Amendments To: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732), R04-22(A) and Proposed Amendments To: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 734) R04-23(A), add new requirements in response to legislative changes in the leaking underground storage tank (UST) program.

The amendments set forth corrective action measures that must be taken in response to a leak and the procedures for seeking payment from the UST Fund. The amendments also include a shift to site investigation rather than classification and increased caps on the total amount owners and operators can be paid from the UST Fund. New items have been added to the list of ineligible reimbursement items including costs submitted more than one year after issuance of a no further remediation letter and costs of an owner/operator's oversight. New items addressing abandonment, repair, or replacement of potable water supply wells have been added to the eligible costs.

The most significant change is found in Subpart H where maximum amounts for reimbursement for remedial activities have been established. Maximum payment amounts have been established for items such as removal of tanks, removal of free product, drilling, well installation and abandonment, and soil removal. If there are unusual or extraordinary circumstances, the maximum payment amounts can be exceeded. Also, if an owner/operator solicits bids that demonstrate the maximum payment amount is too low, the lowest bid will be the amount reimbursed.

On December 1, 2005, the Board opened subdocket B in this rulemaking. Subdocket B will address ongoing issues involving scope of work, reimbursement for professional consulting services, ineligible costs associated with on-site cleanup to levels more stringent than Tier 2 TACO levels and groundwater cleanup where a groundwater ordinance can be used as a institutional control.

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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