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BRUCE S. BONCZYK, LTD.

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STATE OF ILLINOIS
Pollution Control Board

601 WEST MONROE STREET, SPRINGFIELD, IL 62704
TELEPHONE (217) 525-0700 FAX (217) 525-2171

April 6, 2001

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

P.C. #3

Re: R01-27 (Rulemaking-Land)

Dear Ms. Gunn:

Enclosed for filing in the above Rulemaking are one original and nine copies of the following: Public Comments of Bruce S. Bonczyk in Opposition to Certain Proposed Amendments of the Environmental Protection Agency's Proposal to Amend 35 Ill. Ad. Code 740. Said copies are provided with the Notice of Filing and Certificate of Service.

Please file stamp the enclosed additional copy of the documents and return them in the enclosed self-addressed stamped envelope. Thank you for your assistance.

Very truly yours,
Bruce S. Bonczyk, Ltd. Law Office


Bruce S. Bonczyk, P.E.

BSB:lew

cc: Mr. David Kennedy, CECI
Mr. Gary Crites, ISPE

Enclosures

APR 10 2001

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

IN THE MATTER OF:)
)
SITE REMEDIATION PROGRAM) R01-27
) (Rulemaking - Land)
AMENDMENTS TO)
35 ILL. ADM. CODE 740) *P.C. #3*

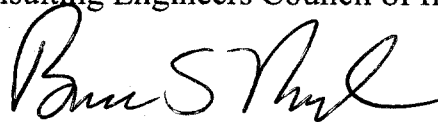
NOTICE OF FILING

TO: Ms. Dorothy M. Gunn Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601 (Via U. S. Mail)	Mr. Bobb A. Beauchamp Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601 (Via U. S. Mail)
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All Other Persons on the Attached Service List via U. S. Mail

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Public Comments of Bruce S. Bonczyk in Opposition to Certain Proposed Amendments of the Environmental Protection Agency's Proposal to Amend 35 Ill. Ad. Code 740, in the above entitled matter, copies of which are hereby served upon you.

Respectfully submitted,
Illinois Society of Professional Engineers
Consulting Engineers Council of Illinois.



Bruce S. Bonczyk, One of their Attorneys

Dated: *April 6, 2001*

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CLERK'S OFFICE

APR 10 2001

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:)
)
SITE REMEDIATION PROGRAM) **R01-27**
) **(Rulemaking - Land)**
AMENDMENTS TO)
35 ILL. ADM. CODE 740)

PUBLIC COMMENTS OF BRUCE S. BONCZYK
IN OPPOSITION TO CERTAIN PROPOSED AMENDMENTS
OF THE ENVIRONMENTAL PROTECTION AGENCY'S
PROPOSAL TO AMEND 35 ILL. ADM. CODE 740

My name is Bruce S. Bonczyk. I am an attorney with Bruce S. Bonczyk, Ltd. and I represent the Illinois Society of Professional Engineers ("ISPE"), and the Consulting Engineers Council of Illinois ("CECI"). I am also a Licensed Professional Engineer in the State of Illinois.

I am testifying today to object to certain portions of the proposed amendments to 35 Ill. Adm. Code 740. On behalf of ISPE and CECI, I filed with the Board a Motion to Oppose Certain Proposed Amendments of the Environmental Protection Agency's Proposal to Amend 35 Ill. Adm. Code 740, and a companion Memorandum of Law in support of said motion.

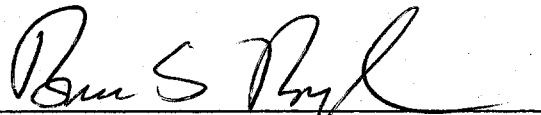
ISPE and CECI object to the proposed inclusion of terminology in the regulations which allow for "Licensed Professional Geologists" to perform certain functions assigned to "Licensed Professional Engineers" by the enabling legislation. An administrative agency has only such authority as is conferred by express provisions of law, or is found, by fair implication, to be incident to the express authority conferred by such legislation. We object on the grounds that there is no statutory authority in the enabling legislation to include Licensed Professional Geologists in the rules.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

geologists' services are a subset of the Licensed Professional Engineers, and the Licensed Professional Engineers bear the ultimate responsibility for the total package of services as defined in the SRP legislation. We believe there is no justification for the proposed change, as the existing rule authorizes the current relationships between the geologists and engineers for the SRP program.

In summary, ISPE and CECI believe the Agency is attempting to address a problem that doesn't exist, but in doing so may actually be creating a potential for confusion, both in a legal and practical sense. There is no statutory basis to support this proposed rule, and there is no ill that requires a remedy. Thus, we request the Agency and Board to strike the references to Licensed Professional Geologists in the proposed rulemaking. I thank the Board for the opportunity to comment.

Respectfully submitted,
Illinois Society of Professional Engineers
Consulting Engineers Council of Illinois

By: 
Bruce S. Bonczyk, One of its Attorneys

Bruce S. Bonczyk
(IL Reg. 6190593)
BRUCE S. BONCZYK, LTD.
601 West Monroe Street
Springfield, IL 62704
217.525.0700
217.525.0780 fax

Ms. Karen L. Bernoteit
IERG
215 East Adams Street
Springfield, IL 62701

Mr. Matthew J. Dunn
Office of the Attorney General
100 West Randolph, 12th Floor
Chicago, IL 60601

Ms. Dorothy M. Gunn
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Mr. Stephen Kirschner
Advanced GeoServices Corp.
Brandywine One, Suite 202
Chadds Ford, PA 19317

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

Mr. John Reimann
INDECK
600 N. Buffalo Grove Rd, Suite300
Buffalo Grove, IL 60089

Mr. Thomas V. Skinner
Director, IEPA
1021 North Grand Avenue East
Springfield, IL 62794-9278

Ms. Erin Curley
Midwest Engineering Services, Inc.
4243 West 166th Street
Oak Forest, IL 60452

Mr. Steven Gobelman
IDOT
2300 S. Dirksen Pkwy., Room 330
Springfield, IL 62764

Ms. Holly D. Harley, Esq.
Chicago Legal Clinic
205 West Monroe Street, 4th Floor
Chicago, IL 60606

Mr. Robert Lawley
Department of Natural Resources
524 South Second Street
Springfield, IL 62701-1787

Mr. Stefan A. Noe
Citizens for a Better Environment
205 West Monroe Street, 4th Floor
Chicago, IL 60606

Mr. David Reiser
Ross & Hardies
150 North Michigan
Chicago, IL 60601

Mr. Mark Wight
IEPA
1021 North Grand Avenue East
Springfield, IL 62794-9278

Mr. William G. Dickett
Sidley & Austin
10 South Dearborn, Suite 5200
Chicago, IL 60603

Mr. Daniel Goodwin, P.E.
Goodwin Environmental Cons.
400 Bruns Lane
Springfield, IL 62702

Ms. Katherine Hodge
Hodge & Dwyer
P.O. Box 5776
Springfield, IL 62705-5776

Mr. Brent Manning
Department of Natural Resources
524 South Second Street, 4th Floor
Springfield, IL 62701

Mr. Mike Rapps
Rapps Eng. & Applied Science
821 South Durkin Drive
Springfield, IL 62704

Mr. Jim Ryan
Office of the Attorney General
100 West Randolph
Chicago, IL 60601

Ms. Georgia Vlahos
U.S. Navy
2601A Paul Jones Street
Great Lakes, IL 60088-2845