

ILLINOIS POLLUTION CONTROL BOARD
September 16, 2008

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO TIERED) R09-9
APPROACH TO CORRECTIVE ACTION) (Rulemaking – Land)
OBJECTIVES (35 ILL. ADM. CODE 742))

ORDER OF THE BOARD (by T.E. Johnson):

On September 3, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Board's rules concerning the Tiered Approach to Corrective Action Objectives (TACO). The TACO rules are set forth in Part 742 of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code 742). The Agency filed the proposal under Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2006)). Today the Board accepts the Agency's proposal for hearing.

As the Agency notes in the "Statement of Reasons" (Statement) portion of its proposal, the TACO rules provide "procedures for developing remediation objectives based on various risks to human health posed by environmental conditions at a site." Statement at 1. With these proposed amendments, the Agency seeks to "add the indoor inhalation exposure route to the existing risk-based methodology." *Id.* at 2. The proposal also includes amendments to "update remediation objectives for all of the exposure routes." *Id.* at 4.

The Agency's proposal is accompanied by a motion (Motion) for relief from the requirement to file copies of material proposed to be incorporated by reference. *See* 35 Ill. Adm. Code 102.202(d). The Agency wants to avoid filing two of the amended documents proposed for incorporations by reference, specifically:

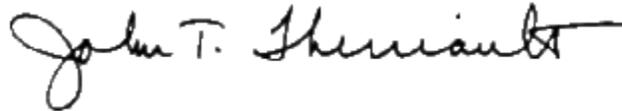
(1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA [United States Environmental Protection Agency] Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB, prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://www.epa.gov/epaoswer/hazwaste/test/main.htm>; and (2) United States Environmental Protection Agency, CFR Promulgated Test Methods, Method 3C, "Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources" and Method 16, "Semicontinuous Determination of Sulfur Emissions from Stationary Sources," Technology Transfer Network, Emission Measurement Center, (2007) available online at <http://www.epa.gov/ttn/emc/promgate.html>. Motion at 1-2.

The Agency maintains that these voluminous, multiple-volume references are already in the Board's possession and would be unduly burdensome and costly to copy. *Id.* at 1. The Board grants the motion.

The Board finds that the Agency's rulemaking proposal satisfies the content requirements of 35 Ill. Adm. Code 102.202. The Board accepts the proposal for hearing. The Board directs the hearing officer assigned to proceed expeditiously under the Title VII rulemaking provisions of the Act (415 ILCS 5/27, 28 (2006)) and the Board's procedural rules (35 Ill. Adm. Code 102).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 16, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board