

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Mr. Richard McGill
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA U.S. MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **ADDITIONAL PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: March 5, 2009

By: /s/ Katherine D. Hodge  
Katherine D. Hodge

Katherine D. Hodge  
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**ADDITIONAL PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorneys, Alec M. Davis and HODGE DWYER & DRIVER, and submits the following Additional Pre-Filed Questions for the Illinois Environmental Protection Agency (“Agency”) for presentation at the hearing scheduled in the above-referenced matter:

1. What actions will the Agency take if an indoor inhalation issue is discovered at a leaking underground storage tank (“LUST”) site where the owner or operator has already been issued a No Further Remediation (“NFR”) letter for a prior release?
  - a. What actions will the Agency take if the indoor inhalation issue is related to the prior release?
  - b. Can the prior LUST incident be re-opened?
  - c. Would the owner or operator report the indoor inhalation issue as a new release?
2. Will corrective action to address the indoor inhalation pathway be eligible for reimbursement from the LUST Fund for releases where an NFR letter has already been issued?

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3. Will the Illinois Pollution Control Board's LUST regulations need to be amended to address issues related to reimbursement from the LUST Fund for indoor inhalation activities?
4. In the past, the Agency has indicated that it will void NFR letters at sites where an indoor inhalation issue is discovered. Is there an alternative process by which the indoor inhalation issue can be addressed at the site without voiding the NFR letter?

IERG reserves the right to supplement these questions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: March 5, 2009

By: /s/ Katherine D. Hodge  
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IERG:001/R Dockets/Fil/R09-9/Additional Prefiled Questions

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached ADDITIONAL PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

via electronic mail on March 5, 2009; and upon:

Mr. Richard McGill  
Hearing Officer  
Illinois Pollution Control Board  
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by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on March 5, 2009.

/s/ Katherine D. Hodge

Katherine D. Hodge