

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO)
TIERED APPROACH TO CORRECTIVE)
ACTION OBJECTIVES)
(35 Ill. Adm. Code 742))
)

R09-9
(Rulemaking-Land)

RECEIVED
CLERK'S OFFICE

FEB . 5 2010

STATE OF ILLINOIS
Pollution Control Board

NOTICE

Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via Federal Express)

Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(Via First Class Mail)

Matt Dunn
Environmental Bureau Chief
Office of the Attorney General
James R. Thompson Center
100 W. Randolph, 12th Floor
Chicago, Illinois 60601
(Via First Class Mail)

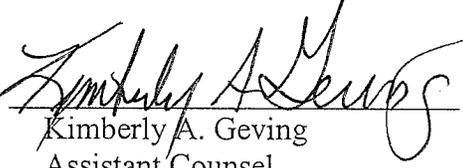
Richard McGill
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

Participants on the Service List
(Via First Class Mail)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's ("Illinois EPA") Status Report a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:


Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

DATE: February 4, 2010

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217) 782-5544

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Pollution Control Board

STATUS REPORT

On October 5, 2009, the Illinois Environmental Protection Agency (“Illinois EPA”) filed a motion with the Illinois Pollution Control Board (“Board”), pursuant to 35 Ill. Adm. Code 101.514, requesting a partial stay be granted in the above captioned matter. In its motion, the Illinois EPA committed to filing status reports with the Board every three months detailing its progress.

On November 5, 2009, the Board granted the Illinois EPA’s motion for a partial stay and accepted its proposed status report schedule.

In compliance with its commitment to file a status report every three months, the Illinois EPA, by and through one of its attorneys, Kimberly A. Geving, hereby files its first status report.

I. Overview of the Illinois EPA’s Progress

Since filing its motion to stay the indoor inhalation portion of the TACO rulemaking in October 2009, the Illinois EPA has been engaged in reexamining the assumptions and parameter inputs used in applying the Johnson and Ettinger model to calculate indoor inhalation remediation objectives.

To address U.S. EPA's concerns, the Illinois EPA has reevaluated the influence of advection in the migration of volatile chemicals into buildings. Our activities have consisted of literature reviews, discussions with vapor intrusion experts, and consideration of other States' approaches to vapor intrusion.

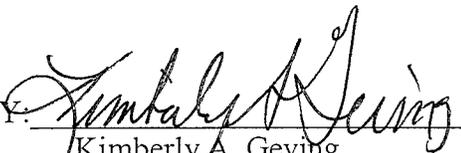
The Illinois EPA has developed a strategy to revise its indoor inhalation proposal. On January 28, 2010, Illinois EPA communicated a summary of this strategy to U.S. EPA by phone. On February 3, 2010, the Illinois EPA met with the Site Remediation Advisory Committee ("SRAC") to present the strategy, answer questions, and accept comments from SRAC members. The Illinois EPA is now engaged in putting the strategy into action by editing the existing indoor inhalation proposal for re-submittal to the Board.

II. Next Step

The Illinois EPA will continue to work on a revised proposal. In the event that it does not have an amended proposal completed by May 5, 2010, the Illinois EPA will file a second status report with the Board detailing its progress.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: 
/Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

Dated: February 4, 2010
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Status Report upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

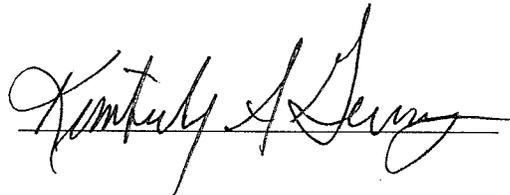
Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Matt Dunn
Environmental Bureau Chief
Office of the Attorney General
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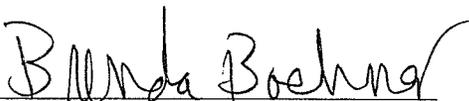
Participants on the Service List

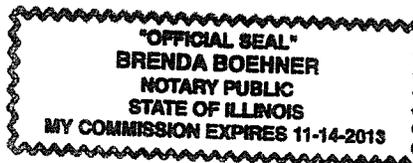
and mailing them (First Class Mail, with the exception of the Clerk, which went Federal Express) from Springfield, Illinois on February 4, 2010, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

This 4th day of February, 2010.


Notary Public



10/7/2008	Other	Chairman Girard's Letter to Jack Lavin, Director, Department of Commerce and Economic Opportunity Requesting Economic Impact Study	
9/16/2008	Order	Order of the Board by T. E. Johnson: Board accepts proposal for hearing and grants motion for relief from filing requirements	
9/3/2008	Initial Filing	Agency's Motion for Acceptance; Certification of Origination; Motion for Leave From Filing Requirement; List of Studies and Reports Used in Regulatory Development; Statement of Reasons; Proposed Amendments; Appearance of Kimberly A. Geving for the Agency	

Service List

Party Name	Address	City/State/Zip	Phone/Fax
Illinois Environmental Protection Agency Interested Party <ul style="list-style-type: none"> Kimberly A. Geving - Assistant Counsel 	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
IEPA Petitioner <ul style="list-style-type: none"> Kimberly A. Geving - Assistant Counsel 	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
Hodge Dwyer & Driver Complainant <ul style="list-style-type: none"> Katherine D. Hodge 	3150 Roland Avenue Post Office Box 5776	Springfield IL 62705-5776	217/523-4900 217/523-4948

				<ul style="list-style-type: none"> • Monica T. Rios
<u>Mayer, Brown LLP</u> Interested Party	71 South Wacker Drive	Chicago IL 60606-4637	312/782-0600 312/701-7711	<ul style="list-style-type: none"> • Kevin G. Desharnais
<u>EPI</u> Interested Party	16650 South Canal	South Holland IL 60473		<ul style="list-style-type: none"> • Bob Mankowski
<u>Chemical Industry Council of Illinois</u> Interested Party	1400 East Touhy Avenue Suite 110	DesPlaines IL 60019-3338		<ul style="list-style-type: none"> • Lisa Frede
<u>Bellande & Sargis Law Group, LLP</u> Interested Party	19 South LaSalle Street Suite 1203	Chicago IL 60603	312/853-8701 312/853-8702	<ul style="list-style-type: none"> • Mark Robert Sargis
<u>Hanson Engineers, Inc.</u> Interested Party	1525 South Sixth Street	Springfield IL 62703-2886	217/788-2450 217/788-2503	<ul style="list-style-type: none"> • Tracy Lundein
<u>Conestoga-Rovers & Associates</u> Interested Party	8615 West Bryn Mawr Avenue	Chicago IL 60631	773/380-9933 773/380-6421	<ul style="list-style-type: none"> • Douglas G. Soutter
<u>Office of the Attorney General</u> Interested Party	Environmental Bureau 69 W. Washington, 18th Floor	Chicago IL 60602	312/814-0660 312/814-2347	<ul style="list-style-type: none"> • Matthew J. Dunn - Division Chief
<u>Navy Facilities and Engineering Command</u> Interested Party	201 Decatur Avenue Building 1A	Great Lakes IL 60088-2801	847/688-2600 847/688-2319	<ul style="list-style-type: none"> • Mark Schultz - Regional Environmental Coordinator
<u>Illinois Pollution Control Board</u> Interested Party	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814-3620 312/814-3669	<ul style="list-style-type: none"> • - Clerk of the Board • Richard McGill - Hearing Officer

<u>Commonwealth Edison</u> Interested Party	10 South Dearborn Street 35FNW	Chicago IL 60603	
<ul style="list-style-type: none"> • Diane H. Richardson 			
<u>Clayton Group Services</u> Interested Party	3140 Finley Road	Downers Grove IL 60515	
<ul style="list-style-type: none"> • Monte Nienkerk 			
<u>Weaver Boos & Gordon</u> Interested Party	2021 Timberbrook Lane	Springfield IL 62702	
<ul style="list-style-type: none"> • Elizabeth Steinhour 			
<u>Andrews Environmental Engineering</u> Interested Party	3300 Ginger Creek Drive	Springfield IL 62711	
<ul style="list-style-type: none"> • Kenneth W. Liss 			
<u>Missman Stanley & Associates</u> Interested Party	333 East State Street	Rockford IL 61110-0827	
<ul style="list-style-type: none"> • John W. Hochwarter • Jeffrey Larson 			
<u>Trivedi Associates, Inc.</u> Interested Party	2055 Steeplebrook Court	Naperville IL 60565	
<ul style="list-style-type: none"> • Chetan Trivedi 			
<u>Illinois Department of Natural Resources</u> Interested Party	One Natural Resources Way	Springfield IL 62702-1271	217/782-1809 217/524-9640
<ul style="list-style-type: none"> • Stan Yonkauski • Mitchell Cohen - General Counsel 			
<u>Suburban Laboratories, Inc.</u> Interested Party	4140 Litt Drive	Hillside IL 60162	708-544-3260
<ul style="list-style-type: none"> • Jarrett Thomas - V.P. 			
<u>Illinois Department of Transportation</u> Interested Party	2300 S. Dirksen Parkway Room 302	Springfield IL 62764	
<ul style="list-style-type: none"> • Steven Gobelman 			
<u>McGuire Woods LLP</u>	77 W. Wacker	Chicago	312/849-

Interested Party <ul style="list-style-type: none">• David Rieser	Suite 4100	IL 60601	8100
Reott Law Offices, LLC Interested Party <ul style="list-style-type: none">• Raymond T. Reott• Jorge T. Mihalopoulos	35 East Wacker Drive Suite 650	Chicago IL 60601	312/332-7544
Environmental Management & Technologies, Inc. Interested Party <ul style="list-style-type: none">• Craig Gocker - President	3010 Gill Street	Bloomington IL 61704	309/661-2300 309661-2306
IL Environmental Regulatory Group Interested Party <ul style="list-style-type: none">• Alec M. Davis	215 East Adams Street	Springfield IL 62701	217/522-5512 217/522-5518
Chicago Department of Law Interested Party <ul style="list-style-type: none">• Charles A. King - Assistant Corporation Counsel	30 N. LaSalle Street Suite 900	Chicago IL 60602	312/742-3990 312/744-6798
SRAC Interested Party <ul style="list-style-type: none">• Harry Walton	2510 Brooks Drive	Decatur IL 62521	
Burns & McDonnell Engineering Company, Inc. Interested Party <ul style="list-style-type: none">• Lawrence L. Fieber - Principal	210 South Clark Street, Suite 2235 The Clark Adams Building	Chicago IL 60603	6306751625

Total number of participants: 28

Notice List

Party Name	Address	City/State/Zip	Phone/Fax
Drinker Biddle & Reath Interested Party <ul style="list-style-type: none">• Sheila H. Deely• Stephanie Jackson	191 N. Wacker Drive Suite 3700	Chicago IL 60606-1698	312/569/1000 312/569-3000
Jones, Day, Reavis	77 West	Chicago	312/782-3939