

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**

**MAY 03 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 First Class Mail)**

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

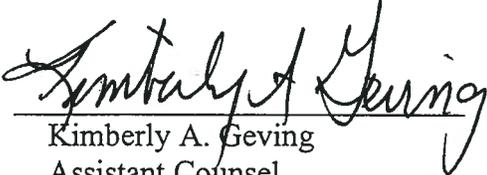
Matt Dunn  
Environmental Bureau Chief  
Office of the Attorney General  
James R. Thompson Center  
100 W. Randolph, 12<sup>th</sup> Floor  
Chicago, Illinois 60601  
**(Via First Class Mail)**

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: April 30, 2010

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

(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
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PROPOSED AMENDMENTS TO ) R09-9  
TIERED APPROACH TO CORRECTIVE ) (Rulemaking Board)  
ACTION OBJECTIVES )  
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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 second status report.

I. Overview of the Illinois EPA’s Progress

Since filing the first status report with the Board on February 5, 2010, the Illinois EPA has revised the draft proposal to account for two significant changes.

First, Illinois EPA has added the advection component to the risk assessment model it uses to calculate remediation objectives for the proposed indoor inhalation exposure route. The advection component accounts for the migration of contaminants in

soil gas brought about by differences in pressure gradients between the interior of a building and the soil nearest the building foundation. Illinois EPA has set the parameter value used to measure advective flow, called  $Q_{soil}$ , to the USEPA default number. USEPA's concerns with Illinois EPA's original proposal centered around the lack of an advection component.

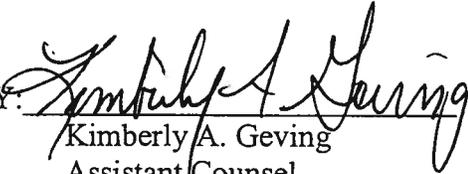
Second, Illinois EPA proposes to add soil gas remediation objectives to the **existing outdoor** inhalation pathway in 35 Ill. Adm. Code 742. As revised, this means that compliance may be met by using either soil or soil gas remediation objectives. This change would increase the usefulness and applicability of soil gas data collected as part of an indoor inhalation pathway evaluation.

## II. Next Step

On April 23, 2010, Illinois EPA provided a copy of the revised proposal to the Site Remediation Advisory Committee ("SRAC") for its review. On May 4, 2010, Illinois EPA will meet with SRAC to listen to their comments and answer questions. Illinois EPA is in the process of scheduling a meeting with representatives from USEPA, Region 5 to brief them on the changes and request their comments on the proposal. In the event that it does not have an amended proposal completed by August 5, 2010, the Illinois EPA will file a third 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: April 30, 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  
James R. Thompson Center  
100 W. Randolph, 12<sup>th</sup> Floor  
Chicago, Illinois 60601

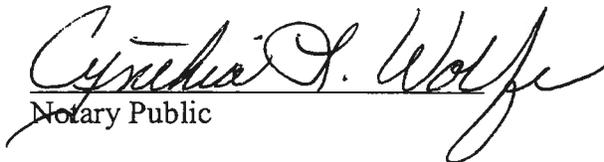
Richard McGill  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

Participants on the Service List

and mailing them First Class Mail from Springfield, Illinois on April 30, 2010, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME  
This 30th day of April, 2010.



Notary Public



**Service List**

<b>Party Name</b>	<b>Address</b>	<b>City/State/Zip</b>	<b>Phone/Fax</b>
<b><u>Illinois Environmental Protection Agency</u></b> <b>Interested Party</b>  • Kimberly A. Geving - Assistant Counsel	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
<b><u>IEPA</u></b> <b>Petitioner</b>  • Kimberly A. Geving - Assistant Counsel	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
<b><u>Hodge Dwyer &amp; Driver</u></b> <b>Complainant</b>  • Katherine D. Hodge • Monica T. Rios	3150 Roland Avenue Post Office Box 5776	Springfield IL 62705-5776	217/523-4900 217/523-4948
<b><u>Mayer, Brown LLP</u></b> <b>Interested Party</b>  • Kevin G. Desharnais	71 South Wacker Drive	Chicago IL 60606-4637	312/782-0600 312/701-7711
<b><u>EPI</u></b> <b>Interested Party</b>  • Bob Mankowski	16650 South Canal	South Holland IL 60473	
<b><u>Illinois Environmental Regulatory Group</u></b> <b>Interested Party</b>  • Alec M. Davis	215 East Adams Street	Springfield IL 62701	217/522-5512 217/522-5518
<b><u>Chemical Industry Council of Illinois</u></b> <b>Interested Party</b>  • Lisa Frede	1400 East Touhy Avenue Suite 110	DesPlaines IL 60019-3338	
<b><u>Bellande &amp; Sargis Law Group, LLP</u></b> <b>Interested Party</b>  • Mark Robert Sargis	19 South LaSalle Street Suite 1203	Chicago IL 60603	312/853-8701 312/853-8702
<b><u>Hanson Engineers, Inc.</u></b> <b>Interested Party</b>  • Tracy Lundein	1525 South Sixth Street	Springfield IL 62703-2886	217/788-2450 217/788-2503
<b><u>Conestoga-Rovers &amp; Associates</u></b> <b>Interested Party</b>  • Douglas G. Soutter	8615 West Bryn Mawr Avenue	Chicago IL 60631	773/380-9933 773/380-6421
<b><u>Office of the Attorney General</u></b> <b>Interested Party</b>  • Matthew J. Dunn - Division Chief	Environmental Bureau 69 W. Washington, 18th Floor	Chicago IL 60602	312/814-0660 312/814-2347
<b><u>Navy Facilities and Engineering Command</u></b> <b>Interested Party</b>  • Mark Schultz - Regional Environmental Coordinator	201 Decatur Avenue Building 1A	Great Lakes IL 60088-2801	847/688-2600 847/688-2319
<b><u>Illinois Pollution Control Board</u></b> <b>Interested Party</b>  • - Clerk of the Board • Richard McGill - Hearing Officer	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814-3620 312/814-3669
<b><u>Commonwealth Edison</u></b> <b>Interested Party</b>	10 South Dearborn Street 35FNW	Chicago IL 60603	

<ul style="list-style-type: none"> <li>• Diane H. Richardson</li> </ul>			
<b><u>Clayton Group Services</u></b> Interested Party	3140 Finley Road	Downers Grove IL 60515	
<ul style="list-style-type: none"> <li>• Monte Nienkerk</li> </ul>			
<b><u>Weaver Boos &amp; Gordon</u></b> Interested Party	2021 Timberbrook Lane	Springfield IL 62702	
<ul style="list-style-type: none"> <li>• Elizabeth Steinhour</li> </ul>			
<b><u>Andrews Environmental Engineering</u></b> Interested Party	3300 Ginger Creek Drive	Springfield IL 62711	
<ul style="list-style-type: none"> <li>• Kenneth W. Liss</li> </ul>			
<b><u>Missman Stanley &amp; Associates</u></b> Interested Party	333 East State Street	Rockford IL 61110-0827	
<ul style="list-style-type: none"> <li>• John W. Hochwarter</li> <li>• Jeffrey Larson</li> </ul>			
<b><u>Trivedi Associates, Inc.</u></b> Interested Party	2055 Steeplebrook Court	Naperville IL 60565	
<ul style="list-style-type: none"> <li>• Chetan Trivedi</li> </ul>			
<b><u>Illinois Department of Natural Resources</u></b> Interested Party	One Natural Resources Way	Springfield IL 62702-1271	217/782-1809 217/524-9640
<ul style="list-style-type: none"> <li>• Stan Yonkauski</li> <li>• Mitchell Cohen - General Counsel</li> </ul>			
<b><u>Suburban Laboratories, Inc.</u></b> Interested Party	4140 Litt Drive	Hillside IL 60162	708-544-3260
<ul style="list-style-type: none"> <li>• Jarrett Thomas - V.P.</li> </ul>			
<b><u>Illinois Department of Transportation</u></b> Interested Party	2300 S. Dirksen Parkway Room 302	Springfield IL 62764	
<ul style="list-style-type: none"> <li>• Steven Gobelman</li> </ul>			
<b><u>McGuire Woods LLP</u></b> Interested Party	77 W. Wacker Suite 4100	Chicago IL 60601	312/849-8100
<ul style="list-style-type: none"> <li>• David Rieser</li> </ul>			
<b><u>Reott Law Offices, LLC</u></b> Interested Party	35 East Wacker Drive Suite 650	Chicago IL 60601	312/332-7544
<ul style="list-style-type: none"> <li>• Raymond T. Reott</li> <li>• Jorge T. Mihalopoulos</li> </ul>			
<b><u>Environmental Management &amp; Technologies, Inc.</u></b> Interested Party	3010 Gill Street	Bloomington IL 61704	309/661-2300 309661-2306
<ul style="list-style-type: none"> <li>• Craig Gocker - President</li> </ul>			
<b><u>Chicago Department of Law</u></b> Interested Party	30 N. LaSalle Street Suite 900	Chicago IL 60602	312/742-3990 312/744-6798
<ul style="list-style-type: none"> <li>• Charles A. King - Assistant Corporation Counsel</li> </ul>			
<b><u>SRAC</u></b> Interested Party	2510 Brooks Drive	Decatur IL 62521	
<ul style="list-style-type: none"> <li>• Harry Walton</li> </ul>			
<b><u>Burns &amp; McDonnell Engineering Company, Inc.</u></b>	210 South Clark Street, Suite 2235	Chicago IL 60603	6306751625

**Interested Party**

The Clark Adams Building

- Lawrence L. Fieber - Principal

Total number of participants: 28