

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 05 2010

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO)	R09-9
TIERED APPROACH TO CORRECTIVE)	(Rulemaking-Land)
ACTION OBJECTIVES)	
(35 Ill. Adm. Code 742))	
)	

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)

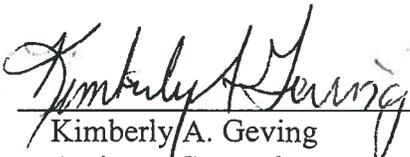
Matt Dunn
Environmental Enf/Asbestos
Office of the Attorney General
Litigation Division
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(Via First Class Mail)

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

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

RECEIVED
DATE: August 4, 2010

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

(217) 782-5544

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
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PROPOSED AMENDMENTS TO)	(Rulemaking-Land)
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ACTION OBJECTIVES)	
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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 third status report.

I. Overview of the Illinois EPA’s Progress

On May 25, 2010, Illinois EPA staff traveled to Chicago to meet with representatives from U.S. EPA Region 5. The purposes of the meeting were to: 1) brief U.S. EPA on the revisions Illinois EPA has made to the vapor intrusion proposal in response to U.S. EPA’s original comments; 2) answer questions and provide further explanation as needed; and 3) request additional review by U.S. EPA in an effort to

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Air Pollution Control Board
secure U.S. EPA's concurrence with the changes. At the meeting, U.S. EPA agreed to review and provide comments on the revised proposal.

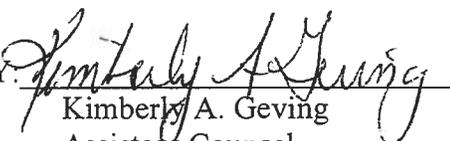
II. Next Steps

Illinois EPA expects to receive U.S. EPA's comments by early August. U.S. EPA's primary reviewer has been out of the country for two months, affecting their capacity to respond any sooner. Depending on the nature and extent of the comments, a second meeting with U.S. EPA may be necessary. Illinois EPA is hopeful, however, that the two agencies are nearer to resolving their differences.

Whether or not additional changes are needed, Illinois EPA will give the Site Remediation Advisory Committee another opportunity to review the revised vapor intrusion proposal before Illinois EPA re-submits the proposal to the Board.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

Dated: August 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

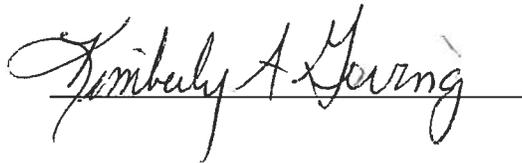
Mitchell Cohen
Chief Legal Counsel
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Springfield, Illinois 62702-1271

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Chicago, Illinois 60602

Richard McGill
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601

Participants on the Service List

and mailing them Federal Express (to the Clerk and Hearing Officer) and First Class Mail (all others) from Springfield, Illinois on August 4, 2010, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

This 4th day of August, 2010.


Notary Public



10/13/2008	Appearance	Katherine D. Hodge, Monica T. Rios, and Alec M. Davis for Illinois Environmental Regulatory Group (electronic filing)	View File
10/7/2008	Other	Chairman Girard's Letter to Jack Lavin, Director, Department of Commerce and Economic Opportunity Requesting Economic Impact Study	View File
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	View File
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	View File

Service List

<u>Party Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Phone/Fax</u>
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 Monica T. Rios 	3150 Roland Avenue Post Office Box 5776	Springfield IL 62705-5776	217/523-4900 217/523-4948
Mayer, Brown LLP 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 		
EPI Interested Party	16650 South Canal	South Holland IL 60473	
	<ul style="list-style-type: none"> Bob Mankowski 		
Illinois Environmental Regulatory Group Interested Party	215 East Adams Street	Springfield IL 62701	217/522-5512 217/522-5518
	<ul style="list-style-type: none"> Alec M. Davis 		
Chemical Industry Council of Illinois Interested Party	1400 East Touhy Avenue Suite 110	DesPlaines IL 60019-3338	
	<ul style="list-style-type: none"> Lisa Frede 		
Bellande & Sargis Law Group, LLP 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 		
Hanson Engineers, Inc. Interested Party	1525 South Sixth Street	Springfield IL 62703-2886	217/788-2450 217/788-2503
	<ul style="list-style-type: none"> Tracy Lundein 		
Conestoga-Rovers & Associates 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 		
Office of the Attorney General 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 		
Navy Facilities and Engineering Command 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 		
Illinois Pollution Control Board 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 		
Commonwealth Edison 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> Interested Party	77 W. Wacker Suite 4100	Chicago IL 60601	312/849-8100
<ul style="list-style-type: none"> • David Rieser 			
<u>Reott Law Offices, LLC</u> Interested Party	35 East Wacker Drive Suite 650	Chicago IL 60601	312/332-7544
<ul style="list-style-type: none"> • Raymond T. Reott • Jorge T. Mihalopoulos 			
<u>Environmental Management &</u>	3010 Gill Street	Bloomington IL 61704	309/661-2300

Technologies, Inc. Interested Party			309661-2306
<ul style="list-style-type: none"> Craig Gocker - President 			
Chicago Department of Law Interested Party	30 N. LaSalle Street Suite 900	Chicago IL 60602	312/742-3990 312/744-6798
<ul style="list-style-type: none"> Charles A. King - Assistant Corporation Counsel 			
SRAC Interested Party	2510 Brooks Drive	Decatur IL 62521	
<ul style="list-style-type: none"> Harry Walton 			
Burns & McDonnell Engineering Company, Inc. Interested Party	210 South Clark Street, Suite 2235 The Clark Adams Building	Chicago IL 60603	6306751625
<ul style="list-style-type: none"> Lawrence L. Fieber - Principal 			
Total number of participants: 28			

Notice List			
Party Name	Address	City/State/Zip	Phone/Fax
Drinker Biddle & Reath Interested Party	191 N. Wacker Drive Suite 3700	Chicago IL 60606-1698	312/569/1000 312/569-3000
<ul style="list-style-type: none"> Sheila H. Deely Stephanie Jackson 			
Jones, Day, Reavis & Pogue Interested Party	77 West Wacker Drive	Chicago IL 60601-1692	312/782-3939 312/782-8585
<ul style="list-style-type: none"> LaNail C. Griffin 			
Illinois Power Company Interested Party	500 South 27th Street P.O. Box 511	Decatur IL 62525-1805	217/424-6833
<ul style="list-style-type: none"> Brian Martin 			
*Sorling, Northrup, Hanna, Cullen & Cochran, Ltd. Interested Party	Suite 800 Illinois Building 607 East Adams, P.O. Box 5131	Springfield IL 62705	217/544-1144 312/522-3173
<ul style="list-style-type: none"> Stephen F. Hedinger 			
Hinshaw & Culbertson Interested Party	416 Main Street 6 th Floor	Peoria IL 61602	309/674-1025 309/674-9328
<ul style="list-style-type: none"> Jon S. Faletto 			
Mohan, Alewelt, Prillaman & Adami Interested Party	First of America Center 1 North Old	Springfield IL 62701-1323	217/528-2517 217/528-2553