

ILLINOIS POLLUTION CONTROL BOARD
November 18, 2010

IN THE MATTER OF:)
)
TIERED APPROACH TO CORRECTIVE) R11-9
ACTION OBJECTIVES (TACO) (INDOOR) (Rulemaking - Land)
INHALATION): AMENDMENTS TO 35)
ILL. ADM. CODE 742)

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

On November 9, 2010, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal 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). IEPA filed the proposal under Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2008)).

As IEPA 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 2. With these proposed amendments, IEPA seeks to "add the indoor inhalation exposure route to the existing risk-based methodology." *Id.* According to IEPA, the amendments are designed to "protect building occupants from volatile chemicals that have the potential to migrate from the soil and groundwater to indoor air." *Id.* at 3. This migration is commonly known as "vapor intrusion." *Id.*

The Board accepts IEPA's rulemaking proposal for hearing. The proposal satisfies the content requirements of the Board's procedural rules (35 Ill. Adm. Code 102.202), with a few exceptions. The proposal does not include the materials proposed to be incorporated by reference or an electronic version of the proposed amendments. *See* 35 Ill. Adm. Code 102.202(d), (j). IEPA must file these items unless the hearing officer orders otherwise for good cause shown. The Board directs the hearing officer assigned to proceed expeditiously to hearing under the Title VII rulemaking provisions of the Act (415 ILCS 5/27, 28 (2008)) and the Board's procedural rules (35 Ill. Adm. Code 102).¹

IT IS SO ORDERED.

¹ In a separate order today, the Board granted IEPA's motion to voluntarily withdraw the TACO rulemaking proposal in docket R09-9, Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742).

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 18, 2010, 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 stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board