

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

R11-9  
(Rulemaking-Land)

**RECEIVED**  
**CLERK'S OFFICE**  
**DEC 01 2010**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

NOTICE

**ORIGINAL**

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)**

Matthew J. Dunn, Chief  
Environmental Enforcement/Asbestos  
Litigation Division  
Illinois Attorney General's Office  
James R. Thompson Center  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
**(Via First Class Mail)**

Richard McGill  
Hearing Officer  
Illinois Pollution Control Board  
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") Motion for Leave from Filing Requirement a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

DATE: November 30, 2010

1021 North Grand Avenue East

P.O. Box 19276  
SPRINGFIELD

Springfield, Illinois 62794-9276

(217) 782-5544

STATE OF ILLINOIS  
Collection Control Board

1021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO ) R11-9  
TIERED APPROACH TO CORRECTIVE ) (Rulemaking-Land)  
ACTION OBJECTIVES )  
(35 Ill. Adm. Code 742) )

RECEIVED  
CLERK'S OFFICE  
DEC 01 2010  
STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

MOTION FOR LEAVE FROM FILING REQUIREMENT

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") and, pursuant to 35 Ill. Adm. Code 101.500, moves the Illinois Pollution Control Board ("Board") to waive the filing requirement pursuant to 35 Ill. Adm. Code 101.306(a) for eighteen of the Illinois EPA's amended Incorporations by Reference.

In support of its motion, the Illinois EPA asserts that the titles for which this motion seeks relief from the filing requirement are already in the Board's possession. They are the exact same documents that the Illinois EPA originally submitted with its proposal in docket R09-9 (which was the first proposal to introduce the indoor inhalation pathway to Part 742). Additionally, they are voluminous, multiple volume documents that would be unduly burdensome and costly to copy.

The Illinois EPA's new proposal under docket R11-9 only adds four new titles to the Incorporations by Reference that were not already submitted in the old docket. Those titles are as follows: "United States Environmental Protection Agency, CFR Promulgated Test Methods, Methods 3C and 16, Technology Transfer Network, Emission Measurement Center, (2007)" (Available online at <http://www.epa.gov/ttn/emc/promgate.html>; "Risk Assessment Guidance for Superfund, Vol. 1: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation

Risk Assessment) Final” EPA Publication No. 540-R-070-002 (January 2009); United

States Environmental Protection Agency (2005). “Guidelines for Carcinogen Risk

Assessment (2005).” U.S. Environmental Protection Agency, Washington, DC, EPA

Publication No. EPA/630/P-03/001F, 2005. (Available online

<http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=116283>); and “Radon Reduction

Techniques for Existing Detached Houses: Technical Guidance (Third Edition) for

Active Soil Depressurization Systems” EPA Publication No. EPA/625/R-93/011

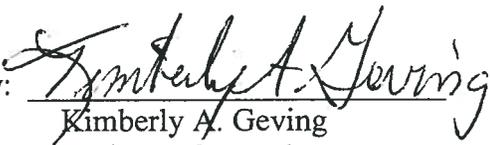
(October 1993). Four copies of each of those four publications are being submitted to the

Board with this motion in accordance with 35 Ill. Adm. Code 101.306(a).

WHEREFORE, the Illinois EPA seeks relief from the filing requirement for the other eighteen titles proposed in Docket R11-9.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:

  
Kimberly A. Geving  
Assistant Counsel  
Division of Legal Counsel

DATE: November 30, 2010

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON )

RECEIVED  
CLERK'S OFFICE

DEC 01 2010

STATE OF ILLINOIS  
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Motion for Leave  
from Filing Requirement 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

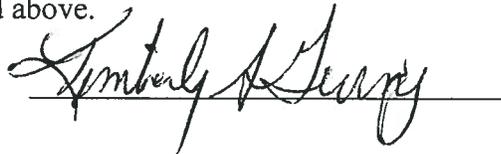
ORIGINAL

Matthew J. Dunn, Chief  
Environmental Enforcement/Asbestos  
Illinois Attorney General's Office  
Litigation Division  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602

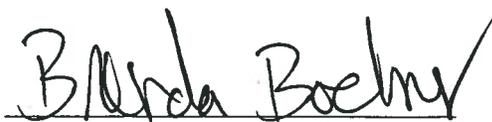
Richard McGill, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

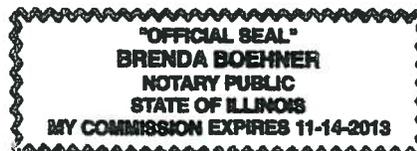
Participants on Service List

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



SUBSCRIBED AND SWORN TO BEFORE ME  
This 30<sup>th</sup> day of November, 2010.

  
Notary Public



RECEIVED  
CLERK'S OFFICE

DEC 01 1980

STATE OF ILLINOIS  
Pollution Control Board

11 - 11  
107