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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
December 8, 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)

ORIGINAL

NOTICE OF HEARINGS

DATES, TIMES, AND PLACES:

FIRST HEARING: TUESDAY, MARCH 29, 2011, at 9:00 A.M.

Illinois Environmental Protection Agency Office Building
North Entrance
Sangamo Room
1000 E. Converse
Springfield, Illinois

AND, IF BUSINESS REMAINS AT THE END OF THAT DAY, CONTINUING THE
NEXT DAY, WEDNESDAY, MARCH 30, 2011, BEGINNING AT 9:00 A.M. AT THE
SAME LOCATION.

SECOND HEARING: TUESDAY, MAY 24, 2011, at 9:00 A.M.

James R. Thompson Center
Room 2-025
100 W. Randolph St.
Chicago, Illinois

AND, IF BUSINESS REMAINS AT THE END OF THAT DAY, CONTINUING THE
NEXT DAY, WEDNESDAY, MAY 25, 2011, BEGINNING AT 9:00 A.M. AT THE
SAME ADDRESS BUT IN **ROOM 9-040**.

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Thomas E. Johnson

HEARING OFFICER: Richard R. McGill, Jr.

HEARING OFFICER ORDER

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) (35 Ill. Adm. Code 742). IEPA filed the proposal under Section 27 of the Environmental Protection Act (415 ILCS 5/27 (2008)). IEPA proposes to add the indoor inhalation exposure route to TACO's risk-based methodology. On November 18, 2010, the Board accepted IEPA's proposal for hearing.

Two hearings are presently scheduled, as stated in the above notice. The first hearing will be held in Springfield, beginning at 9:00 a.m. on March 29, 2011, and if business remains at the end of that day, will continue the next day, March 30, 2011, starting at 9:00 a.m. The second hearing will be held in Chicago, beginning at 9:00 a.m. on May 24, 2011, and if business remains at the end that day, will continue the next day, May 25, 2011, starting at 9:00 a.m.

The purpose of these hearings is to allow the Board to receive testimony from IEPA and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning. The Board also will receive testimony on any economic impact study (EcIS) conducted by the Department of Commerce and Economic Opportunity (DCEO) concerning the proposed rule amendments or DCEO decision not to perform an EcIS.

To enhance the productivity of the first hearing, the hearing officer is requiring prefiled testimony, prefiled questions, and prefiled answers. Any person who wishes to testify at the first hearing must prefile his or her testimony and any related exhibits with the Clerk of the Board no later than January 31, 2011. The hearing officer directs participants to prefile questions by February 28, 2011, for witnesses who prefiled testimony. In addition, the hearing officer directs those witnesses to whom prefiled questions are addressed to prefile answers to those prefiled questions by March 21, 2011.

The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to any of these filings—therefore, the Clerk must *receive* the prefiled materials by 4:30 p.m. on the respective deadline dates. Prefiled materials may be filed through the Clerk's Office On-Line (COOL) on the Board's Web site at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629. IEPA's rulemaking proposal, including its statement of reasons and proposed rule language, may be obtained on COOL. Prefiled materials, public comments, hearing transcripts, and opinions and orders in R11-9 also will be available on-line through COOL.

All timely prefiled materials will be entered into the record as if read at hearing, unless the hearing officer directs otherwise. 35 Ill. Adm. Code 102.424(f). Those who prefile testimony and related exhibits, questions, or answers are requested to bring three copies of their prefiled material to the first hearing. Participants who do not prefile testimony will be allowed to testify at the first hearing only if time permits after all prefiled materials are addressed. Prefiling deadlines for the second hearing may be established at a later date.

The Notice List for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The Service List is the list of persons who wish to actively participate in this proceeding and receive not only opinions and orders, but also other filings such as prefiled materials and public comments. The Notice and Service Lists for R11-9 are available on COOL. Prefiled materials filed with the Clerk must also be served on the hearing officer and on those persons on the Service List. Before filing with the Clerk, please confirm that you have the most recent version of the Service List.

IT IS SO ORDERED.



Richard R. McGill, Jr.
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
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