

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUN 10 2011

STATE OF 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)

ORIGINAL

NOTICE

Dorothy Gunn, 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 Enf./Asbestos
Litigation Division
Illinois Attorney General's Office
69 W. Washington St., 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 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 to Correct the Transcript 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: June 8, 2011

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

(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

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

MOTION TO CORRECT THE TRANSCRIPT

ORIGINAL

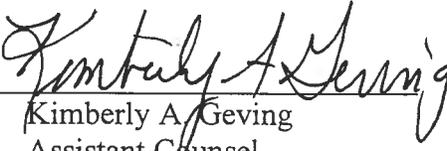
NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by one of its attorneys, Kimberly A. Geving, and pursuant to 35 Ill. Adm. Code 101.604 moves the hearing officer in this matter to correct the transcript of May 24, 2011 as follows:

| <u>Transcript</u> | | |
|-------------------|-------------|--|
| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
| 5 | 6 | Change "waive" to "wave" |
| 7 | 5 | Add the word "that" before "is" |
| 9 | 7 | Change "Geving's" to "Geving" |
| 10 | 3 | Change "need" to "needs" |
| 10 | 12 | Change "pre-filing" to "pre-filed" |
| 10 | 22-23 | Delete "Tomorrow will be testimony." |
| 11 | 15 | Change "values" to "value" |
| 14 | 3 | Change "sight" to "site" |
| 14 | 4 | Delete "the" |
| 15 | 13 | Change "revisions" to "provisions" |
| 15 | 24 | Change "USG" to "UST" |
| 16 | 16 | Change "is" to "has" |
| 16 | 20 | Change "but" to "by" |
| 17 | 13 | Change "hurtle" to "hurdle" |
| 21 | 24 | Delete "In" and begin with "Using" and change "principals" to "principles" |
| 22 | 1 | Change "from" to "than" |
| 23 | 12 | Change "been trying" to "been, to trying" |
| 23 | 14 | Change "he" to "we" |
| 28 | 16 | Change "containments" to "contaminants" |

| | | |
|----|----|---|
| 28 | 22 | Delete "a" |
| 29 | 12 | Change "we found" to "confound" |
| 32 | 8 | Change "and" to "in" |
| 32 | 16 | Change "innumerating" to "enumerating" |
| 33 | 7 | Change "engineering" to "engineered" |
| 33 | 8 | Change "that" to "in" |
| 35 | 21 | Change "them" to "out" |
| 35 | 24 | Change "in" to "and" |
| 36 | 6 | Change "engineering" to "engineered" |
| 36 | 8 | Add "if" after "us" |
| 38 | 19 | Change "like I say" to "what I said" |
| 39 | 18 | Change "ceiling" to "sealing" |
| 43 | 8 | Change "provision" to "submission" |
| 45 | 17 | Change "of" to "or" |
| 45 | 24 | Change the second "that" to "what" |
| 47 | 20 | Change "containments" to "contaminants" |
| 48 | 5 | Change "second" to "site" |
| 50 | 20 | Change "station" to "inhalation" |
| 51 | 7 | Change "thermal" to "dermal" |
| 56 | 8 | Change "acquiring" to "inquiring" |
| 57 | 15 | Change "professor" to "assessor" |
| 58 | 10 | Change the first "of" to "or" |
| 59 | 8 | Change "plum" to "plume" |
| 62 | 15 | Change "sub-slat" to "sub-slab" |
| 62 | 16 | Change "sub-slat" to "sub-slab" |
| 63 | 3 | Change "sub-slat" to "sub-slab" |
| 63 | 10 | Change "sub-slat" to "sub-slab" |
| 65 | 1 | Change "medials" to "chemicals" |
| 65 | 2 | Change "sub-slat" to "sub-slab" |
| 65 | 8 | Change "sub-slat" to "sub-slab" |
| 65 | 10 | Change "Henry" to "Henry's" |
| 65 | 14 | Change "Henry" to "Henry's" |
| 65 | 16 | Change "side" to "site" |
| 65 | 17 | Change "side" to "site" |
| 65 | 24 | Change "voracity" to "porosity" |
| 66 | 15 | Change "sub-slat" to "sub-slab" |
| 67 | 9 | Change "effect" to "affect" |
| 69 | 10 | Change "progress" to "proposed" |
| 73 | 3 | Change "Based" to "Waste" |

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

Dated: June 8, 2011

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

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

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CLERK'S OFFICE

JUN 10 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Motion to Correct the Transcript upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

Dorothy Gunn, 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 Enf./Asbestos
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69 W. Washington St., 18th 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

ORIGINAL

Participants on the Service List

and mailing them (First Class Mail) from Springfield, Illinois on June 8, 2011, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

This 8th day of June, 2011.


Notary Public



| | | | |
|------------|----------------------|---|--|
| 12/7/2010 | DCEO / Sec. of State | *Letter from DCEO stating they are unable to undertake an economic impact study | |
| 12/1/2010 | Other | *Letter to Director Ribley of DCEO Requesting Economic Impact Study | |
| 12/1/2010 | Motion | Agency's Motion for Leave from Filing Requirement | |
| 11/22/2010 | Other | *Electronic version of Proposed Amendments submitted by the IEPA (see Clerk's Office) | |
| 11/18/2010 | Order | Order of the Board by T. E. Johnson: Accept rulemaking proposal for hearing | |
| 11/18/2010 | Appearance | Appearance of Alec M. Davis for Illinois Environmental Regulatory Group (electronic filing) | |
| 11/9/2010 | Initial Filing | Proposed Amendments (< 4MB, 172 Pages) | |
| 11/9/2010 | Initial Filing | Motion for Acceptance; Appearance of Kimberly A. Geving; Certification of Origination; Statement of Reasons; and List of Studies and Reports Used in Regulatory Development | |

Service List

| Party Name | Address | City/State/Zip | Phone/Fax |
|---|--|------------------------------|------------------------------|
| IEPA Petitioner • 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 • 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 • Kevin G. | 71 South Wacker Drive | Chicago IL 60606-4637 | 312/782-0600 312/701-7711 |

| Desharnais | | | |
|---|---|---------------------------|------------------------------|
| <u>Sidley Austin LLP</u> Interested Party • William G. Dickett | One South Dearborn Suite 900 | Chicago IL 60603 | 312/853-7000 312/853-7036 |
| <u>EPI</u> Interested Party • Bob Mankowski | 16650 South Canal | South Holland IL 60473 | |
| <u>Illinois Environmental Regulatory Group</u> Interested Party • Alec M. Davis | 215 East Adams Street | Springfield IL 62701 | 217/522-5512 217/522-5518 |
| <u>Chemical Industry Council of Illinois</u> Interested Party • Lisa Frede | 1400 East Touhy Avenue Suite 110 | DesPlaines IL 60019-3338 | |
| <u>Bellande & Sargis Law Group, LLP</u> Interested Party • Mark Robert Sargis | 19 South LaSalle Street Suite 1203 | Chicago IL 60603 | 312/853-8701 312/853-8702 |
| <u>Hanson Engineers, Inc.</u> Interested Party • Tracy Lundein | 1525 South Sixth Street | Springfield IL 62703-2886 | 217/788-2450 217/788-2503 |
| <u>Conestoga-Rovers & Associates</u> Interested Party • Douglas G. Soutter | 8615 West Bryn Mawr Avenue | Chicago IL 60631 | 773/380-9933 773/380-6421 |
| <u>Office of the Attorney General</u> Interested Party • Matthew J. Dunn - Division Chief | Environmental Bureau 69 W. Washington, 18th Floor | Chicago IL 60602 | 312/814-0660 312/814-2347 |
| <u>Seyfarth Shaw</u> Interested Party • Craig B. Simonsen - Paralegal • Phil Comella | 131 South Dearborn Street Suite 2400 | Chicago IL 60603-5803 | 312/460-5000 312/460-7000 |
| <u>Navy Facilities and Engineering Command</u> Interested Party • Mark Schultz - Regional Environmental Coordinator | 201 Decatur Avenue Building 1A | Great Lakes IL 60088-2801 | 847/688-2600 847/688-2319 |
| <u>Illinois Pollution</u> | 100 W. | Chicago | 312/814- |

| | | | |
|--|-------------------------------------|------------------------------|------------------------------|
| <u>Control Board</u> Interested Party | Randolph St. Suite 11-500 | IL 60601 | 3620 312/814- 3669 |
| <ul style="list-style-type: none"> - Clerk of the Board Richard McGill - Hearing Officer | | | |
| <u>Commonwealth Edison</u> Interested Party | 10 South Dearborn Street 35FNW | Chicago IL 60603 | |
| <ul style="list-style-type: none"> Diane H. Richardson | | | |
| <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 & Technologies, Inc.</u> Interested Party | 3010 Gill Street | Bloomington IL 61704 | 309/661-2300 309661-2306 |
| <ul style="list-style-type: none"> • Craig Gocker - President | | | |
| <u>Chicago Department of Law</u> 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 | | | |
| <u>SRAC</u> Interested Party | 2510 Brooks Drive | Decatur IL 62521 | |
| <ul style="list-style-type: none"> • Harry Walton | | | |
| <u>Burns & McDonnell Engineering Company, Inc.</u> 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 |
| <u>Drinker Biddle & Reath</u> 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 | | | |
| <u>Jones, Day, Reavis & Pogue</u> 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 | | | |
| <u>Illinois Power Company</u> 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 | | | |
| <u>Hinshaw & Culbertson</u> Interested Party | 416 Main Street 6 th Floor | Peoria IL 61602 | 309/674-1025 309/674-9328 |