

ILLINOIS POLLUTION CONTROL BOARD

October 3, 1996

IN MATTER OF:)	
)	R 97-11
SITE REMEDIATION PROGRAM)	(Rulemaking - Land)
(35 ILL. ADM. CODE 740))	

ORDER OF THE BOARD (by C.A. Manning, M. McFawn, and G.T. Girard):

On September 16, 1996 the Illinois Environmental Protection Agency (Agency) filed this proposal to add a new Part 740 to our rules establishing procedures for site remediation programs (also known as "Brownfields") as required by P.A. 89-431, signed and effective December 15, 1995. The intent of the proposal is to effectuate the objectives of P.A. 89-431: (1) to establish a risk-based system of remediation based on the protection of human health and the environment relative to present and future use of the land; (2) to assure that the land use for which remedial action was undertaken will not be modified without consideration of the adequacy of such remedial action for the new land use; (3) to provide incentives for the private sector to undertake remedial action; (4) to establish expeditious alternatives for the review of site investigation and remedial activities, including a privatized review process; and (5) to assure that the resources of the Hazardous Waste Fund are used in a manner that is protective of human health and the environment relative to present and future uses of the site and surrounding area.

On September 19, 1996, the Board accepted this matter for hearing, and granted the motion regarding incorporations by reference filed along with the petition. However, the proposal failed to include a completed copy of the economic impact form required by the Joint Committee on Administrative Rules (See Section 102.121(c)). As a result, the Board directed the hearing officer to establish a date for the Agency's submission of the economic impact form.

As this proposal was filed pursuant to P. A. 89-431, which requires that the Board complete its rulemaking on or before June 5, 1997 (the last regularly scheduled meeting before the statute's June 16, 1997 adoption deadline), the Board must proceed within an expedited timeframe. In order to adopt this rule in a timely manner, the Board must adopt a first notice proposal no later than its February 7, 1997 meeting and a second notice proposal no later than its April 3, 1997 meeting. The Board directs the hearing officer to set hearings consistent with these interim deadlines.

In order to meet these interim deadlines, all pre-first notice hearings must be held between November 11 and December 27, 1996. The Board notes that the same June 16, 1997 adoption deadline drives the R97-12 Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) proceeding and the R97-10 Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) proceeding due to be adopted on or before March 15, 1997. The Board is making every effort to coordinate the expedited hearings in these three rulemakings.

Pursuant to Section 27(d) of the Environmental Protection Act (415 ILCS 5/27(d)) and the Board's procedural rules governing pre-hearing conferences (35 Ill. Adm Code 102.240-102.242), a pre-hearing conference will be scheduled prior to the formal hearings taking place. The date and time of the pre-hearing conference, as well as final public hearing dates, will be announced in a hearing officer order to be issued shortly.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn
Illinois Pollution Control Board