

ILLINOIS POLLUTION CONTROL BOARD
September 19, 1996

IN MATTER OF:)
)
SITE REMEDIATION PROGRAM) R97-11
(35 Ill. Adm. Code 740)) (Rulemaking - Land)

ORDER OF THE BOARD (by C.A. Manning):

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. (See also P.A. 89-443, reenacting P.A. 89-431, along with a proportionate share liability provision and rulemaking mandate.) The intent of this proposal and its companion proposal, R97-12: the Tiered Approach to Corrective Action Objectives (also known as "TACO") (35 Ill. Adm. Code 742), is to effectuate the following five 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.

The Board notes that three Agency rulemaking petitions were filed on September 16, 1996. These are R97-10: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); R97-11: Brownfields (35 Ill. Adm. Code 740); and R97-12 TACO (35 Ill. Adm. Code 742). Each of the three Agency rulemaking petitions has a decision due date. The Leaking Underground Storage Tanks rulemaking is due to be completed by March 15, 1997, while the Brownfields and TACO rulemakings, which are thematically linked, are each due to be completed on or before June 16, 1997. The Board is still in the process of reviewing each of these petitions, and is still considering options for the most expeditious handling, coordination and completion of these time-driven rules.

At this time, we will accept this matter for hearing, and grant the motion regarding incorporations by reference filed along with the petition. We note, however, that the proposal fails to include a completed copy of the economic impact form required by the Joint Committee on Administrative Rules (See Section 102.121(c)). While we additionally note that the proposal itself requests additional time to supply economic information, we believe the economic impact form should be submitted in advance of hearing based on any information available at that time. The hearing officer is directed to establish a date for the Agency's submission of the economic impact form.

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, Clerk
Illinois Pollution Control Board