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ILLINOIS POLLUTION CONTROL BOARD

November 8, 2005

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO TIERED) R06-10
APPROACH TO CORRECTIVE ACTION) (Rulemaking – Land)
OBJECTIVES (35 ILL. ADM. CODE 742))

NOTICE OF HEARINGS

DATES, TIMES, AND PLACES:

FIRST HEARING: TUESDAY, JANUARY 31, 2006, at 10:30 A.M.

Michael A. Bilandic Building
160 N. LaSalle Street
Room N502
Chicago, Illinois

SECOND HEARING: WEDNESDAY, MARCH 1, 2006, at 10:30 A.M.

Illinois Environmental Protection Agency
North Entrance
TQM Room
1000 E. Converse
Springfield, Illinois

PURPOSE OF HEARINGS: Merit and Economic
ATTENDING BOARD MEMBERS: Andrea S. Moore
HEARING OFFICER: Richard R. McGill, Jr.

HEARING OFFICER ORDER

On September 30, 2005, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Tiered Approach to Corrective Action Objectives (TACO). Generally, the TACO rules (35 Ill. Adm. Code 742) provide procedures for developing remediation objectives based on risks to human health posed by a site's environmental conditions. The Agency states that its proposed amendments are designed to improve procedures and reflect updated contaminant standards, test methods, and toxicity criteria. On October 20, 2005, the Board accepted the Agency's proposal for hearing. This rulemaking docket is R06-10.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.


Two hearings are presently scheduled for R06-10: January 31, 2006, in Chicago; and March 1, 2006, in Springfield. Hearing times and locations are set forth above. The purpose of these hearings is to allow the Board to receive testimony from the Agency 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 rules or DCEO decision not to perform an EcIS.

For the January 31, 2006 hearing in Chicago, any person who wishes to testify must prefile his or her testimony and any related exhibits with the Clerk of the Board no later than January 13, 2006. *See* 35 Ill. Adm. Code 102.424. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to this filing—therefore, the Clerk must *receive* the prefiled testimony by January 13, 2006. Those who prefile must be prepared to provide oral summaries of their prefiled testimony at the first hearing. Others who did not prefile may testify at the first hearing only as time permits and at the discretion of the hearing officer.

As part of the Board's voluntary electronic filing pilot project, prefiled testimony 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. The Agency's rulemaking proposal, including its statement of reasons and proposed rule language, may be obtained on COOL. Prefiled testimony, public comments, hearing transcripts, and opinions and orders in R06-10 also will be available on-line through COOL.

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 testimony and public comments. The Notice and Service Lists for R06-10 are available on COOL. Prefiled testimony 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 check with Sandy Wiley at (312) 814-3623 or wileys@ipcb.state.il.us or the hearing officer to ensure 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
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6983 or mcgillr@ipcb.state.il.us