BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED AMENDMENTS TO	)	
GROUNDWATER QUALITY	)	R08-18
STANDARDS	)	(Rulemaking-Public Water
(35 Ill. Adm. Code 620)	)	Supplies.)

REPORT OF PROCEEDINGS had before the ILLINOIS POLLUTION CONTROL BOARD held on June 18, 2008, at 9:30 o'clock a.m. at the 160 North LaSalle Street, Chicago, Illinois.

A P P E A R A N C E S:

ILLINOIS POLLUTION CONTROL BOARD:

MR. RICHARD MCGILL, Hearing Officer

MR. ANAD RAO, Senior Environmental Scientist

MR. THOMAS JOHNSON, Member

MR. NICOLAS MELAS, Member

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Assistant Counsel

Division of Legal Counsel

BY: MS. KIMBERLY A. GEVING

MR. RICHARD COBB

DR. THOMAS C. HORNSHAW

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

(217) 782-5544

ILLINOIS ENVIRONMENTAL REGULATORY GROUP

GENERAL COUNSEL

BY: MR. ALEC M. DAVIS

215 East Adams Street

Springfield, Illinois 62701

(217) 522-5512

CHAIRMAN MCGILL: We'll go on the record. I'd like to say good morning to everyone, and welcome to you this Illinois Pollution Control Board hearing. Today we're in Chicago. It's the first hearing for this rulemaking. The second one is scheduled for July 16th, and that will be in Springfield. My name is Richard McGill. I'm the hearing officer in this rulemaking which is docketed as RO8-18 and is captioned "In The Matter of Proposed Amendments To Groundwater Quality Standard 35IL.Adm.620. The Board's Part 620 Groundwater Quality Standard implement provisions of both the Environmental Protection Act and the Illinois Groundwater Protection Act. On February 19, 2008 the board received a rulemaking proposal from the Illinois Environmental Protection Agency to amend these standards. The Agency states that the proposed amendments are intended to keep the regulations current with science, effect and technical advances. On March 20 the Board accepted the Agency's proposal for hearing. On April 11, the Agency filed

errata sheet number one reflecting amendments to its proposal. And on May 29, the Agency filed errata sheet number 2, and the pre-filed testimony of Richard Cobb and Dr. Thomas Hornshaw.

Also present today on behalf of the Board are members Thomas Johnson, the lead Board member for this rulemaking, Board member Nicolas Melas and from the Board's technical unit Anand Rao, and we're also joined by the Board's legal intern Katie Hindell.

Today's proceedings are governed by the Board's procedural rules. All information that is relevant and not repetition or privileged will be admitted into the record.

We will begin with the Agency's testimony followed by questions that the Board or members of the public may have for the Agency's witnesses. After that anyone else who did not pre-file testimony may testify as time permits. Those who testify will be sworn in and may be asked questions

about their testimony. For those who wish to testify but who did not pre-file, we have a witness sign-up sheet located at the back of the room. Toward the conclusion of today's hearing we will take up the Board's request that the Department of Commerce and Economic Opportunity perform an economic impact study or ECIS on the rulemaking proposal.

For our court reporter, I would ask that everyone please speak up, not speak too quickly or talk over one another so we insure a clear transcript for the Board to consider. Are there any questions about our procedures for today?

Seeing none, I would ask the court reporter to please swear in the Agency's witnesses collectively.

(ALL WITNESSES SWORN)

CHAIRMAN MCGILL: I would ask the Agency's attorney Kimberly Geving to begin the Agency's presentation.

MS. GEVING: Good morning. I have two witnesses with me today that were just sworn in, Rick Cobb and Tom Hornshaw, and they are

going to be providing summary testimony as pre-filed accepted into the record as if read. If that's okay with the hearing officer.

CHAIRMAN MCGILL: And you have copies for me?

MS. GEVING: I do.

CHAIRMAN MCGILL: I've been handed the pre-filed testimony of Richard Cobb and the pre-filed testimony of Dr. Hornshaw. And I can mark those as Exhibits 1 and 2.

MS. GEVING: Please.

(Documents marked as Hearing Exhibit Nos. 1 and 2 for identification.)

HE COURT: Is Mr. Cobb testifying first?

MS. GEVING: He is.

CHAIRMAN MCGILL: Okay. For the record, is there any objection to accepting as a hearing exhibit and entering it into the record as if read, the pre-filed testimony of Richard Cobb? Seeing none, that motion is granted. And I have marked as Hearing

Exhibit 2 the pre-filed testimony of Dr. Hornshaw. Is there any objection entering this as a hearing exhibit and entering pre-filed testimony into the record as if read? Seeing none, that motion is also granted. So those will be Hearing Exhibits 1 and 2. You want to take up the errata sheet No. 2?

MS. GEVING: Sure. I was going to show them copies of the exhibits to make sure they were the true and accurate copies.

CHAIRMAN MCGILL: Sure.

MS. GEVING: Mr. Cobb, I'm going to show you a document that's been marked as Exhibit No. 1 for the record and if you could identify that, please.

MR. COBB: Yes, this appears to be my testimony pre-filed in this matter.

MS. GEVING: Is it a true and accurate copy of what we filed before?

MR. COBB: Yes.

MS. GEVING: Dr. Hornshaw, Exhibit No. 2 for the record, would you please identify that?

DR. HORNSHAW: This is a copy of my pre-filed testimony.

MS. GEVING: Is it a true and accurate copy of what we filed with the Board?

DR. HORNSHAW: Yes.

MS. GEVING: Thank you very much. I've done a motion to accept that into the record.

CHAIRMAN MCGILL: I'll just jump the gun perhaps. I'll just repeat, is there any objection to either of these pieces of pre-filed testimony being admitted into the record as if read and entered as hearing exhibits? Seeing no objection, those motions are granted.

MS. GEVING: And seeing as we have also filed with the testimony errata sheet No. 2, I would like to show that to my witnesses, please.

If the both of you would please identify Exhibit No. 3 for the record.

MR. COBB: Exhibit 3 is an errata sheet that shows changes and some of the numerical values for some of the proposed Class 1 and Class 2 Groundwater Quality Standards. These

numbers were also reflected in my pre-filed testimony.

MS. GEVING: Is that a true and accurate copy of what we filed in court?

MR. COBB: Yes.

MS. GEVING: Dr. Hornshaw, do you agree?

DR. HORNSHAW: Yes.

MS. GEVING: At this time I'll ask that the Board accepts Exhibit No. 3 into the record.

CHAIRMAN MCGILL: Is there any objection to that? Seeing none, that will be admitted as Hearing Exhibit No. 3.

(Document marked as Hearing Exhibit No. 3 for the record.)

CHAIRMAN MCGILL: Would you like to proceed with the testimony?

MS. GEVING: Please.

Mr. Cobb, if you would provide a summary of the testimony you filed?

MR. COBB: I'd be happy to do that. I'm glad to be here today. This is the, I think counting the original proposal, this is

the fifth time that we've touched on the Groundwater Quality Standards, of course that's not including the original Groundwater Standard adopted by the Board in 1971, but in the adoption of the docket, Groundwater Quality Standards, 35 Illinois Administrative Code, Part 620, in the Docket R89-14B, the Illinois Pollution Control Board noted that it expected regular Agency updates of the Groundwater Quality Standards. And in particular where we've had public water supply standards that have been upgraded subject to arsenic.

In addition, in proposing these standards there are a series of thresholds or tests that had to be met out of the Illinois Groundwater Protection Act, and one of the key threshold tests is have contaminants been detected and quantified in Illinois groundwater. And for this particular proposal we worked with our colleagues in the Bureau of Land and specifically in the landfill monitoring, RECRA monitoring and federal clean up programs and discovered

there was a substantial database of contaminants that are being found in Illinois groundwater and confirmed and quantified in Illinois groundwater that did not have groundwater quality standards. So that was the main impetus for us coming with this proposal to update these standards. Of course along the way it became, you know, well, we're going to go through this process. We thought it prudent to update the incorporation by reference since quite a bit of time had passed since 1991 and a lot of those changes hadn't been updated. We also felt that it was important to, because of how progressed the Well Head Protection Programs are in Illinois since 1991 that we should incorporate that hydrogeologic data as part of the Board's compliance, Board's regulation standard compliance point concepts and the compliance determination section of the regulations. And also there were a number of new things in the 80's and 90's. The practical quantification limit was sort of the default limit that was used for many

things were, standards were derived according to the adopted health advisory procedure in subpart F of 35 Illinois Administrative Code, Part 620. Subsequently over the years it's been common practice to accept the ten to the minus six risk levels. So we tried to incorporate that. And in addition we've also incorporated the concept of water solubility simply because we rely on contaminant transport models to set a lot of the clean-up objectives these days, and the governing equations for those clean-up models do not really handle two phased contaminants. And so that's where the solubility comes in to be a very important factor, and so we can elaborate on that more or Dr. Hornshaw can elaborate on that a little more.

So with that, that background, that was our impetus for coming here. We felt it was also important to re-emphasize that the Board's standards are not just numerical standards that you can pollute up to, but section 12(A) of the act and the nondegredation provision, for any

contaminant, that there is a prohibition for polluting up to those standards, and it seems that a lot of people at times have forgotten that history, that there's always been a two-tiered system. You can't pollute up to the standard. So we wanted to emphasize that in the testimony. I'm open to any questions you might have at this time.

MS. GEVING: Thank you, Mr. Cobb.

I think we'll let Dr. Tom Hornshaw do his summary of testimony and then we'll open it up to questions.

DR. HORNSHAW: Good morning. My qualifications are that I have, as Rick Cobb has, participated in all of these hearings and updates over the years. I too participated in the original 620 standard development and I think most of the update. I don't know if it was all of them, but I've been around doing the groundwater standards and objectives for quite a while.

In December of 2002, USEPA issued a memo to all of the Superfund Project managers a new hierarchy for selecting toxicity

criteria to use in all the risk assessments that EPA's project managers were supposed to do. Prior to this, the December 2002 memo, the superfund public health evaluation manual specified only two sources for toxicity criteria, EPA's Innovated Risk Information System, or IRIS, and Health Effects Assessment Summary tables or HEAST as the only places to get --

CHAIRMAN MCGILL: I'm sorry, just to make sure the court reporter gets the acronym, could you repeat that?

DR. HORNSHAW: Yes. The two acronyms I used were IRIS, Innovated Risk Information System and HEAST, Health Effects Assessment Summary Tables. And they were the only two sources that the EPA's project managers were to use in conducting their risk assessments.

After this memo was issued, there are now a different set of hierarchy for developing all these different risk assessment numbers. IRIS is still the first choice. HEAST is now the last choice or among the last choices. There's now, right

after IRIS, a data source from, again, from the USEPA called Peer Review Provisional Toxicity Values or PPRTV's, which are issued from the EPA's office. I'm going to skip it because I can't remember the name --

MEMBER RAO: It is actually Provisional Peer Reviewed Toxicity Values.

DR. HORNSHAW: Thank you. PPRTV. That's the second choice for toxicity information.

The third choice is actually a group of three sources which HEAST is one of the three, and probably the least recommended because HEAST stop being updated in 1997. So the information in the HEAST tables is now somewhat out of date or in some cases way out of date. The other two sources of information in the third tier are the toxicity data that's provided by the California EPA, which is an on-line data set or data source, and the Agency For Toxic Substances Disease Registry's minimum risk levels.

Because of these changes, my unit,

the toxicity assessment unit, has been updating all of the toxicity information that we have to use for developing clean-up objectives and toxicity values for air, soil, water and bioda (SIC) exposures so that we can maintain or try to keep up to date as well as be in compliance with this memo from the EPA.

I went through this kind of long discussion to explain why we had to -- why there's so many changes that we're proposing to make in the 620 standards. We used this new hierarchy to update the TACO, Tier Approach to Corrective Action Objectives rule for 25 chemicals. We've updated the clean-up objectives based on the new hierarchy, and we also developed the standard for 15 newly detected chemicals that Mr. Cobb described that came from the Bureau of Land programs so that we could have updated values to propose to the Board for new standards or updated standards. Also as Mr. Cobb discussed, we have decided that solubility needs to be an upper limit on the clean or on the

groundwater standards and clean up objectives for the chemicals both in TACO and in 620 to prevent against two phased systems in groundwater. We also, among the toxins we have discussed --

CHAIRMAN MCGILL: I'm sorry, which unit?

DR. HORNSHAW: The toxicity assessment unit, my unit. We have discussed how to deal with carcinogens. The original version of 620 for chemicals that don't already have a existing maximum contaminant level and are carcinogens, that the lowest detection limit among USEPA analytical methods was to be the standard for the clean-up objective. Since that time the EPA has, USEPA, has given us some guidance on using or the kinds of risk in their self-screening guidance rule, their screening value, is the One in a million Cancer Risk Level, that has been incorporated into TACO and now we're proposing to incorporate it into the 620 standards. So that for carcinogens that don't have MCLs, we are now proposing that the risk levels, ten

to the minus six risk level, will be the standard unless that level is lower than the detection limit in which case the detection limit be will be the standard or the clean-up objective.

In finishing up my testimony, I provide reasons why Errata Sheet 2 is sent to the Board to correct the initial filing long ago apparently that didn't consider new toxicity data, solubility, the One In A Million Risk Level or our internal decision to limit all future rule makings to two significant figures. And that concludes the summary of my presentation.

MS. GEVING: Mr. Hearing Officer, may I ask one clarifying question of Dr. Hornshaw?

CHAIRMAN MCGILL: Yes.

MS. GEVING: Dr. Hornshaw, you referenced updated values that we made to the TACO rules. Is that something that has already been proposed to the Board and amended in final form?

DR. HORNSHAW: No, this would be the one we are working on now.

MS. GEVING: So it has not yet been proposed to the Pollution Control Board?

DR. HORNSHAW: That's correct. What I discussed does not pertain to current TACO. It's what we will be proposing soon to address vapor intrusion as well as updating all the toxicity values.

MS. GEVING: Thank you, Dr. Hornshaw.

CHAIRMAN MCGILL: Thank you. I know we have -- is there any further testimony from the EPA?

MS. GEVING: We have concluded.

CHAIRMAN MCGILL: I know we have questions from one or more members of the public, so before the Board proceeds with its questions, we are going to open it up to the audience. I would just ask if you do have a question, you signal me and state your name, your title and the organization you are representing. Go ahead.

MR. DAVIS: My name is Alex Davis. I am here as the general counsel of the Illinois Environmental Regulatory Group, and I have some questions I'd like to ask just of

the witnesses and then whoever feels that they are best suited to address my questions, feel free to do so.

CHAIRMAN MCGILL: Thank you, go ahead.

MR. DAVIS: My first question, Section 8 of the Illinois Groundwater Protection Act, in addition to setting forth the substantive requirements for regulations promulgated, also requires that the Department of Natural Resources concurrently conduct the study of the economic impact of the regulations. To your knowledge is the DNR conducting such a study concurrently with this rulemaking? And if so, when can we expect it to be filed with the Board?

MS. GEVING: I'm not testifying -- this is Kim Geving -- but I believe that it is the Department of Commerce & Economic Opportunity that now conducts the economic impact statements; is that correct? I'm not familiar.

MR. COBB: I'll try to answer.

CHAIRMAN MCGILL: Go ahead.

MR. COBB: At the beginning of the

hearing, Hearing Officer McGill made a statement about, I don't know if it's part of the Board's procedural rules or exactly why, but now the economic study is directed towards the Department of Commerce and Economic Opportunity, DCEO. And I believe that was made in your opening statement.

CHAIRMAN MCGILL: Yes, I am referring to Section 27 of the Environmental Protection Act and we will talk about that toward the end of today. Again, I'm not testifying, but I'm not sure exactly how Section 8 of the Groundwater Protection Act reads.

Do you have a follow-up question or does that answer your question?

MR. DAVIS: My follow-up question was going to be on what basis is the economic impact going to be analyzed. I think that probably leads to that.

MR. COBB: It's also, if you, Mr. Davis, if you go to page three and four of the Agency's Statement of Reasons we also provided the economic analysis that has been used and adopted in previous Board opinions

in many of the other dockets, and I think that the reason for the change is that when the Illinois Groundwater Protection Act provisions predated the amendments to Section 27 of the act, that when there used to be a Department of Commerce and Community Affairs, and then it was changed to the Department of Commerce and Economic Opportunity, and so I believe it's now the current requirement of Section 27. I mean it's almost a legal-type question. That would be my nonlegal response.

MEMBER JOHNSON: I guess I'm confused. Are you referring to the economic impact study that the act directs us to conduct or are you looking at the --

MR. DAVIS: The Groundwater Protection Act.

MEMBER JOHNSON: -- economic reasonable test that the Board has to consider before?

MR. DAVIS: I think they both factor in obviously.

CHAIRMAN MCGILL: Let me just -- if you are going to testify, I need to have you

sworn in, and you are welcome do testify.

MR. DAVIS: I really rather not.

CHAIRMAN MCGILL: If you'd rather not, I guess we can take your statement as public comment. It wouldn't have the weight of sworn testimony, but I'd like to have -- I don't want to discourage the exchange, but you're here as an attorney, not as a witness so it would simply be considered as a public comment. Feel free to answer it, but I just want you to know it will be considered comment and not testimony.

MR. DAVIS: Well, my understanding of Section 8 was that it would require an economic impact study, and it specifically exempts the 27-B requirement from the Environmental Protection Act in Section 8 for the groundwater Section 8. So my reading was that that study was to be considered in place of the standard DCEO study right or wrong.

MR. COBB: I have another response on that. The original ECIS requirement in the groundwater Protection Act was for the full-blown regulation, including the

classification system, the nondegradation provisions, every section in the entire regulation. DNR did the original ECIS on the full-blown development of the regulation, and there were conclusions on that. So now we're just simply adding some additional contaminants, which is, you know, maybe one one-hundredth of the overall scope of what was considered in the original ECIS, and so the scope of the economic impact is, you know, nowhere similar to what was originally mandated there. And so that I think it is why it -- we've always looked at it the way it is, is that with the original full scope adopted those standards to discuss the impact and adding additional contaminants certainly doesn't really change the overall impact. These are not by default clean-up standards. They are simply groundwater quality standards. So for all the reasons stated in the original Board opinion of R89149(b) and all of the subsequent opinions since that time, I think is the basis for why a full-blown ECIS would certainly not be

necessary.

CHAIRMAN MCGILL: Yes, you know, the Board did submit a letter to the Department of Commerce & Economic Opportunity for this rulemaking. Whether that was done in an abundance of caution or just sort of a routine, I'm not sure. We would need to review -- I know there are instances where Section 27(b) where rule makings are exempt from the 27(b) ECIS requirement. We would need to look at, you know, whether the provision in the groundwater Protection Act applies and whether this is being promulgated pursuant to that provision. We have a second hearing in Springfield, so if we think we are subject to the 27(b) ECIS we can take it up at that point in time. And we are going to have an opportunity to pre-file testimony for the second hearing, and that would certainly be an opportunity for IERG and the Agency to state what the Agency's position is on what sounds like really a legal issue.

MR. JOHNSON: Whether it be in an abundance of caution as you say, we're going

to go ahead and do the DCEO Economic Impact hearing today.

MR. MCGILL: We can do it, and if that's unnecessary, then we've lost 30 seconds of our lives. It's no big deal. But if it does apply, then we will have met our requirement or we can do it in Springfield. But I'm ready to go today.

MR. DAVIS: Okay.

My second question is, is it the Agency's intention to regulate all groundwater in the state? As if it is to be used for drinking water?

MR. COBB: No.

MR. DAVIS: Would you care to elaborate just a little more?

MR. COBB: Sure. The groundwater classification system in the Board's groundwater quality standard regulations dictate how groundwater is regulated, and we didn't propose any changes to the classification system. So the answer is no.

MR. DAVIS: My third question is, what is the effect of incorporating 40 CFR,

144.66, the maximum contaminant levels for radionuclides that's incorporated in 620.125(c) of the proposed amendment and where is it applicable?

MR. COBB: It's just an update of the previous incorporation by reference that was used simply for testing procedures, and where it's applicable is 35IlAd.620.410(e) the photon, the radioactivity and -- let me state this correctly for the record here -- beta particle and photon radio activity standard which already exists, and this is simply the testing procedure that has been updated since 1991. And that's where it applies.

MR. DAVIS: My fourth question. The inorganic chemicals to be added or amended in the Class 1 standard that would be under section 620.410(a), arsenic, molybdenum, perchlorate and vanadium.

CHAIRMAN MCGILL: Could you just repeat those chemicals for the court reporter.

MR. DAVIS: The first was Arsenic, A-R-S-E-N-I-C, molybdenum, M-O-L-Y-B-D-E-N-U-M, the third perchlorate,

P-E-R-C-H-L-O-R-A-T-E and the last vanadium, V-A-N-A-D-I-U-M.

CHAIRMAN MCGILL: Thank you.

MR. DAVIS: -- which are metals, and why are they classified as such?

MR. COBB: Arsenic, molybdenum and vanadium are metals. Perchlorate is an inorganic compound. In terms of why things are metals versus why things are inorganic compounds, it's primarily because of the physical properties, you know; the metals are shiny, strong, solid, good heat conductors, good electrical conductors, dense and mailable. Chemists segregated the metals into the left-hand corner of the periodic table of the elements. Inorganic compounds are ions usually proposed and then composed of. And the compounds already put the cation and the anion the positively charged and the negatively charged, for example, sodium chloride and those. Chemists classified metals and inorganic substances in that way. Also inorganic substances or compounds are really natural in origin from minerals in the

earth's crust, as well as the metals. That's all I have.

MEMBER JOHNSON: That's enough for the Art majors.

MR. DAVIS: Going on. Page 14 of Mr. Cobb's pre-filed testimony contains a table describing the basis for the Class II Inorganic Standard. Could you please explain what is meant by Class I Standard, Irrigation Criterion 10 for Molybdenum and describe how the Class II standard was determined for this constituent.

CHAIRMAN MCGILL: Are you referring to the basis for Class II?

MR. DAVIS: That's right. There is a table describing the basis for the Class II inorganic standard in the pre-filed testimony. The page numbering, I think, was directly -- yes, page 14.

MEMBER RAO: Mr. Cobb, I'd like to add in Mr. Davis' process that we also had a question relating to the same standard, and just state our question so you can answer it together.

On page 14, the groundwater standard table lists the basis for the proposed --

MR. COBB: Can you repeat the question? I was still thinking about that question.

CHAIRMAN MCGILL: They are related questions.

MEMBER RAO: On page 14 the groundwater standard table lists the basis for the proposed Class II standards for molybdenum and the same level as the Class I standard, but it is also noted that the irrigation standard is added in the table without any units. Can you explain the rational for proposing the Class II standard for molybdenum at the same level as the Class I standard instead of the irrigation criteria?

MS. GEVING: If we can pause for one moment?

CHAIRMAN MCGILL: Off the record.

(Discussion off the record, after which the following proceedings were had:)

CHAIRMAN MCGILL: Let's go back on the

record.

MR. COBB: We'd like to get back to you on that one. It may be that we did something incorrect there. I thought I had the answer, but let us go back.

CHAIRMAN MCGILL: For both of the questions and the related question?

MR. COBB: It is the same I think.

THE COURT: Okay, thank you. Dave, in the same table next to perchlorate, the basis is described as 0X and it's done again for a number of constituents on pages 16 and 17 on those tables.

MR. COBB: Yes.

MR. DAVIS: Could you explain what is intended to be meant by 0X?

MR. COBB: What is meant there -- and maybe more correctly what I should have said is 1X, but what that is referring to is the treatability factor. And the Board's water quality standards for many of the contaminants that are listed for Class II are derived based on the best available treatment technology that's available for that

contaminant, and we generally try to use an 80 percent value just because many of them are actually 99, so you are even more economically reasonable if you use the instigation 80 percent. The reason that perchlorate is 1X is because there is no best available treatment technology, so we didn't factor up the numbers for perchlorate.

And then the other chemicals, although when you get into the organics, it's similar, but there's a couple of other procedures that we used that are actually highlighted on page 16 of my testimony. It's a similar concept, but we use a few additional scientific criteria. Perchlorate, since it's organic, we look for any best treatment technologies, and there are not. So there is no treatability factor so it doesn't get the multiple that some of the other contaminants get.

MS. GEVING: So, Mr. Cobb, is it your desire to change all of your references in your written testimony to 1X or is it correct to leave it at 0X?

MR. COBB: I think to be absolutely technically correct, although I think everybody knows what 0X means, if we really wanted from a mathematical standpoint to be correct, maybe it should be 1.

CHAIRMAN MCGILL: 1X.

MR. COBB: Yes. Or I think commonly everybody knows we're not multiplying the number.

MR. DAVIS: Next I'd like to ask you about the table on page 12, where on the top of page 12 arsenic is noted as a carcinogen with an asterisk, and there are a number of places where arsenic is listed both in the proposal and in the table on page 14 where it is not, so I was hoping that could clear it up.

MR. COBB: That's just an oversight. It is a carcinogenic. So there should be an asterisk added.

MR. DAVIS: So page 14 on that table should be an asterisk?

MR. COBB: Yes.

MR. DAVIS: And then in the rulemaking

proposal as well?

MR. COBB: Yes.

CHAIRMAN MCGILL: So you are referring to there should be an asterisk next to arsenic?

MR. COBB: It is a carcinogenic.

MEMBER RAO: While we are on the same subject, I have one more. On page 11, Mr. Cobb, of your pre-filed testimony you noted that the carcinogens are noted in the standards by an asterisk. Could you identify whether dibenzo(a,h)anthracene whether it should be listed under section 624.10(b) with an asterisk to indicate that it's a carcinogenic?

MR. COBB: In the testimony it's marked. It should also be similarly marked in the proposal.

MR. RAO: That's what I wanted to clarify.

MR. COBB: Right.

CHAIRMAN MCGILL: Mr. Davis, did you have any more questions?

MR. DAVIS: Yes, just a couple more.

We already talked about figures 1 and 2. For the record, the attached paper entitled "Arsenic and Illinois groundwater" refers to figures 1 and 2 which are not included in the pre-filed testimony. And my question is could you provide the two figures?

MR. COBB: Yes.

MS. GEVING: We'll provide those at the second hearing.

CHAIRMAN MCGILL: And these are the attachments you are referring to, the arsenic study attached to Mr. Cobb's pre-filed testimony?

MR. DAVIS: That's right.

CHAIRMAN MCGILL: Thank you.

MR. DAVIS: My next question is multiple parts relating to page 9 of Dr. Hornshaw's pre-filed testimony in which he described the proposed 620.605(c) which calls for setting the guidance level of a chemical and the water solubility of that chemical if the water solubility is less than the calculated guidance level. And I would like you to give me an example where this was

utilized in setting the standards, what numbers were used in reaching that, and why it was that you determined it was appropriate to use that, although I think you did get into that somewhat in your summary.

DR. HORNSHAW: Yes, I think I covered that fairly well in my summary. And as an example, if you look at Section 620.410(a) and (b) the chemical anthracene, we are proposing a standard of .043 milligrams per liter based on water solubility. If you use the IRIS toxicity values as the basis for calculating a health base value, the concentration in groundwater would be 2.1 milligrams per liter for Class I groundwater, and 10.5 milligrams per liter for Class II groundwater. Both values way exceed the solubility, so we're proposing to have solubility be the basis for the standard for that chemical. And there are several others in the rule that are similar to that.

MR. DAVIS: So the standard is proposed 043?

DR. HORNSHAW: That's correct.

MR. DAVIS: And the other numbers were based on the health based result.

CHAIRMAN MCGILL: I'm sorry, could you -- you trailed off there at the end.

MR. DAVIS: I said the other numbers, the 2.1 and the 10.5 were the result of the health based calculations.

CHAIRMAN MCGILL: Dr. Hornshaw, that's correct.

DR. HORNSHAW: That's correct.

CHAIRMAN MCGILL: All right. Thank you.

MR. DAVIS: And then a follow-up on that, could you please explain the difference between effective solubility and listed or laboratory solubility and which is used in their rulemaking.

DR. HORNSHAW: Yes. I'm a little confused about why you are asking about effective solubility because it's not included in the testimony. It's not used in the rule making, but I'll give a definition that Mr. Cobb pulled off of the Mississippi Department of Environmental Qualities

Regulations, their definition for Effective Solubility "Means the solubility of a compound that will dissolve from a chemical mixture, for example gasoline." The effective solubility of a compound of a chemical mixture is less than its aqueous solubility.

MR. DAVIS: Okay. And then so the aqueous solubility would be the listed or laboratory solubility?

DR. HORNSHAW: That's correct.

CHAIRMAN MCGILL: Thank you. I'm sorry, you had a follow-up?

MR. DAVIS: No, that was it for that question.

CHAIRMAN MCGILL: I had a related question. Did you still have --

MR. DAVIS: I had one more, but go ahead.

CHAIRMAN MCGILL: Yes, thanks. This is for either of you. The Agency lists water solubility for the basis of several Class 1 and Class II standards, please provide citations of the publications from which the

Agency derived the water solubility standard to develop the standard that. Is that something you could provide?

DR. HORNSHAW: I would have to do that at the next hearing or maybe in a written summary.

CHAIRMAN MCGILL: A number of our questions we don't expect an on-the-spot answer.

DR. HORNSHAW: I can explain a little bit though.

CHAIRMAN MCGILL: Sure, go ahead.

DR. HORNSHAW: USEPA also has a hierarchy for physical chemical contents and physical data sources. The preferred source is the Superfund Chemical Data Matrix System, which is an on-line database that anybody can get to to pull down all kinds of physical chemical contents, including solubility. My guess is most of the values that we are proposing come from this EPA database, but there are some others and I would have to check each individual chemical to make sure which database the solubility value came

from. And those have also been recently updated, as well as the toxicity contents. So we're changing a lot of things in both this rule and 620 because of the changes in the physical chemical constants and the toxicity constants.

MS. GEVING: Dr. Hornshaw, you said both this rule and 620. Did you mean both this rule and the TACO rule?

THE WITNESS: And the TACO rules.

MS. GEVING: Which have not yet been proposed to the rule?

MEMBER RAO: I think it will be helpful for the Board to have the names of those publications or sources since what we have in our library had different values for solubility. So I think we'd like to get that into the record as to what the Agency used as solubility for various chemicals.

MS. GEVING: Dr. Rao -- Mr. Rao, would it satisfy you if we did a table that listed the chemical and its source?

MR. RAO: Yes. And like Mr. McGill said, as we go through our questions, you'll

see that a lot of information can be put in a table form.

CHAIRMAN MCGILL: Mr. Davis?

MR. DAVIS: My last question refers to pages five and six of Dr. Hornshaw's pre-filed testimony in which he describes the addition of the groundwater objectives from TACO. And I was hoping that you could just elaborate these in further detail as to why you thought it was necessary to include these chemicals in the groundwater value.

MR. COBB: Mr. Davis, is it okay if I address that?

MR. DAVIS: Yes, whoever wants to address it.

MR. COBB: Essentially the Illinois groundwater Protection Act mandates to us to develop Groundwater Quality Standards for contaminants that have been detected and confirmed in Illinois groundwater. Further, as in my summary testimony, summary of my testimony provided earlier, the Board has requested us in R8914(b) opinion to continue to provide regular updates of the Groundwater

Quality Standards. So for consistency purposes and meeting the statutory requirements, is one of the primary basis. The additional secondary reason is the fact that the Bureau of Land Permit Programs, and the Federal Clean-Up Programs don't really necessarily always use TACO or LUST. They have their own. They use the Board's groundwater quality standards. Leaking underground storage tanks is what I meant by the acronym LUST clean up programs. So we were requested to develop these additional standards for those contaminants that have been detected to confirm by the Illinois groundwater for those programs.

MR. DAVIS: Thank you very much.

CHAIRMAN MCGILL: Thank you. Are there any other questions that any member of the audience has for either Agency witness?

MR. DAVIS: Not at this time.

CHAIRMAN MCGILL: We'll move on with some questions the Board has for the Agency. Why don't we go off the record for a moment.

(Discussion off the record.)

CHAIRMAN MCGILL: We'll go back on the record and add to the Board's questions.

MR. RAO: Our questions initially are directed to Mr. Cobb, but any one of you can answer this.

At page 11 of your pre-filed testimony you state that the proposed standards are based on either USEPA MCL or Board MCL, a reference dose, also known as RfD, in USEPA's Integrated Risk Information System (IRIS) USEPA Health Effects Assessment Summary Table (HEAST), RfD, Provisional Peer Reviewed Toxicity Values (PPRTV), RfD, and IRIS Slope Factor, (Sfo).

First question, "Please clarify whether USEPA MCLs are the same as the Board MCLs. If not, please explain any differences between the two."

MR. COBB: Yes. For arsenic we have the pass-through requirement into 35Il.Ad.611, and for arsenic, you've already established -- the Board has already established a drinking water standard for arsenic, so yes.

MR. RAO: "The proposed standards for several inorganic and organic chemical constituents are based on RfDs and Sfos obtained from the various USEPA databases. Please explain how the Agency used RfDs and Sfos to derive the proposed standards for various chemical constituents. Would the Agency be able to update the tables on pages 12 and 13 of your testimony to include the appropriate RfD values used to determine the proposed standards? And also, would the Agency be able to submit pertinent documentation from the USEPA databases concerning the RfDs and Sfos used to derive the propose standards?"

It's a two-part question. Basically what we are asking for is the documentation and calculations that you did.

DR. HORNSHAW: All of the IRIS reference dose information?

MR. RAO: Just the relevant, what was the RfD used.

DR. HORNSHAW: Yes, we could do that.

MR. RAO: Because you have provided a

table. I think it's in Mr. Cobb's testimony. If you could add a couple more columns to it and add information to the specific information to each of those chemicals, that would be helpful for the record.

DR. HORNSHAW: So I'm clear, do you want the individual chemicals that are changed here; you want the basis for the change?

MR. RAO: Yes. You have the basis in the table saying it's IRIS, RfD or TACO groundwater objective, and what we want to know is what is the number you used.

DR. HORNSHAW: Oh, the actual value?

MR. RAO: Yes. The basis is already there.

DR. HORNSHAW: That's what was confusing me because everything was IRIS, it's carcinogenic.

MEMBER RAO: Yes, but we want the supporting documentation.

DR. HORNSHAW: You want the actual number?

CHAIRMAN MCGILL: I'm sorry to

interrupt, but you are starting to talk over each other and finishing each other's sentences.

Dr. Hornshaw, you are clear on what Mr. Rao is asking for?

DR. HORNSHAW: You want just the reference dose number itself, correct?

MEMBER RAO: Yes.

DR. HORNSHAW: You don't want the entire citation from the IRIS database?

MEMBER RAO: Yes, I know, but I think the relevant information from the IRIS database.

DR. HORNSHAW: That's easy. Yes, we can do that.

MEMBER RAO: Please clarify whether any of the proposed Class I standards are based on the RfDs from USEPA's HEAST database?

DR. HORNSHAW: Again, to be clear, are you talking about the new and updated chemicals or the entire list of the chemicals?

MEMBER RAO: I'm looking at Mr. Cobb's testimony on pages 12 and 13 on the table.

On page 11, Mr. Cobb states that you relied on HEAST's RfDs in coming up with some of these standards. And when I look at the table I didn't see HEAST mentioned anywhere on those tables. So I just want to know whether, first of all, you used information from the HEAST database?

DR. HORNSHAW: The answer to that is no.

MEMBER RAO: Okay.

DR. HORNSHAW: At this point HEAST is just about the last choice for getting toxicity constants. If none of the other preferred sources have a constant, then we will use HEAST because it's last updated in 1997. For this update we only -- internally we decided we were only going to propose standard that had a reference dose or cancer slope factor in IRIS or the PPRTV table.

MEMBER RAO: Okay.

DR. HORNSHAW: We decided that even before we started looking for tox constants.

CHAIRMAN MCGILL: I'm sorry, for?

DR. HORNSHAW: Toxicity constants.

CHAIRMAN MCGILL: Toxicity constants?

DR. HORNSHAW: The toxicity criteria that we based calculations on. Before we even started developing the new values internally, we decided we were only going to use the first two tiers of IEPA's tiered system.

MEMBER RAO: Okay.

DR. HORNSHAW: And as it turned out, all of the chemicals that we were proposing for update had reference doses from IRIS so you don't even see PPRTV as a source.

MEMBER RAO: So it's all right for us to ignore the statement where it's said that IEPA relied on the HEAST database?

MS. GEVING: Yes. If we could strike that from the testimony officially from the record.

DR. HORNSHAW: I apologize that's probably something I should have elaborated on in my testimony.

MEMBER RAO: Because when I was going through that information I didn't find any numbers from HEAST.

CHAIRMAN MCGILL: On page 11 of Mr. Cobb's pre-filed testimony there is a statement that some of the proposed standards are based on MDLs used to derive Part 620, Subpart F, Appendix A: Human Threshold Toxicant Advisory Concentration for TACO groundwater objectives under Part 742. Would you please clarify whether all of the proposed standards based on TACO groundwater objectives are based on MDLs?

DR. HORNSHAW: Just for the record, MDLs are method detection limits.

CHAIRMAN MCGILL: Would you like me to repeat the question?

MR. COBB: Yes, could you do that?

CHAIRMAN MCGILL: On page 11 of Mr. Cobb's pre-filed testimony there is a statement that some of the proposed standards are based on MDLs used to derive the Part 620, Subpart F, Appendix A: Human Threshold Toxicity Advisory Concentration for TACO groundwater objectives. Please clarify whether all of the proposed standards based on TACO groundwater objectives are based on

MDLs?

MS. GEVING: We'd prefer to answer at the second hearing if that's okay. We have to do a little research.

CHAIRMAN MCGILL: The other question or request is to explain how MDLs were used to derive the proposed standards for which TACO groundwater objectives are listed as the basis for the standards; an explanation of how MDLs were used to derive the proposed standards for which you've indicated TACO groundwater objectives are the basis.

MS. GEVING: We'll address that at the second hearing too if that's okay.

CHAIRMAN MCGILL: The next request is that, we noted that the proposal lists the acronyms for several chemical constituents in section 620.410. That's 620.410. Please provide the chemical names for alpha-BHC, MCPP, HMX, and lastly RDX.

MR. COBB: We can do that.

MS. GEVING: Do you need to do that at the second hearing?

MR. COBB: Yes.

DR. HORNSHAW: HMX stands for high mount explosive, but its technical name -- I'm not even go to try it. It's about this long (indicating).

CHAIRMAN MCGILL: I could answer, but I'm not testifying.

Next question. On page 14 of Mr. Cobb's pre-filed testimony there is a statement that "The proposed Class II standard for inorganic constituents are based on irrigation and livestock watering from a 1972 report published by the National Academy of Sciences entitled 'Water Quality Criteria.'" Would the Agency be able to submit a copy of the NAS report or at least the relevant pages of the report?

MR. COBB: We can do that. I'm not sure -- because that was an attachment as part of our original testimony for R914(b) as well, so I don't know if that's in the Board's record, but we can certainly do that.

CHAIRMAN MCGILL: It's probably in our clerk's office or microfiche, but it would be helpful to have it in R078-18.

MR. COBB: Just to make sure you know that was part of, that was the same pattern used in the original set of standards and the updates.

CHAIRMAN MCGILL: Thank you.

MR. GEVING: Mr. Hearing Officer, could you provide me at the end of the hearing a list of chemicals for which you want their actual name?

CHAIRMAN MCGILL: Sure. I can repeat it now or we can do it at the end of the day.

MS. GEVING: At the end of the day is fine.

MEMBER RAO: For the benefit of the court reporter, now we are on question 7.

On page 16 of your pre-filed testimony you state that a five-fold treatment factor was used to derive a Class II standard for organic compounds with a Koc value greater than that of ethylbenzene or Henry's law constant greater than that of methylene chloride. Please comment on whether the same factors were considered in deriving the TACO Class II groundwater

objectives, which are also being proposed as the Class II standards in the instant proposal.

MR. COBB: I'll have to defer to Tom on that.

DR. HORNSHAW: I'm pretty sure the answer is, yes, other than when it would result in a value that's higher than solubility.

MEMBER RAO: Okay. And we are on question 9 now.

All of the proposed Class II standards, which are based on water solubility, are set at the same level as the Class I standards except for benzo(a)pyrene, benzo(k)fluoranthene, and methoxychlor. Please explain the Agency's intent for setting these at levels different than Class I standards.

DR. HORNSHAW: Could you repeat the question or the chemicals generated?

MEMBER JOHNSON: The name of the chemicals?

DR. HORNSHAW: You said benzo(a)pyrene,

benzo(k)fluoranthene --

MEMBER RAO: Benzo(a)pyrene and methoxychlor, the levels are not the same as Class I. I want to know how the water solubilities address separating these standards.

DR. HORNSHAW: For benzo(a)pyrene, the Class II value is limited at solubility.

MEMBER RAO: Then should we limit the Class I also at water solubility?

DR. HORNSHAW: I believe the Class I standard doesn't exceed the solubility or equals the solubility. I can't remember for sure -- I'm sorry, I take that back, the Class I standard is a federal MCL, which we don't change.

MEMBER RAO: I thought under the hierarchy you were going to limit everything to water solubility.

MR. COBB: With the exception of the MCL.

MEMBER RAO: Is that right?

DR. HORNSHAW: Apparently. I may have to look at that one. I know that's the case

for methoxychlor because once you get point .045 you are at the water solubility. If you multiply the Class I standard by 5 you would be at 0.2 which far exceeds the solubility. And I believe that's the exact same thing for benzo(k)fluoranthene. If you multiply Class I by five it comes out to .00085, which exceeds the solubility by a small margin. I think I'm going to have come to back to you on benzo(a)pyrene.

MEMBER RAO: Okay.

CHAIRMAN MCGILL: The next question: According to the table on page 16 of Mr. Cobb's pre-filed testimony and Errata Sheet No. 2, the proposed Class II standards for benzo(a)pyrene is 0.001 milligrams per liter. On page 17 of that pre-filed testimony there is a statement that the existing Class II standard should be amended to 0.00002 milligrams per liter based on its water solubility. Please clarify which value represents the limit based on water solubility of benzo(a)pyrene, 0.0016 milligrams per liter or 0.0002 milligrams per

liter.

DR. HORNSHAW: That's essentially the same question that was asked, and we are going to come back and check the solubility to be sure.

CHAIRMAN MCGILL: Okay. Thank you.

MEMBER RAO: Now, moving on to question 11.

The proposed Class II standards for explosive compounds at 620.420(c) are set at the same levels proposed for Class I groundwater. Please clarify whether Koc values or the Henry's law constants for these compounds are below threshold values considered by the Agency for setting standards based on treatability.

MR. COBB: This is similar to perchlorate where we didn't -- for most of the organic contaminants we looked at the Koc and those factors, but in these factors we just looked to see if there was a best available treatment technology, which there is none and that was the basis. So it's the same as for the perchlorate.

CHAIRMAN MCGILL: On page 18 of Mr. Cobb's pre-filed testimony, this is regarding the proposed changes to Class IV groundwater quality standards pertaining to explosive contaminants, there is a statement that the designation of a previously mined area is being proposed because it moves the compliance point from the pit of the mine to the boundary of the permitted area in order to establish off-site contamination. Could you clarify whether the proposed changes are intended to apply only to "previously mined area" which is a defined term in Section 620.110, and that definition limits the area to land disturbed or effected by coal mining operations prior to February 1, 1983.

MR. COBB: Yes.

CHAIRMAN MCGILL: Thank you. Page two of Dr. Hornshaw's pre-filed testimony there is a reference to a USEPA memorandum dated December 5, 2003 concerning Human Health Toxicity Values in Superfund Risk Assessments. Would the Agency be able to submit a copy of the memo?

DR. HORNSHAW: Oh, yes. I think that's supposed to be 2002, but I'll check. It may be a typo in there. But, yes, we can submit a copy of that memo.

CHAIRMAN MCGILL: Thank you.

On page 3 of that pre-filed testimony there is a note, one of the issues concerning the new hierarchy of toxicity values pertains to the retirement of Provisional Peer Reviewed Toxicity Value by USEPA. The first question is, can you clarify whether retirement of a PPRTV for a chemical means that USEPA has established a permanent reference dose for the chemical or just dropped the value from its database?

DR. HORNSHAW: They've dropped the value from it's database. THE PPRTV people send quarterly updates to everybody who prescribes. The values that are retired, their retirement is probably because they have not progressed in the pipeline. The PPRTV database is basically all the chemicals that the EPA is looking for in addition to the IRIS database and provided ahead of time.

If the chemical is not going to move on to the higher standards, they have to retire those chemicals. The most recent update didn't have any chemicals listed as retired, so I'm not sure where they are going with this at this point.

MEMBER RAO: Moving on to the next question, 15. On page four of your pre-filed testimony regarding -- this is for Dr. Hornshaw again -- regarding subchronic exposures, you state that the Agency used the IRIS values with the Uncertainty Factor removed for some of the chemical constituents as the first tier when available. Could you please identify the chemical constituents for which this procedure was used to develop the proposed standards.

DR. HORNSHAW: I only included this as an example of some of the problems we were having. This actually pertains to TACO because we don't use subchronic values in the 620 rules. We only use the values.

MEMBER RAO: So this doesn't apply --

DR. HORNSHAW: It doesn't apply. I

just included that as one of the examples where we were having some internal discussions on where to proceed.

MEMBER RAO: So all of the RfD values that you used from IRIS are without any modification?

DR. HORNSHAW: That's correct.

MEMBER RAO: On page 4 you state that changes needed in TACO because of the new hierarchy will be addressed when the next revision to TACO rules are proposed to the Board. Please clarify whether the TACO groundwater objective for 1, 1-Dichloroethane of 0.7 milligrams per liter, which is lower than the proposed Class I standards of 1.4 milligrams per liter is one of the needed revisions that we dealt with in the TACO rulemaking?

DR. HORNSHAW: Could you tell me the two concentrations again?

MEMBER RAO: Yes, the TACO groundwater objective concentration for 1, 1-Dichloroethane 1.4 milligrams. So my question is whether the TACO groundwater

objective will be revised at a later date?

DR. HORNSHAW: I think it will, but I'm going to have to come back to you on that just to be sure.

MEMBER RAO: I'm moving on to the next question. On page five you state that the Toxicity Assessment Unit decided to include in the proposed rulemaking any chemical from the Bureau of Land's master list that had a toxicity value in the IRIS database. Please explain the rationale for limiting the chemicals to only those with IRIS toxicity values instead of considering the USEPA's three-tier hierarchy.

DR. HORNSHAW: I've kind of answered this already. We were going to use IRIS and PPRTV because those are EPA supported toxicity values. It turns out none of the chemicals that we were proposing values from the PPRTV database, all of them were IRIS data that were used in calculating the values. We decided internally not to use the third-tier because these are all more or less provisional values that are probably subject

to change and modification so we limit it to the two tiers. So we had solid toxicity data for this rulemaking.

MEMBER RAO: Since you said that you didn't use any of the PPRTV, RfD, would you please clarify Mr. Cobb's testimony on page 12, where he has the table listing, the basis for all the proposed Class I standards for 1-Dichloroethane that the basis is listed as PPRTV.

DR. HORNSHAW: I may have to take back all I just said.

MEMBER RAO: You may want to take a look at this. It may be based on the RfD too. I mean the groundwater objectives for TACO.

DR. HORNSHAW: I'll check the entire database that we have for 1-dichloroethane and come back to you in written form or at the next hearing.

MEMBER MELAS: Next hearing.

MEMBER RAO: On page 7 of your testimony you state that additional corrections are necessary for several

reasons, including the revision of the selection criteria for groundwater standards for carcinogenic chemicals. You note that the revised criteria require a comparison of each carcinogenic constituent's health based concentration (1 in million risk level) with its corresponding analytical method detection limit, the greater of which is compared with the constituent's reported water solubility. Could you please clarify whether analytical detection limit represents the carcinogenic statutes MDR or method detection limit or its practical quantification limit.

DR. HORNSHAW: I misspoke in my testimony. It should be lowest practical quantitation limit, PQls, which I think is already testified.

MEMBER RAO: That takes care of my next question because I wanted to know if we wanted to change the 620 to MDL?

DR. HORNSHAW: No.

MEMBER RAO: Okay, thank you very much.

CHAIRMAN MCGILL: Thank you. For the record, does anyone else have any further

questions for either Agency witness? Seeing none, why don't we go off the record for a moment.

(Discussion off record.)

CHAIRMAN MCGILL: Back on the record. Just for the record, is there anyone else who wishes to testify or pose a question today? Seeing no response, I'll move on to a few procedural items before we adjourn? Just hang on for one moment. I want to make sure nobody signed this sign-up sheet and wandered off.

I'm going to run through the Section 27(b) economic impact study matter on the record, and if it's applicable it will be covered. If it turns out that it is not, then no harm. The Board as I mentioned did request an economic impact study. Section 27(b) of the Environmental Protection Act requires the Board to request that the Department of Commerce and Economic Opportunity conduct an economic impact study or ECIS on proposed rules before the Board adopts the rules. DCEO may within 30 to 45

days request to produce a study on the economic impact of the proposed rules. The Board must make the economic impact study or DECEO's explanation for not conducting one available to the public at least 20 days before public hearing. On March 26, 2008, the Board accepts DCEO's request to conduct an ECIS on the Agency's rulemaking proposal. DCEO has not responded to the Board's request. Is there anyone who would like to testify regarding this matter?

Seeing none, I'll mention that we have a second hearing in this rulemaking scheduled for July 16, 2008, at 10:00 a.m. That hearing will be held at the Agency's building 1000 East Converse in Springfield, enter through the north entrance of the building, and it will be in the TQM room. Pre-filed testimony for the second hearing must be filed with the clerk of the Board by July 11th. The mailbox rule does not apply to this filing. So the clerk must receive the pre-filed testimony by July 11th. Of course you can file electronically through

our clerk's office on-line or pool. I will issue a hearing officer order this week which will mention the pre-filed testimony deadline for our second hearing and also set forth the questions proposed by the Board today to assist the Agency in its preparation of responses for the second hearing. Copies of the transcript of today's hearing should be available on the Board's website by June 30th. If anyone has any questions about the procedural aspects of this rulemaking, you can contact me, my phone number is (312) 814-6983. My e-mail is mcgillr@ipcb.state.il.us.

Are there any other matters that need to be addressed at this time? Seeing none, I would like to thank everyone for participating today, and this hearing is adjourned.

(Whereupon the hearing was adjourned.)

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

DENISE ANDRAS, being first duly sworn, on oath says that she is a Certified Shorthand Reporter doing business in the City of Chicago, County of Cook, and State of Illinois.

That she reported in shorthand the proceedings had at the foregoing hearing of the above-entitled cause.

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the hearing.

_____
DENISE ANDRAS, CSR
CSR NO. 084-003437

SUBSCRIBED AND SWORN TO
Before me this ____ day
Of _____, A.D., 2008.

_____
Notary Public