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STATE OF ILLINOIS  
Pollution Control Board

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

ILLINOIS POLLUTION CONTROL BOARD  
February 17, 2009

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO ) R09-9  
TIERED APPROACH TO )  
CORRECTIVE ACTION OBJECTIVES ) (Rulemaking-Land)  
(35 ILL. ADM. CODE 742) )

TRANSCRIPT OF PROCEEDINGS held in the  
above-entitled cause before Hearing Officer Richard  
McGill, called by the Illinois Pollution Control  
Board, pursuant to notice, taken before Rebecca  
Graziano, CSR, within and for the County of Cook and  
State of Illinois, at the Thompson Center, 100 West  
Randolph, Room 9-040, Chicago, Illinois, on the 17th  
Day of March, A.D., 2009, commencing at 2:10 p.m.

A P P E A R A N C E S

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ILLINOIS POLLUTION CONTROL BOARD:

- Mr. Richard R. McGill
- Ms. Alisa Liu
- Mr. Anand Rao
- Mr. Thomas Johnson
- Dr. G. Tanner Girard
- Mr. Gary Blankenship

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

- Ms. Kimberly A. Geving
- Ms. Heather N. Nifong, M.A., M.P.H.
- Ms. Joyce Munie, P.E.
- Ms. Tracey E. Hurley, M.P.H.
- Mr. Thomas C. Hornshaw, Ph. D.
- Mr. Hernando A. Albarracin
- Mr. Gary P. King
- Mr. Andrew Frierdich

TEST AMERICA:

- Mr. Will Elcoate

ILLINOIS ENVIRONMENTAL REGULATORY GROUP:

- Mr. Alec M. Davis

THE RISK ASSESSMENT AND MANAGEMENT GROUP:

- Mr. Atul Salhotra

ECOSYSTEM ENVIRONMENTAL CHEMISTRY LAB:

- Ms. Kristin Potter

ALSO PRESENT:

- Mr. Harvey Pokorny
- Mr. James Olsta

1 MR. MCGILL: Welcome back. I hope  
2 everybody got to go outside. Just for the record,  
3 are there any additional questions for Raymond  
4 Reott? Seeing none, we are he going to move on to  
5 our next witness, Mr. Pokorny. If you could step up  
6 front here, we'd appreciate it. Mr. Harvey Pokorny  
7 has some pre-filed testimony. So why don't we go  
8 ahead and swear in the witness, please.

9 (Witness sworn.)

10 MR. MCGILL: Why don't we go ahead and  
11 take care of the paperwork of your pre-filing, and  
12 then if you want to write an additional summary or  
13 additional testimony, we can proceed with that.

14 THE WITNESS: Okay. Well, at this  
15 time, I propose that my pre-filed testimony be  
16 entered as written.

17 MR. MCGILL: Okay. So we have a  
18 motion to enter, as if read, the pre-filed testimony  
19 of Harvey Pokorny. Any objection? Seeing none,  
20 that is so entered. Any objection to designating  
21 that pre-filed testimony as a hearing exhibit?  
22 Seeing none, that'll be hearing Exhibit 27.  
23 Mr. Pokorny?

24 MR. POKORNY: Well, my testimony, kind

1 of, stands on its own. But after hearing, you know,  
2 many comments and going around about the vapor  
3 intrusion risk-based health objectives, it just  
4 seems -- this is my opinion as a professional. I've  
5 been in the business for 20 years. I've been a  
6 geologist for 30 years, and as part of being in the  
7 business for 20 years, the environmental business, I  
8 do a lot of property due diligence, and I see this  
9 as a potential stumbling block for property  
10 transactions in general. Because when I wrote this  
11 letter, I was more or less addressing preexisting  
12 buildings on a site that maybe had attained an  
13 NFR -- and maybe they didn't -- that have some kind  
14 of contamination.

15                   This -- the testimony was written  
16 with the object that subsurface investigation has  
17 already been performed. So assuming there's some  
18 contamination on the site or near the site, I did  
19 not see a way for the property owner to have any  
20 kind of rebuttable presumption that he could walk  
21 away from this and say, "Hey, you know, I've got an  
22 NFR letter, or, you know, I've got site soils that  
23 meet TACO objectives," and without doing additional  
24 subsurface investigation at great time and expense,

1 and then having to compare those numbers --  
2 present-day numbers to real time conditions.

3 And I understand where IEPA is  
4 coming from, but the one thing that, kind of, begs  
5 the question to me, looking at the whole regulation,  
6 is just because other states -- let's -- ten years  
7 ago, IEPA chose not to do vapor intrusion risk-based  
8 objectives, because enough data didn't exist. Well,  
9 we still do not have a way -- I mean, the  
10 regulation's predicated on the fact that you have an  
11 indoor care quality number that has been exceeded.  
12 If it hasn't been exceeded, then there's no issue.

13 But we don't know what the indoor  
14 care quality numbers are. Part of the problem is  
15 because A, nobody is obviously able to get them on a  
16 regular basis to mean anything. I mean, Doctor  
17 Sohoch (phonetic) talks about false positives, and  
18 then now we're talking about false negatives. If  
19 you can't get a number, how can you establish an  
20 objective for the indoor air quality? It seems to  
21 me like the science itself may still be in a state  
22 of flux. And if you can't arrive at a real number  
23 for indoor air quality, how can you designate a  
24 pathway to that effect?

1                   Now, TACO, for ten years, has  
2 worked very successfully between consultants and  
3 IEPA and Landowner to form a, more or less,  
4 convenient way -- not convenient, but, you know,  
5 doing your science and your due diligence to say,  
6 "Hey, there's no real risk here remaining." We've  
7 taken care of that. Now, a lot of it may be on the  
8 conservative side, but the process, as a whole,  
9 works.

10                   And this seems to me like -- just  
11 hypothetically, put yourself in a situation where  
12 you're a building owner and you've got an NFR. You  
13 go to sell the building, and you've got contaminants  
14 under that building that, say, succeed TACO tier  
15 one. They didn't exceed it before, but they exceed  
16 it now, okay? You've got to go in and you've got to  
17 prove to the buyer that you're going to be in  
18 compliance with the new regulations. It's  
19 unwritten. Even if we don't reopen the NFR letter  
20 or we let it be, there's going to be a question on  
21 the buyer, and especially in this market. If they  
22 see anything that can go wrong, they'll walk.  
23 They'll go to the next property that has no problem.

24                   And here you've paid a lot of

1 expense and money to get an NFR letter, and now, all  
2 of a sudden, it's good. It's valid, but you're  
3 begging the question to the next buyer who's got a  
4 geological consultant -- an environmental consultant  
5 like me, who's going to say, "Hey, you know, we've  
6 got to do one more test," so saith ASTM, you know,  
7 and quoting on back.

8                   The problem is -- and I do mention  
9 it in my filing -- that, you know, if you put a tier  
10 three package in here, you -- let me see. How do I  
11 put it? Submission of an IAQ package is a tier  
12 three not listed as an option within 35 IAC 742935.  
13 By the way, it's still not listed as an option as a  
14 tier three, even in the tier three options. And  
15 that -- I think that, kind of -- if you go look at  
16 35 IAC 742935 for tier three, I believe that  
17 submission of IAQ data is not even mentioned.

18                   MR. MCGILL: That's IA -- just the  
19 record, what's that acronym, you said?

20                   MR. POKORNY: Tier three.

21                   MR. MCGILL: IAQ?

22                   MR. POKORNY: Inner air quality.

23                   MR. MCGILL: Thank you.

24                   MR. POKORNY: I'm sorry. I'm

1 mixing -- that's essentially what you're getting by  
2 VOC sampling within the building. You're going into  
3 the realm of indoor air quality and sick building  
4 syndrome, which is typically not done unless some  
5 kind of health risk is reported within the building.

6           So all of a sudden, we're going  
7 from the Bureau of Land to the Bureau of Air, but  
8 it's not even the Bureau of Air because it's  
9 essentially unregulated, and you get into the  
10 quality -- or into the realm of indoor air quality.  
11 And it just seems to me that without getting IAQ  
12 data, at least that you can compare something to  
13 tier one, you're leaving everybody wide open.

14           Now, if we can already compute  
15 tier ones from a table, why do you have to go  
16 through the exercise? Why don't we just publish it  
17 as tier one and use that as a standard? Because how  
18 can you back calculate a remedial objective that's  
19 supposed to be based on a health standard without  
20 having a health standard? That's -- that's what I'm  
21 looking for, and I just don't see it in the  
22 literature. And just because other states have done  
23 it and have jumped on the bandwagon -- I say  
24 bandwagon because it just seems to me like, "Okay,



1 state A does it, so state B does it, state C does  
2 it."

3                   And maybe I'm overreacting, but I  
4 just -- this is my opinion, and it's the way I see  
5 it, and I just have a problem, without having an  
6 indoor air quality, to have an indoor air vapor  
7 pathway that's not predicated on an indoor air  
8 number. And that's essentially really what I'm  
9 trying to say here with my testimony.

10                   MR. MCGILL: Thank you. Any questions  
11 for Mr. Pokorny? I know the Board has a couple  
12 questions. If you -- again, just state your name,  
13 please.

14                   MR. HORNSHAW: Tom Hornshaw with the  
15 Illinois EPA. I guess I have a couple of comments.  
16 I thought I heard you say we don't have indoor air  
17 standards. You can calculate those, of course, but  
18 we also have EPA's reference concentrations and unit  
19 risk factors for cancer on our website, which you  
20 could use for screening values also.

21                   The second comment I would make is  
22 that beyond all the discussion that we've already  
23 had about how you could have false positives and  
24 false negatives, it's just my overall concern that

1 if you have a table -- a tier one table of indoor  
2 air quality standards, that there is a potential for  
3 misuse. Mr. Reott said there's a lot of  
4 transactions that the Agency never sees because they  
5 use the tier one tables. I can see a potential for  
6 abuse by somebody taking one sample, you got a  
7 negative result, convincing the buyer that there's  
8 no problem here, and the buyer comes out later and  
9 finds there is a problem.

10 So that would be just an overall  
11 concern I would have personally about having a tier  
12 one lookup table for indoor air.

13 MR. MCGILL: Okay. Just for the  
14 record, all the Agency witnesses have been sworn in,  
15 so that was really just testimony and not so much a  
16 question. Any additional questions for Mr. Pokorny  
17 or related testimony? Dr. Salhotra?

18 MR. SALHOTRA: I have a question.  
19 This is Atul Salhotra. You're saying this would  
20 allow the user remedial applicant to use empirical  
21 indoor air quality survey results. What do you mean  
22 by empirical indoor air quality survey results?

23 MR. POKORNY: I mean, if you get a  
24 survey that indicates you're below a certain

1 objective, a tier one objective, those numbers.

2 MR. SALHOTRA: So site-specific indoor  
3 air management?

4 MR. POKORNY: Yes.

5 MR. SALHOTRA: Okay. Thank you.

6 MR. RAO: Mr., Pokorny, in your  
7 pre-filed testimony, you refer to regulations of  
8 other states, specifically Minnesota and California.  
9 Are you familiar with the requirements of those  
10 state regulations?

11 MR. POKORNY: I am, more or less. I  
12 mean, I went through and I did a quick survey just  
13 to see who has indoor air quality results to base  
14 it -- to base their -- not to say they're based on  
15 that, but you can go to those states, do an indoor  
16 air quality -- or obtain a VOC sample from the  
17 interior of a building, and compare that to a set of  
18 numbers, whether they're ranges or whether they're  
19 numbers.

20 MR. RAO: Have you -- have you seen  
21 there being any more cleanup in any of those states  
22 where you actually use those tables?

23 MR. POKORNY: No, I have not.

24 MR. RAO: Okay. So --

1 MR. POKORNY: I have not.

2 MR. RAO: Okay. But now, you can't  
3 speak for first-hand experience as to how those  
4 rules work for you to terms of cleaning up your  
5 sites?

6 MR. POKORNY: No. I've not done air  
7 cleanup, per se. I have not -- the regulations were  
8 only promulgated, like, for example, Minnesota was  
9 2008. California, we've done work regarding indoor  
10 air quality, but not directly with VOCs that I know  
11 of.

12 MR. RAO: And the way you see this,  
13 and what you're recommending here in terms of adding  
14 indoor air as part of tier one, do you still see  
15 that mediation involves gathering information and  
16 this would be just one part of the --

17 MR. POKORNY: It's one part of it. As  
18 I mentioned, everything quoted in here is basically  
19 predetermined by the contaminants that exist on your  
20 site as previously defined.

21 MR. RAO: So there's not, like,  
22 somebody going and taking a measurement and saying  
23 this pathway's eliminated?

24 MR. POKORNY: Well, you can eliminate

1 the pathway, but you still haven't eliminated the  
2 soil and groundwater portion. So you really have to  
3 do the testing any way. And if those numbers, you  
4 know, on testing -- obviously, as Dr. King alluded  
5 to, if they're below that number, then there's no --  
6 then you don't have to deal with the pathway anyway  
7 if they're below the tier one. But if they're  
8 above -- if they're, like, below everything else but  
9 they're above the tier one favor intrusion pathway,  
10 then you're going to have to deal with it.

11 MR. RAO: Okay. Thank you.

12 MR. MCGILL: Any further questions?  
13 Seeing none, Mr. Pokorny, thank you for sticking  
14 around and participating today.

15 MR. POKORNY: You're welcome.

16 MR. MCGILL: We appreciate it. Thank  
17 you. At this point, I'd ask Mr. James Olsta to step  
18 up front. Just have a seat there, sir. If you  
19 could go ahead and swear in the witness, please.

20 (Witness sworn.)

21 MR. MCGILL: Just a little background  
22 here, the pre-filed testimony of Set Co and  
23 Geokinetics was timely filed, but none of the  
24 witnesses identified in that document were able to

1 attend today. However, Mr. James Olsta of Set Co is  
2 here and is willing, under oath, to adopt that  
3 pre-filed testimony as his own and answer questions.

4 So just initially, for the record,  
5 if you could identify yourself. Just give a brief  
6 description of your qualifications.

7 MR. OLSTA: Yes. My name is James  
8 Olsta. I'm the technical manager for Set Co. We're  
9 headquartered in Hoffman Estates, Illinois. I'm a  
10 registered PE in the state of Illinois. I've got a  
11 bachelor's in civil engineering and a master's in  
12 environmental engineering from the University of  
13 Illinois at Urbana-Champaign -- go Illini. So I'm  
14 also on the executive --

15 MR. MCGILL: Strike that from the  
16 record, please.

17 MR. JOHNSON: Michigan guy.

18 MR. OLSTA: I'm also an executive  
19 board member of ASTM D 35 on geo synthetics.

20 MR. MCGILL: And would you just  
21 briefly describe the two companies and the  
22 relationships between Set Co and Geokinetics?

23 MR. OLSTA: Yes. Set Co is an  
24 environmental product company. We do now represent

1 liquid boot, which is a vapor intrusion membrane  
2 product. And our relation with Geokinetics, they're  
3 a consulting firm in southern California. We've  
4 dealt with them. They've done some diffusion  
5 testing and other testing on the liquid boot product  
6 for us.

7 MR. MCGILL: Thank you. And  
8 Mr. Olsta, do you adopt as your own the pre-filed  
9 testimony of Set Co and Geokinetics that was filed  
10 on February 24, 2009?

11 MR. OLSTA: Yes.

12 MR. MCGILL: Thank you. And will you,  
13 under oath, attempt to answer any questions posed to  
14 you regarding that testimony?

15 MR. OLSTA: Yes.

16 MR. MCGILL: Thank you. At this  
17 point, is there any objection to entering, as if  
18 read, the Set Co Geokinetics pre-filed testimony as  
19 that of James Olsta? Seeing none, that is so  
20 entered.

21 Is there any objection to  
22 designating as a hearing exhibit what is now the  
23 pre-filed testimony of Mr. Olsta? Seeing none, that  
24 will be hearing Exhibit 28.

1                   Mr. Reott's pre-filed questions  
2 included questions for Set Co and Geokinetics. The  
3 pre-filed responses were due on March 12th, but we  
4 just received them late yesterday. The pre-filed  
5 responses from Set Co and Geokinetics restate the  
6 questions of Mr. Reott, and even with those  
7 questions included they're about two pages long.  
8 Attached to the responses is a supporting  
9 Geokinetics document entitled Vapor Mitigation  
10 Strategies, Alternatives, and Technical  
11 Considerations, along with related tables and  
12 figures, and I've shared copies of the responses and  
13 attachments with a number of the participants here  
14 today.

15                   Given the late arrival of those  
16 pre-filed responses, and to aid in everyone's  
17 understanding, Mr. Olsta has agreed -- well, let me  
18 just ask, are you prepared to read those two pages  
19 of responses into the record?

20                   MR. OLSTA: Yes.

21                   MR. MCGILL: And if you -- again, just  
22 for coherency, if you could state the question first  
23 followed by each response.

24                   MR. OLSTA: All right.



1 MR. MCGILL: If you could go ahead and  
2 do that now. Thank you.

3 MR. OLSTA: All right. This is the  
4 response to the pre-filed questions by Michael  
5 Reott, dated March 4th, 2009. This letter's been  
6 prepared to address the questions that were directed  
7 to Geokinetics in the above-referenced submittal.  
8 For ease of reference, each question is repeated  
9 below followed by our response.

10 Question number 12, what is the  
11 relative cost of using a 60 mil vapor barrier at  
12 typical sites, compared to the 6 and 10 mil barriers  
13 referenced in the proposed rule and your testimony?

14 Answer number 12, the installed  
15 cost of a 60 mil spray applied or HDPE vapor barrier  
16 is typically on the order of \$1.50 to \$2.25 per  
17 square foot. The installed cost of a 6 to 10 mil  
18 LDPE vapor barrier with overlapped or taped seams is  
19 typically on the order of \$.30 to \$.50 per square  
20 foot. The lower unit costs are more typical of  
21 larger installations. Examples, warehouses,  
22 commercial buildings, multifamily structures, et  
23 cetera. While the higher unit costs would be more  
24 typical of a single-family residence and small

1 retail commercial buildings.

2                   Question number 13, what is  
3 Geokinetics' experience with testing indoor air  
4 quality for contaminants for vapors from sub-slab  
5 soil and/or groundwater contamination? Would a  
6 system of interior air quality standards, as  
7 suggested by Versar (phonetic) in its February 24th,  
8 2009, comment letter be workable in Illinois?

9                   Response number 13, measurement of  
10 the VOC levels and interior air spaces can provide a  
11 direct indication of potential exposure risks.  
12 Actual levels for many contaminants and indoor air  
13 have been published by the USEPA and other  
14 regulatory agencies based upon incremental  
15 carcinogenic risk of whatever standardized exposure  
16 and somewhat standardized exposure assumptions.

17                   This approach is useful in  
18 addressing the question: Does an unacceptable  
19 exposure risk exist? However, indoor air sampling  
20 and analysis can only identify an existing problem.  
21 It can not anticipate one in advance. It is often  
22 necessary to evaluate site conditions for a proposed  
23 building and determine in mitigative measures are  
24 required. Problems identified after the completion

1 of construction are typically more difficult to  
2 address.

3                   Comment number 14, has Geokinetics  
4 ever compared its indoor air monitoring quality data  
5 to the predicted values from the Johnson and  
6 Ettinger model?

7                   Response number 14, yes. Where we  
8 have comparative data, the standard J & E model  
9 typically predicts higher VOC and/or methane gas  
10 levels than were actually measured in the indoor air.  
11 This appears to be attributable to the assumptions  
12 and simplifications utilized in the model that are  
13 generally of a conservative nature.

14                   Comment number 15, does  
15 Geokinetics have any experience with the costs of  
16 the various building control technologies referenced  
17 in the proposed rule?

18                   Response number 15, yes. We have  
19 installed each type of system referenced in  
20 Section 742.1210 of the draft guidelines. The cost  
21 of sub-slab and submembrane depressurization systems  
22 can vary significantly depending upon the site  
23 conditions and building characteristics. The  
24 installation cost for sub-slab depressurization

1 systems are often lower than those for submembrane  
2 systems, although long term operating and  
3 maintenance costs are typically significantly  
4 higher. As a result, the net present value cost for  
5 both systems are often comparable, and typically  
6 range from approximately \$1.50 to \$3.50 per square  
7 foot of slab on grade area.

8 The discussion of vapor mitigation  
9 alternatives and technical consideration is attached  
10 for your reference. We hope this information is  
11 helpful to you. Please do not hesitate to contact  
12 any of the undersigned or myself if you have any  
13 questions or comments.

14 MR. MCGILL: Thank you. Are there any  
15 questions for Mr. Olsta? Mr. King.

16 MR. KING: I wanted to talk about  
17 the -- we're talking about testimony as well as a  
18 question?

19 MR. MCGILL: Sure. Go ahead.

20 MR. KING: Mr. Olsta, one of the  
21 things that we were, kind of, curious about relative  
22 to the discussion on submembrane depressurization,  
23 the comment was made that 6 mil was too thin, and  
24 you're recommending 60 mil. We were concerned about

1 the feasibility of installing a 60 mil liner,  
2 basically, in a crawl space, and we talked at break  
3 about that. I was wondering if you could comment on  
4 that.

5 MR. OLSTA: Yes. I did ask this  
6 question to our people in California, which have  
7 done the most projects, and they have indicated that  
8 had they have done some installations of the 60 mil  
9 spray applied membrane in existing buildings and  
10 crawl spaces. So I can request from them some case  
11 study references, details to provide to you, to the  
12 Agency, and to the Board.

13 MR. KING: That would be -- I think  
14 that would be very useful for us to, kind of, think  
15 through this as part of the rules.

16 MR. MCGILL: Thank you.

17 MR. RAO: Mr. Olsta, just as a  
18 follow-up to Mr. King's question, is there any  
19 thickness in between 6 and 60 mil?

20 MR. OLSTA: There are various  
21 thicknesses for the geo synthetics and the spray  
22 applied. They would have obviously different  
23 properties. Typically the -- particularly the  
24 diffusion and puncture resistance would be related

1 to the thickness. So any decrease from 60 mils  
2 would typically result in an increase in diffusion  
3 and less puncture resistance during construction.

4 MR. RAO: In the pre-filed testimony,  
5 I think -- you know, it's not your testimony, but  
6 you had indicated that Geokinetics had significant  
7 expedience and you mentioned thousands of sites that  
8 they have handled, and I was wondering if you have  
9 any information in a database as to, you know, what  
10 kind of issues you dealt with in terms of, you know,  
11 were they all related to this membrane, the  
12 thickness of 6 mils, or were there different  
13 thicknesses that were evaluated of as a part of this  
14 experience?

15 MR. OLSTA: I can try to get some more  
16 details from Geokinetics on the breakdown for those  
17 numbers.

18 MR. RAO: Okay. That would be  
19 helpful.

20 MR. MCGILL: Ms. Geving?

21 MS. GEVING: For purposes of  
22 illustration for the Board, we can enter this into  
23 the record as an exhibit, if you have no objection.  
24 It's not from your company, but it is a 60 mil

1 sample.

2 MR. OLSTA: Yeah. That would be --  
3 this is a high-density polyethylene membrane.

4 MS. GEVING: Do you have any objection  
5 to entering this into the record for the Board's  
6 purposes?

7 MR. OLSTA: No. Just -- there's also  
8 spray applied membranes, which are a little  
9 different consistency.

10 MS. GEVING: But about the same  
11 thickness?

12 MR. MCGILL: Okay. You don't have a  
13 6 mil on you, do you?

14 MS. GEVING: No. Sorry. We apologize  
15 for the coffee stains.

16 MR. JOHNSON: It's tenth the thickness  
17 of that.

18 MR. MCGILL: Roughly. Okay. So this  
19 is an example -- there's been a motion -- an Agency  
20 motion to enter as a hearing exhibit an example of a  
21 60 mil thick membrane. Any objection? Okay.  
22 Seeing none, that will be hearing Exhibit 29.

23 And Mr. Olsta, is what is now  
24 hearing Exhibit 29, is this -- your company's or

1 Geokinetics' product, you've mentioned a sprayed on  
2 version. Is that actually something -- is it, like,  
3 a liquid? Could you just explain the different  
4 products maybe?

5 MR. OLSTA: Yes.

6 MR. MCGILL: Is it a sheet versus a  
7 spray on?

8 MR. OLSTA: Right. The sample there  
9 is a high-density polyethylene geo membrane, and  
10 what you would need to do with penetrations is you  
11 have to have a preformed boot over penetrations, and  
12 then you have to weld the boot to the membrane. So  
13 it's a little complicated, whereas there's a latex  
14 asphalt spray applied membrane, which you can spray  
15 around a protrusion, spray it on to a geo textile,  
16 and thus you have better contact on penetrations.

17 MR. MCGILL: And the penetrations  
18 you're talking about are irregularities?

19 MR. OLSTA: Pipes through the slab.

20 MR. MCGILL: Okay. Thank you. Ms.  
21 Geving?

22 MS. GEVING: How do you assure that it  
23 has the same consistency all the way across of being  
24 six versus 16 versus 60? If you're spraying



1 something on, how do you make sure it's all the same  
2 thickness?

3 MR. OLSTA: Well, there is also a base  
4 geo textile, which helps to give an indication of  
5 the thickness.

6 MS. GEVING: So do you do periodic  
7 measurements after it's sprayed on once it's dry?

8 MR. OLSTA: I would have to check with  
9 the -- it would be a -- I could check with  
10 Geokinetics on that. They would typically do  
11 construction quality assurance with respect to that.  
12 So I can check with them.

13 MS. GEVING: It would be really  
14 helpful if they could maybe put that in a public  
15 comment at the end.

16 MR. OLSTA: Yes.

17 MR. RAO: I have one more. Mr. Olsta,  
18 are you familiar with any USEPA guidance or any  
19 other, like, ASTM guidance that recommends what  
20 thickness you should be using for the submembrane  
21 system?

22 MR. OLSTA: No. I don't know offhand  
23 what EPA --

24 MR. RAO: Are you familiar with any

1 other state regulations who recommended 60 mils as a  
2 thickness of this membrane?

3 MR. OLSTA: Well, I believe in  
4 California it's, kind of, somewhat -- I believe the  
5 city of Los Angeles has a 60 mil membrane  
6 requirement, particularly in the methane areas that  
7 are prevalent in southern California.

8 MR. RAO: Thank you.

9 MR. MCGILL: Any additional questions  
10 for Mr. Olsta? This last item, any objection to  
11 entering as a hearing exhibit the pre-filed  
12 responses along with the attached supporting  
13 documents that would now be Mr. Olsta's? Seeing  
14 none, that'll be hearing Exhibit 30.

15 Mr. Olsta, did you have any  
16 additional testimony you'd like to provide today?

17 MR. OLSTA: I just had one question  
18 for the Illinois EPA.

19 MR. MCGILL: Sure.

20 MR. OLSTA: Just to try to clarify on  
21 the pre-filed testimony of Gary King that was filed  
22 before the Illinois Pollution Control Board on  
23 Page 22, the third paragraph down, it mentioned,  
24 "Sub-slab depressurization is an active venting

1 system that draws contaminated soil gas from beneath  
2 the building and expels it to the atmosphere.  
3 Sub-slab depressurization systems can be used for  
4 existing and new buildings. Submembrane  
5 depressurization is similar to the sub-slab  
6 depressurization system, but used for existing  
7 buildings with crawl spaces."

8 So our question is: Is it IEPA's  
9 intent to limit SMD, sub-slab depressurization  
10 systems, to existing buildings with crawl spaces?

11 MR. KING: No. I mean, it -- it could  
12 be -- it could be used the way we have this set up.  
13 It could be used with a -- you could have a new  
14 construction with a crawl space where a submembrane  
15 depressurization system could be used as it's laid  
16 out here. I don't think that's going to be the  
17 typical kind of construction response.

18 I mean, I think it would be -- if  
19 you're talking about new construction, even if  
20 there's going to be a crawl space, if a building  
21 control technology is merited, then it would seem to  
22 me that it would be much more practical and a more  
23 cross effective approach would be to follow the  
24 membrane barrier system requirements that are

1 described in C3, as opposed to C2.

2 MR. OLSTA: Thank you.

3 MR. MCGILL: Anything else?

4 MR. OLSTA: That ends my --

5 MR. MCGILL: Thank you very much for  
6 participating this afternoon.

7 MR. OLSTA: Thanks, Richard. And I  
8 root for all Big Ten teams, by the way.

9 MR. MCGILL: I'm sorry?

10 MR. OLSTA: I root for all Big Ten  
11 teams.

12 MR. MCGILL: Way to go. I know we  
13 have one other person interested in testifying. Why  
14 don't we go off the record for a moment.

15 (Whereupon, a discussion was had  
16 off the record.)

17 MR. MCGILL: Mr. Will Elcoate, if you  
18 could come up front, please. Why don't you have a  
19 seat, sir.

20 MR. ELCOATE: Okay. Thank you.

21 MR. MCGILL: And we'll have the court  
22 reporter go ahead and swear you in. -

23 (Witness sworn.)

24 MR. MCGILL: Why don't you go ahead

1 and state your name and title and your organization  
2 for the record.

3 MR. ELCOATE: Okay. My name is Will  
4 Elcoate. I work for Test America. I'm a technical  
5 product manager for the air program.  
6 Qualifications, I'm a chemist by training, and I've  
7 spent over 20 years in the environmental testing  
8 laboratory business. My responsibilities are really  
9 focused on vapor intrusion. I've been -- I work  
10 between operations and the sales and marketing  
11 people looking at states as they bring in guidance,  
12 and I really am a technical resource to our whole  
13 program.

14 Currently we work -- we support  
15 vapor intrusion investigations in pretty much every  
16 state in the United States, including Alaska and  
17 Hawaii. So in that -- in that aspect, I've become  
18 very familiar with all the state guidances and some  
19 of the challenges and maybe areas that will be  
20 improved in those guidances.

21 So I just would like to make a  
22 couple of statements based on this morning's  
23 discussion, and they're about sampling, and make  
24 some comments -- a couple comments on the draft

1 guidance currently that the IEPA has put out.

2           Firstly, from a laboratory  
3 standpoint, we're at the tail end of any -- the  
4 guidance comes out, rules come out, and then we get  
5 calls from consultants and they ask us if we can do  
6 something, and one of the keys is having numerical  
7 standards. From a laboratory standpoint, we take  
8 samples in, we analyze them, and we get data. In  
9 the data are numbers, and the numbers are matched to  
10 state standards.

11           So the first comment the IEPA  
12 proposed rules is they've put soil gas -- those  
13 standards or numbers out there. These are  
14 significantly higher than any other state. Most  
15 states are in the part per billion range. These are  
16 in milligrams per cubic meter -- I'm sorry,  
17 micrograms per cubic meter. Illinois is in  
18 milligrams for per cubic meter. That creates issues  
19 for laboratories.

20           The methods that are commonly used  
21 to support them are ambient methods. They were  
22 designed for, you know, one microgram per cubic  
23 meter or less detection limits. Now, when you go to  
24 milligrams per meter, you're now talking about

1 0.0001 milligrams per meter. That's what we're  
2 seeing. So when you put these very high numbers  
3 out, then we have some issues in reporting them, and  
4 the first thing we do is significant dilutions,  
5 which brings dilution errors into providing data.  
6 And again, we have numerical standards, so there's  
7 going to be more uncertainty about what the true  
8 number is when you start comparing it to a numerical  
9 standard.

10 The other is that consultants,  
11 when they start adopting these standards, will then  
12 say, "Can you raise your reporting limits, you know,  
13 to meet numerical standards?" We can legitimately  
14 do that. So instead of reporting what we can  
15 legitimately see, we're going to report what we're  
16 requested to see. It may still be beneath the  
17 numerical standard. What that creates for us, then,  
18 is that when the risk people start looking at those  
19 numbers, you're going to have less thans, and  
20 there's a big debate in determining risk on lesser  
21 numbers.

22 So no -- I think there needs to be  
23 numbers out there, but no -- I'm just saying that  
24 it's going to create issues on the tail end with the

1 laboratories. It's going to create a lot of  
2 dialogue within the regulatory community on, you  
3 know, how do we manage to use numbers that are  
4 currently out there.

5           That's really number one. Number  
6 two is we're talking about sampling. I think the  
7 best practices on doing vapor intrusion sampling has  
8 already been established between different states,  
9 and there's a lot of information out there  
10 currently. We were talking about -- this morning  
11 about taking indoor air samples. It's a very  
12 clearly documented process, and a number of states  
13 have that guidance on how to take indoor air  
14 samples.

15           The states that have really taken  
16 the lead have been New Jersey and New York. And  
17 typically, to get data, you're going to take  
18 complete data sets. By that, I mean you take an  
19 ambient sample as demonstrated as the interchange  
20 between ambient air and indoor air. You take a  
21 sub-slab sample and an indoor sample at the same  
22 time, and then you have a complete data set. So the  
23 intent is you're going to separate the very  
24 intrusion impact from, you know, all the consumer --



1 all the other activities that could have impacts.

2 I heard a gentlemen this morning  
3 say, "A lot of the products we use contain the same  
4 chemicals you may be looking for." By taking a  
5 systematic, scientific approach to sampling, then  
6 you can look at data sets and compare data. You can  
7 then do it -- calculate factors and really determine  
8 if -- you know, most of the compounds that are  
9 similar between subsurface and indoor, you can look  
10 at those ratios and determine if there are other  
11 sources, and that is, of course, after doing a  
12 pre-building survey to make sure that all the  
13 potential sources in the building have been  
14 identified and you've removed them.

15 And we see a lot of -- you know,  
16 particularly in the northeast, where they've been  
17 going through schools and they've been doing a lot  
18 of residential sampling. You know, we're looking at  
19 this as a laboratory, but it's been a very  
20 successful approach to determining where there are  
21 impacts and where there aren't.

22 So I think the -- you know, the  
23 best practices have been established. EPA recently  
24 suggested a sampling protocol. They used the radon

1 data from 30 years of data collection, and they're  
2 suggesting that two sample events, you know,  
3 separated in the year for a 48-hour period meets the  
4 risk percentile for determining average indoor air  
5 concentration. So I think that data is going  
6 forward. There are data sets that can be used as an  
7 authoritative basis for, you know, the best  
8 frequency of sampling.

9 MR. MCGILL: And that's USEPA --

10 MR. ELCOATE: Yes.

11 MR. MCGILL: Can you identify that  
12 document? Or maybe you could --

13 MR. ELCOATE: I can?

14 MR. MCGILL: -- provide that.

15 MR. ELCOATE: It was presented in  
16 California, and I have sent that document forward.

17 MR. MCGILL: Great. Thank you.

18 MR. ELCOATE: Just two other  
19 comments -- or one other comment. Data quality.  
20 The -- we are a large organization. We have a lot  
21 of laboratories. We're all NELAC certified, and in  
22 the air program, all the -- all the laboratories  
23 that support air analysis also have a whole  
24 certification for the air methods where states offer

1 certification for those methods. There's very few  
2 states that have -- one of the measures of quality  
3 is also performance testing programs, PT programs,  
4 and it is offered as a performance testing, you  
5 know, criteria to demonstrate the lab's capability  
6 to produce quality data.

7                   So maybe it's a question, and that  
8 is Illinois, as an NELAC accrediting authority, do  
9 they intend to bring in certification for air  
10 methods going forward? The reason being is that  
11 you're dealing with a risk which may become into  
12 litigation. So having the best data available in  
13 supporting, particularly when you go to indoor  
14 sampling, would make -- actually makes a lot of  
15 sense to me. Okay. That's all.

16                   MR. MCGILL: Ms. Geving?

17                   MS. GEVING: Just for the record,  
18 would you please tell us what the acronym NELAC  
19 stands for?

20                   MR. ELCOATE: It's an acronym.  
21 National Environmental Laboratory  
22 Accrediting Counsel -- Accreditation Counsel.

23                   MR. MCGILL: There was a question in  
24 there. I don't know if the Agency wanted to respond

1 to that.

2 MR. KING: We just had an internal  
3 meeting yesterday with our division of laboratories  
4 to discuss this very issue. In fact, it prompted  
5 some calls to Will yesterday. We're intending to  
6 move forward with NELAC certification for this air  
7 components.

8 MS. POTTER: Do you mean to say  
9 it's going to --

10 MR. MCGILL: I'm sorry. Could you  
11 just state your name? And if you're --

12 MS. POTTER: Kristin Potter.

13 MR. MCGILL: I'm sorry?

14 MS. POTTER: Kristin Potter.

15 MR. MCGILL: Are you with any  
16 organization?

17 MS. POTTER: The Ecosystem  
18 Environmental Chemistry Lab.

19 So are you going to require  
20 certification for labs doing the testing before the  
21 state is accredited or accrediting labs within the  
22 state or other states, for that matter?

23 MR. KING: We just had a meeting  
24 yesterday to try to figure out how to go forward

1 with this. So I can't provide anymore details other  
2 than what I've just talked about, but we're hopeful  
3 that we're going to be able to go forward and do  
4 that.

5 MR. JOHNSON: I guess I'm spoiled with  
6 the pre-filed testimony and the pre-filed questions  
7 and answers. I already know what's going to be said  
8 90 percent of the time, but I didn't quite  
9 understand what you were saying. The first problem  
10 you elucidated with regard to the numbers proposed  
11 for soil gas --

12 MR. ELCOATE: Yes.

13 MR. JOHNSON: -- you say are  
14 reported -- they're too large?

15 MR. ELCOATE: They're very high. The  
16 ambient methods that are used currently for doing  
17 analysis of vapors and ambient air were designed to  
18 ambient air. So the gold standard is T015. The  
19 average reporting limit is from anywhere from .2 or  
20 .5 or 1.5 micrograms per cubic meter. The soil gas  
21 standards are in milligrams per cubic meter, which  
22 is 1,000 times higher. So if it's one milligram per  
23 cubic meter, then we would have to, you know, just  
24 arbitrarily do 1,000 times dilution.

1 MR. JOHNSON: Okay. I see what you're  
2 saying.

3 MR. ELCOATE: The method calls --

4 MR. JOHNSON: You have to report at  
5 that level and that -- okay.

6 MR. ELCOATE: The method calls for 200  
7 mils. So theoretically, we're going to have to  
8 take, you know, .2 of a mil of an air sample to meet  
9 that standard. Some of these standards are 750,000,  
10 I think I saw for acetone, which is a saturation  
11 point. So theoretically, I mean just by math, we're  
12 going to be taking .001 mil of air, potentially, to  
13 put acetone into the calibration range to report  
14 that standard in the soil. It's not likely that  
15 you're going to see 750,000 milligrams per cubic  
16 meter, but the potential is there.

17 MR. MCGILL: And I'm sorry. What's  
18 the difficulty?

19 MR. ELCOATE: It's the actual  
20 measuring of -- taking a representative sample  
21 that's being presented and entering it into the  
22 instrument.

23 MR. MCGILL: Okay.

24 MR. ELCOATE: The calibration ranges

1 of those methods are zero to 20 or zero to 200  
2 micrograms per cubic meter, which is still three to  
3 six orders of magnitude lower than some of the  
4 screening values that are being presented at soil  
5 gas screening.

6 MR. JOHNSON: We're finding out if our  
7 scientist can explain it to us.

8 MR. ELCOATE: Yeah. And I can provide  
9 some more information on that.

10 MR. MCGILL: Yeah. It probably would  
11 be helpful to elaborate in a public comment.

12 MR. ELCOATE: Okay.

13 MR. MCGILL: Dr. Salhotra?

14 MR. SALHOTRA: Well, I don't  
15 understand why that is a problem. If -- because if  
16 you keep doing what you are doing in other states,  
17 and this is the Illinois standard, and its  
18 concentration is increasing in this direction and  
19 you report a value over here, well, obviously,  
20 there's no problem, according to the Illinois  
21 standards. Nobody's saying that you have to make  
22 this as your protection limit.

23 MR. ELCOATE: I appreciate that, but  
24 what happens is consultants request us to raise

1 their reporting limits.

2 MR. SALHOTRA: Well, then tell them  
3 that's not correct.

4 MR. ELCOATE: The state would need  
5 to --

6 MR. SALHOTRA: But in most cases, and  
7 being a consultant myself, we say make sure you're  
8 reporting limits are below the standards.

9 MR. ELCOATE: Okay.

10 MR. SALHOTRA: I don't think we ever  
11 require or any agency requires -- and I could be  
12 wrong. I don't think agencies require that -- to  
13 make sure your reporting limit is at the standard.  
14 So as long as your reporting limit is 10 times, 100  
15 times, 100 times lower, that's great.

16 MR. ELCOATE: So within the  
17 certification program, then it would be requested  
18 that the laboratories report at their, you know, SOP  
19 for reporting levels for those methods?

20 MR. SALHOTRA: Well, as long as they  
21 are below the Illinois EPA soil gas standard, you  
22 are okay.

23 MR. ELCOATE: Yeah. It's just if  
24 that's not requested, we see people requesting



1 higher reporting limits than we can actually see.

2 MR. SALHOTRA: Well, you know, if  
3 that's -- then somebody's requesting you something  
4 that's not correct, and then you need to tell them  
5 that's not right.

6 MR. ELCOATE: We're requesting to meet  
7 the reporting -- the numerical standards within the  
8 state, and we can obviously see in this case  
9 significantly lower than those numerical standards.

10 MR. SALHOTRA: That's great. I think  
11 the question from a consultant's point of view is  
12 please make sure that your reporting limits are  
13 below the standard. Because if the standard is  
14 five, and you say the concentration it less than  
15 seven, I cannot use that later.

16 MR. ELCOATE: Yeah. I understand  
17 that.

18 MR. SALHOTRA: But if they're  
19 reporting limit is five, and you say the  
20 concentration is less than four, well, that's great.  
21 It's less than the standard.

22 MR. ELCOATE: Yeah.

23 MR. SALHOTRA: So nobody should be  
24 requesting the detection limits or reporting limits

1 at the standard. They should be below them. And as  
2 long as you can meet those, which you are in other  
3 states, there's absolutely no problem.

4 MR. ELCOATE: I'm just bringing to the  
5 attention of the group here the difference in that  
6 range. In other states, typically we see indoor  
7 standards. We'll see, you know, soil gas screening  
8 values may be 10 or 20 times higher than their  
9 indoor standards. Now here, you're looking at  
10 one million to almost, in some cases one billion  
11 times higher than, you know, what would be an indoor  
12 standard.

13 MR. SALHOTRA: I think that point is  
14 well taken, but that's a separate issue.

15 MR. ELCOATE: Yeah.

16 MR. SALHOTRA: It cannot be a lab  
17 issue. It's not a lab issue.

18 MR. ELCOATE: It's a -- yeah.

19 MR. SALHOTRA: And this morning we  
20 heard that the numbers seem to be the other way  
21 around. But it's not a lab issue?

22 MR. ELCOATE: No.

23 MR. SALHOTRA: Okay.

24 MR. ELCOATE: It's a reporting issue

1 or a state requirement issue.

2 MR. SALHOTRA: Yeah.

3 MR. MCGILL: So it sounds like if you  
4 continued to do your testing pursuant to your  
5 standard operating procedure and you produced these  
6 results, whether those results are then compared  
7 with the Illinois numbers or some other state's  
8 numbers, you're either going to meet them or not?

9 MR. ELCOATE: Yeah.

10 MR. MCGILL: Your concern was that  
11 there would be pressure on laboratories to alter  
12 your operating procedure?

13 MR. ELCOATE: To meet the numerical  
14 standards. We can do that very easily at, you know,  
15 even fairly significant dilutions we can still meet  
16 the standards. But then the contention comes in  
17 that, you know, if there are numbers still below the  
18 standard, it then becomes a state issue.

19 MR. MCGILL: Did you have any  
20 additional testimony or questions?

21 MR. ELCOATE: No.

22 MR. JOHNSON: Just briefly -- and you  
23 explained about the indoor air samples and taking  
24 that same sample sub-slab below ground to determine

1 what's in there, compare the two, and determine  
2 what's there from other sources. How many -- you  
3 said New York and New Jersey both did it that way.  
4 Are there other states that do it as well?

5 MR. ELCOATE: We see it -- the people  
6 that have been -- the consultants have been in the  
7 business awhile. Typically when they go indoor,  
8 they want to take subsurface and ambient samples at  
9 the same time, just because of the issue of  
10 potential other sources when you take indoor air  
11 samples. We are seeing a lot more states go to use  
12 soil gas prescreening as the key decision whether to  
13 take indoor samples.

14 MR. JOHNSON: Okay. Thanks.

15 MR. ELCOATE: Okay.

16 MR. MCGILL: Any additional questions  
17 for Mr. Elcoate? Mr. Reott?

18 MR. REOTT: I just wanted to clarify  
19 one thing. Your problem with the numbers is the  
20 soil gas numbness, is that right? It's not with the  
21 soil numbers or the groundwater numbers.

22 MR. ELCOATE: No.

23 MR. REOTT: Just the soil gas numbers?

24 MR. ELCOATE: It's just a -- we have

1 no issue with meeting them. We meet them very  
2 adequately. The issue is about how we're going to  
3 be asked to report those numbers.

4 MR. REOTT: But you don't -- you're  
5 concerned about the numbers being high, and  
6 therefore you being under this pressure. This  
7 exists for the soil gas numbers?

8 MR. ELCOATE: Yes.

9 MR. REOTT: Okay. But it does not  
10 exist for the soil or groundwater numbers?

11 MR. ELCOATE: Groundwater numbers are  
12 not an issue, no.

13 MR. REOTT: And soil numbers are not  
14 an issue?

15 MR. ELCOATE: No.

16 MR. REOTT: Okay.

17 MR. MCGILL: Any additional questions  
18 for this witness? Seeing none, thank you very much.

19 MR. ELCOATE: Okay. Thank you.

20 MR. MCGILL: Why don't we go off the  
21 record for a moment.

22 (Whereupon, a discussion was had  
23 off the record.)

24 MR. MCGILL: Just for the record, is

1 there anyone else who wishes to testify or pose a  
2 question today? Seeing none, I'll just address a  
3 couple procedural issues.

4 MR. JOHNSON: Gary wanted to --

5 MR. MCGILL: Oh, I'm sorry. You're  
6 right. Two substantive things. Before we go to  
7 those procedural items, Mr. King indicated he wanted  
8 to provide some additional testimony, and Ms. Geving  
9 has an additional exhibit. So Ms. Geving, I'll turn  
10 it over to you.

11 MS. GEVING: Okay. First of all,  
12 subsequent to the last sample I gave I just for  
13 illustrative purposes -- not that we are endorsing  
14 any products -- but I also have a sample of liquid  
15 boot 60 mil spray on membrane so the Board can see  
16 what it looks like. Any objections? And the sample  
17 is actually in this little envelope here, but you  
18 can have the entire pamphlet.

19 MR. MCGILL: Okay. Thank you. Okay.  
20 Any objection to entering this as a hearing exhibit?  
21 Seeing none, that will be hearing Exhibit 31.

22 And Mr. King, you had some  
23 additional testimony?

24 MR. KING: Yeah. I just wanted to

1 comment I could sense that from the questions and  
2 the statements that there was some discomfort that  
3 we don't have a tier one table for indoor care, and  
4 I just wanted to come back to that point, and it's  
5 kind of -- it's kind of a compliance, sort of,  
6 notion.

7                   The way we have set up the  
8 proposal right now for tier one and tier two is that  
9 you can demonstrate compliance with soil and  
10 groundwater. If you're -- if you meet the numbers  
11 for soil and groundwater, that would be a compliance  
12 determination, or you could meet the number for soil  
13 gas. And if you meet the number for soil gas, that  
14 trumps the soil and groundwater numbers. So if you  
15 meet the number for soil gas, you don't have to meet  
16 the number for soil and ground water. So that, kind  
17 of, alleviates some of the other concerns.

18                   If you include a table for indoor  
19 air, what would you then be seeing relative to a  
20 compliance issue? Are we going to say that that  
21 indoor air trumps the soil gas number? Well, if  
22 it's not going to touch it, then what would be the  
23 point of having it. If it is going to trump it, now  
24 you've got -- now you've got a -- now you've got a

1 table where we've talked about -- there's all sorts  
2 of uncertainties as to how you gather the  
3 information that leads to that indoor air number.

4 We've talked about false  
5 positives, false negatives and the problems related  
6 to those. We're trying to figure out whether  
7 contamination that's in the soil and groundwater is  
8 going to be causing contamination to go into a  
9 building. We're not trying to figure out whether  
10 contamination inside the building is causing  
11 problems in the building.

12 You know, so that's why we have  
13 felt that looking at -- looking at the soil and  
14 groundwater and looking at soil gas, it's going to  
15 be the best way to do that. And if you -- if you  
16 want to go into an approach where you've got a tier  
17 one indoor air table, then it causes -- for us we  
18 see that it's causing all sorts of problems, as far  
19 as you make a -- how you're determining your  
20 compliance issues, what's trumping what in the  
21 course of things.

22 Okay. So that was my comment on  
23 that. The other thing I just wanted to raise to the  
24 Board's attention is you probably want to be



1 tracking along. With regards to this proceeding,  
2 there's a House Bill 4021 passed out of the House  
3 Environment Committee on Wednesday, March 11th. It  
4 was a unanimous vote. That bill is modifying the  
5 underlying right to no legislation in the  
6 Environmental Protection Act, and is modifying it by  
7 expanding the legislation to account for vapor  
8 intrusion. That bill does that by adding soil gas  
9 contamination to the existing soil and groundwater  
10 contamination terminology.

11 So that's just something for, you  
12 know, to track along as that moves forward in the  
13 legislature.

14 MR. MCGILL: Thank you.

15 MR. KING: And that was all I had.

16 MR. MCGILL: Thank you. Any  
17 additional testimony or questions? Seeing none, now  
18 I will move on to a few last procedural items before  
19 we adjourn. On February 23rd, 2009, the Agency  
20 filed a document with the Board entitled ASTMD,  
21 1946-90 Standard Practice for Analysis of Reformed  
22 Gas by Gas Chromatography, Reapproved 2006. The  
23 Agency made a motion for relief from the service and  
24 full filing requirements. There's been no response

1 to that motion. Is there any objection to granting  
2 the Agency's motion? Seeing none, I grant that  
3 motion.

4 We had a discussion off the  
5 record, and it was agreed that at this point the  
6 best course of action would be to perceive with a  
7 public comment in setting a pre-first notice public  
8 filing deadline. To that end, anyone may file  
9 written public comments on this rulemaking with the  
10 clerk of the Board up to at least 45 days after any  
11 first notice proposal is published in the Illinois  
12 register.

13 However, to ensure that your  
14 public comment is considered by the Board in any  
15 first notice decision, I'm setting a pre-first  
16 notice public comment filing deadline of May 29,  
17 2009. Public comments may be filed with the clerk  
18 in paper or through the Board's web-based clerk's  
19 office on line. Please note that all filings with  
20 the clerk must also be served on a hearing officer  
21 and all persons on the service list for this  
22 rulemaking. Copies of the transcript of today's  
23 hearing should be available on the Board's website  
24 by March 27th, 2009.

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

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1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF COOK )

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5 REBECCA A. GRAZIANO, being first  
6 duly sworn on oath says that she is a court reporter  
7 doing business in the City of Chicago; that she  
8 reported in shorthand the proceedings given at the  
9 taking of said hearing and that the foregoing is a  
10 true and correct transcript of her shorthand notes  
11 so taken as aforesaid and contains all the  
12 proceedings given at said hearing.

13  
14

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20 of *March*, A.D., 2009.

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