

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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FEB 17 2011
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(Via First Class Mail)

Matthew J. Dunn
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(Via First Class Mail)

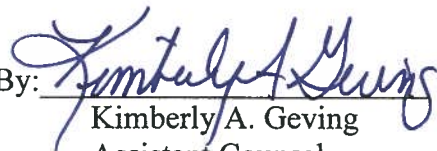
Richard R. McGill, Jr.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

ORIGINAL

(Service List-Via First Class Mail)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's MOTION TO AMEND PROPOSAL AND ERRATA SHEET NUMBER 5 a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

DATED: February 15, 2011

1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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STATE OF ILLINOIS
Pollution Control Board

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IN THE MATTER OF:)
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GROUNDWATER QUALITY)
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R08-18
(Rulemaking-Public Water Supplies)

ORIGINAL

MOTION TO AMEND PROPOSAL

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by one of its attorneys, Kimberly A. Geving, and pursuant to 35 Ill. Adm. Code 101.500 and 101.502 moves the hearing officer in this matter to accept an amendment to the Illinois EPA's proposal via Errata Sheet Number 5.

In support of its motion, the Illinois EPA asserts that its Toxicity Assessment Unit has been in the process of reviewing the toxicological data for the Tiered Approach to Corrective Action Objectives ("TACO"- 35 Ill. Adm. Code 742) chemicals in order to update the list of toxicity values that is posted on the Illinois EPA's Bureau of Land webpage. During this review it was noted that the U.S.EPA has retired the chronic Reference Dose that had been posted in its Provisional Peer Reviewed Toxicity Values ("PPRTVs") for Di-n-octyl phthalate. As discussed on page 3 of Dr. Hornshaw's written testimony in support of the proposed amendments to Part 620 in this docket R08-18, the Toxicity Assessment Unit was aware that U.S.EPA retires the PPRTVs after a certain period of time but had made a decision to continue using retired PPRTVs instead of evaluating other sources of toxicity values for a chemical. However, after further internal discussion and discussions with U.S.EPA staff, that decision has been reversed and the

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STATE OF ILLINOIS
TOXICITY ASSESSMENT UNIT

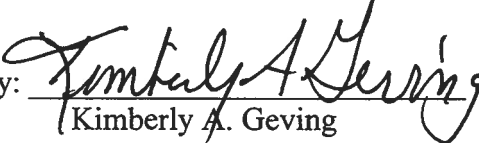
Toxicity Assessment Unit now does not use retired PPRTVs. There being no other toxicity values for Di-n-octyl phthalate, the Toxicity Assessment Unit inquired of U.S.EPA what was the status of review for this chemical and was told that is was their intention to issue a new PPRTV by the end of the federal fiscal year. Thus, there currently are no toxicity values available for Di-n-octyl phthalate, and the Illinois EPA therefore recommends removing this chemical from the proposed groundwater standards in this rulemaking at Sections 620.310(a)(3)(A)(ii), 620.410(b), and 620.420(b).

WHEREFORE, the Illinois EPA requests that the hearing officer grant its motion and accept the changes made in Errata Sheet Number 5 prior to moving to First Notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:


Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

Dated: February 15, 2011

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

ERRATA SHEET NUMBER 5

ORIGINAL

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") through one of its attorneys, Kimberly Geving, and submits this ERRATA SHEET NUMBER 5 to the Illinois Pollution Control Board ("Board") and the participants on the Service List. Please note that the errata changes reflect amendments to our original proposal as submitted to the Board on February 15, 2008 and not to the existing rule or any changes made in Errata Sheets 1, 2, 3, or 4.

Because the hearings have concluded, the Illinois EPA is unable to provide testimony on these changes. Therefore, we have made a Motion to the Board to accept these changes prior to proceeding to First Notice. Justification for the changes is provided in the Illinois EPA's motion, which is being filed concurrently with this Errata Sheet Number 5.

Section

620.310(a)(3)(A)(ii) Delete "di-n-octyl phthalate" from the proposed amendment.

620.410(b) Delete di-n-octyl phthalate and its standard 0.02.

620.420(b) Delete di-n-octyl phthalate and its standard 0.02.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:



Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

DATED: February 15, 2011

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

RECEIVED
CLERK'S OFFICE

FEB 17 2011

STATE OF ILLINOIS
Pollution Control Board

I, the undersigned, on oath state that I have served the attached Motion to Amend Proposal and Errata Sheet Number 5 upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

ORIGINAL

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
(FIRST CLASS MAIL)

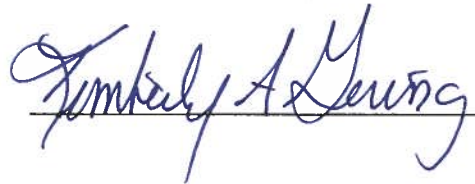
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69 W. Washington St., 18th Floor
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Mitchell Cohen, Chief Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
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Richard McGill
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
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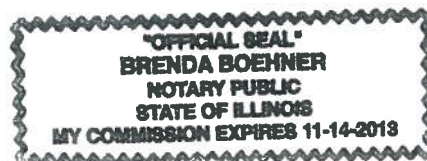
and mailing it from Springfield, Illinois on February 15, 2011 with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

This 15th day of February, 2011.


Notary Public



6/20/2008	Hearing Officer Order/Correspondence	TO THIS FILING) and should bring 5 copies of their prefiled material to second hearing, those who don't prefile can only testify after prefiled witnesses have testified; questions of the Agency from first hearing are detailed in the order	
6/20/2008	Exhibit List	*List of Exhibits from First Hearing, June 18, 2008, Chicago	
5/29/2008	Prefiled Testimony	Errata Sheet Number 2; Pre-filed Testimony of Richard P. Cobb; Pre-filed Testimony of Thomas Hornshaw	
5/5/2008	Appearance	Entry of Appearance of Katherine D. Hodge; Entry of Appearance of Monica T. Rios; Entry of Appearance of Alec M. Davis for Illinois Environmental Regulatory Group (electronic filing)	
4/21/2008	Hearing Officer Order/Correspondence	* Notice of Hearings: Hearing scheduled for June 18, 2008, at 10:00 am in Room C500 at 160 N. LaSalle Street, at the Michael A. Bilandic Building, Chicago, Illinois; and July 16, 2008, at 10:00 am, at the Illinois Environmental Protection Agency, North Entrance, TQM Room, 1021 North Grand Avenue East, North Entrance, Springfield, Illinois.....*Hearing Officer Order: Merit hearing on the proposed amendments; Pre-filed testimony for the hearing must be served upon all persons on the service list no later than May 30, 2008 for the June 18, 2008 hearing, MAILBOX RULE DOES NOT APPLY.	
4/11/2008	Erata Sheet	Agency's Errata Sheet Number 1	
3/31/2008	Other	*Letter from Chairman Girard to Jack Lavin, Director, DCEO, Requesting Economic Impact Study	
3/20/2008	Order	Order of the Board by T. E. Johnson: Board accepts proposal for hearing and grant's Agency's request for waiver of requirements	
2/19/2008	Initial Filing	Agency's Motion for Acceptance; Motion for Relief from Filing Requirement; Certification of Origination; Statement of Reasons; Proposed Amendments; Appearance of Kimberly A. Geving	

Service List

Party Name	Address	City/State/Zip	Phone/Fax
IEPA Petitioner	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
• Kimberly A. Geving - Assistant Counsel			
Hodge Dwyer & Driver	3150 Roland	Springfield	217/523-

Interested Party	Avenue Post Office Box 5776	IL 62705-5776	4900 217/523- 4948
<ul style="list-style-type: none"> • Katherine D. Hodge • Monica T. Rios 			
Illinois Environmental Regulatory Group Interested Party	215 East Adams Street	Springfield IL 62701	217/522- 5512 217/522- 5518
<ul style="list-style-type: none"> • Alec M. Davis 			
Illinois Pollution Control Board Interested Party	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814- 3620 312/814- 3669
<ul style="list-style-type: none"> • Richard McGill - Hearing Officer 			
Illinois Department of Natural Resources Interested Party	One Natural Resources Way	Springfield IL 62702-1271	217/782- 1809 217/524- 9640
<ul style="list-style-type: none"> • Mitchell Cohen - General Counsel 			
Environmental Law & Policy Center Interested Party	53 W. Jackson Suite 1664	Chicago IL 60604	773/818- 4825
<ul style="list-style-type: none"> • Albert Ettinger - Senior Staff Attorney 			
Office of the Attorney General Interested Party	James R. Thompson Center 100 W. Randolph, 12th Floor	Chicago IL 60601	
<ul style="list-style-type: none"> • Matt Dunn - Environmental Bureau Chief 			
Total number of participants: 7			

Notice List			
Party Name	Address	City/State/Zip	Phone/Fax
Caterpillar Inc. Interested Party	100 N.E. Adams Street	Peoria IL 61629	309/675- 4105 309/675- 5861
<ul style="list-style-type: none"> • Patricia A. Ludewig - Environmental Affairs 			
Dept. of Commerce & Economic Opportunity Interested Party	Small Business Office 620 East Adams Street, Fifth Floor	Springfield IL 62701	217/785- 6162
<ul style="list-style-type: none"> • Dan Wheeler 			
Illinois Coal Association Interested Party	212 S. Second St.	Springfield IL 62701	217-528- 2092 217/523- 5191
<ul style="list-style-type: none"> • Phil Gonet 			
Total number of participants: 3			

Scheduled Hearings		
Hearing Date/Time	Location	City & State
7/16/2008 10:00 AM	Illinois Environmental Protection Agency	Springfield, IL.
6/18/2008 10:00 AM	Michael A. Bilandic Building	Chicago, IL