BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLERK'S OFFICE

IN THE MATTER OF:)	R11-9	JUL 0 7 2011
PROPOSED AMENDMENTS TO TIERED APPROACH TO CORRECTIVE)	(Rulemaking-Land)	STATE OF ILLINOIS Pollution Control Board
ACTION OBJECTIVES (35 Ill. Adm. Code 742))		- Coald
(33 III. Adili. Code 142))		Dott

NOTICE

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

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

Participants on the Service List (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)

Richard McGill Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601 (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 ("Illinois EPA") Pre-First Notice Comments a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Kimberly A. Geving Assistant Counsel

Division of Legal Counsel

DATE: July 5, 2011

1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: PROPOSED AMENDMENTS TO TIERED APPROACH TO CORRECTIVE) R11-9 CLERK'S OFFICE) (Rulemaking-Land) 0 7 2011	
ACTION OBJECTIVES (35 Ill. Adm. Code 742)) STATE OF ILLINOIS Pollution Control Boa	3 ird

ILLINOIS EPA'S PRE-FIRST NOTICE COMMENTS

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Kimberly A. Geving, and pursuant to 35 Ill. Adm. Code 102.108, respectfully submits these PRE-FIRST NOTICE COMMENTS in the above-captioned matter to the Illinois Pollution Control Board ("Board").

It is the Illinois EPA's contention that the proposed amendments filed in this matter with the Board on November 5, 2010, and the corresponding Errata Sheets 1 through 3 filed subsequent to the initial proposal, constitute technically feasible, economically reasonable, and well-supported amendments to Part 742. The Illinois EPA believes that the Board should adopt the proposed amendments in their entirety as submitted by the Illinois EPA, including changes proposed in Errata Sheets 1 through 3.

On November 5, 2010, the Illinois EPA filed its proposed amendments in the above-captioned matter to incorporate changes to the rules that are designed to improve and update particular aspects of the Tiered Approach to Corrective Action Objectives ("TACO") methodology. Specifically, Illinois EPA proposes to add a new pathway to address indoor inhalation concerns.

As is typically the case when the Illinois EPA proposes amendments to its rules, we had several outreach meetings with the regulated community during the development of the

proposed amendments. The Illinois EPA believes that the regulated community's comments

and concerns were incorporated into the proposed amendments that the Board received last

November and were further refined through the three Errata Sheets filed with the Board during

the regulatory process. The Illinois EPA believes that there are no significant unresolved issues

and that the proposed amendments are scientifically sound and serve the public by protecting

human health and the environment.

In conclusion, the Illinois EPA believes that its position on matters raised in this

proceeding is well established by the testimony of its witnesses.

WHEREFORE, the Illinois EPA submits its Pre-First Notice Comments for the Board's

consideration and respectfully requests that the Board accept the proposal in its entirety and

move the proposal to First Notice as quickly as possible given that Illinois EPA's cleanup

programs (Site Remediation Program, Leaking Underground Storage Tank Program, and RCRA

Corrective Action Program) rely on Part 742 to develop site remediation objectives and

determine health protectiveness.

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY

Assistant Counsel

Division of Legal Counsel

Dated: July 5, 2011

1021 N. Grand Ave. East

P.O. Box 19276

Springfield, Illinois 62794-9276

(217) 782-5544

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STATE OF ILLINOIS)
COUNTY OF SANGAMON)

RECEIVED CLERK'S OFFICE
JUL 07 2011
STATE OF ILLINOIS Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Pre-First Notice

Comments upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

Mitchell Cohen

Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601 Mitchell Cohen Chief Legal Counsel Illinois Dept. of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271

Matt Dunn
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
100 W. Randolph, 12th Floor
Chicago, Illinois 60602

Richard McGill Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601

Participants on the Service List

and mailing them (First Class Mail) from Springfield, Illinois on July 5, 2011, with

sufficient postage affixed as indicated above.

SUBSCRIBED AND SWORN TO BEFORE ME This 5th day of July, 2011.

Notary Public

"OFFICIAL SEAL"
BRENDA BOEHNER
NOTARY PUBLIC
STATE OF BLUNOIS
MY COMMISSION EXPIRES 11-14-2013

Case Details Page 5 of 15

		2011, MAILBOX RULE DOES NOT APPLY;	
		prefiling deadlines for second hering may be set later	Paragraphy a page page page page page page page pa
12/7/2010	DCEO / Sec. of State	*Letter from DCEO stating they are unable to undertake an economic impact study	
12/1/2010	Other	*Letter to Director Ribley of DCEO Requesting Economic Impact Study	
12/1/2010	Motion	Agency's Motion for Leave from Filing Requirement	POSSETS.
11/22/2010	Other	*Electronic version of Proposed Amendments submited by the IEPA (see Clerk's Office)	
11/18/2010	Order	Order of the Board by T. E. Johnson: Accept rulemaking proposal for hearing	DE CYS
11/18/2010	Appearance	Appearance of Alec M. Davis for Illinois Environmental Regulatory Group (electronic filing)	
11/9/2010	Initial Filing	Proposed Amendments (< 4MB, 172 Pages)	
11/9/2010	Initial Filing	Motion for Acceptance; Appearance of Kimberly A. Geving; Certification of Origination; Statement of Reasons; and List of Studies and Reports Used in Regulatory Development	

Party Name	<u>Address</u>	City/State/Zip	Phone/Fax
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 Mark Schultz - 	<u> </u>		
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