

Board Adopts Second-Notice Proposal Adding Indoor Inhalation Pathway to TACO

The Board, on March 7, 2013, proposed amendments to the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742) for second-notice review by the Joint Committee on Administrative Rules (JCAR) (5 ILCS 100/5-40(c) (2010)). The amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to migrate into buildings from subsurface volatile chemical contamination, a process commonly known as “vapor intrusion” or “VI.”

Among this rulemaking’s more substantial modifications is the addition of the indoor inhalation exposure route and corresponding Tier 1 soil gas and groundwater remediation objectives. As proposed at first notice, the second-notice amendments also reflect the addition of 13 chemicals to the TACO tables, update physical and chemical parameters, and revise toxicity values. In addition, to ease the transition of adding a new exposure route to TACO, the amendments will have a 60-day delayed effective date.

Two significant changes to the first-notice rule language were proposed. First, an institutional control must be placed on the property whenever the indoor inhalation remediation objectives applied at the site rely upon the assumed presence of a building with a full concrete slab-on-grade or a full concrete basement floor and walls. Second, if a “building control technology” becomes inoperable at a school, it is the “school administrator” who must notify not only the Illinois Environmental Protection Agency, but also the school board and every parent or legal guardian for all enrolled students.

The Board plans to proceed expeditiously to adopt these TACO amendments as final rules after JCAR’s second-notice review. The final amendments will provide the first set of vapor intrusion rules for remediation sites in Illinois.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site www.ipcb.state.il.us and may be downloaded from the Web without charge.