

ILLINOIS POLLUTION CONTROL BOARD

October 20, 2008

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STATE OF ILLINOIS  
Pollution Control Board

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

**NOTICE OF HEARINGS**

DATES, TIMES, AND PLACES:

FIRST HEARING: TUESDAY, JANUARY 27, 2009, at 10:30 A.M.

Illinois Environmental Protection Agency Office Building  
North Entrance  
TQM Room  
1000 E. Converse  
Springfield, Illinois

AND, IF BUSINESS REMAINS AT THE END OF THAT DAY, CONTINUING THE NEXT DAY, WEDNESDAY, JANUARY 28, 2009, BEGINNING AT **9:00 A.M.** AT THE SAME LOCATION.

SECOND HEARING: TUESDAY, MARCH 17, 2009, at 10:00 A.M.

James R. Thompson Center  
Room 9-040  
100 W. Randolph St.  
Chicago, Illinois

AND, IF BUSINESS REMAINS AT THE END OF THAT DAY, CONTINUING THE NEXT DAY, WEDNESDAY, MARCH 18, 2009, BEGINNING AT **9:00 A.M.** AT THE SAME ADDRESS BUT IN **ROOM 2-025.**

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Thomas E. Johnson

HEARING OFFICER: Richard R. McGill, Jr.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact John Therriault, Assistant Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

## HEARING OFFICER ORDER

On September 3, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Board's rules concerning the Tiered Approach to Corrective Action Objectives (TACO). The TACO rules are set forth in Part 742 of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code 742). The Agency filed the proposal under Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27, 28 (2006)). The Agency proposes to add the indoor inhalation exposure route to TACO's risk-based methodology, as well as update remediation objectives for all exposure routes. On September 16, 2008, the Board accepted the Agency's proposal for hearing.

Two hearings are presently scheduled, as stated in the above notice. The first hearing will be held in Springfield, beginning at 10:30 a.m. on January 27, 2009, and if business remains at the end of that day, will continue the next day, January 28, 2009, starting at 9:00 a.m. The second hearing will be held in Chicago, beginning at 10:00 a.m. on March 17, 2009, and if business remains at the end that day, will continue the next day, March 18, 2009, starting at 9:00 a.m.

The purpose of these hearings is to allow the Board to receive testimony from the Agency and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning. The Board also will receive testimony on any economic impact study (EcIS) conducted by the Department of Commerce and Economic Opportunity (DCEO) concerning the proposed rule amendments or DCEO decision not to perform an EcIS.

To enhance the productivity of the first hearing, the hearing officer is requiring prefiled testimony, prefiled questions, and prefiled answers. Any person who wishes to testify at the first hearing must prefile his or her testimony and any related exhibits with the Clerk of the Board no later than November 19, 2008. The hearing officer directs participants to prefile questions by December 17, 2008, for witnesses who prefiled testimony. In addition, the hearing officer directs those witnesses to whom prefiled questions are addressed to prefile answers to those prefiled questions by January 19, 2009.

The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to any of these filings—therefore, the Clerk must *receive* the prefiled materials by 4:30 p.m. on the respective deadline dates. Prefiled materials may be filed through the Clerk's Office On-Line (COOL) on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629. The Agency's rulemaking proposal, including its statement of reasons and proposed rule language may be obtained on COOL. Prefiled materials, public comments, hearing transcripts, and opinions and orders in R09-9 also will be available on-line through COOL.

All timely prefiled materials will be entered into the record as if read at hearing, unless the hearing officer directs otherwise. 35 Ill. Adm. Code 102.424(f). Those who prefile testimony and related exhibits, questions, or answers are requested to bring ten copies of their

prefiled material to the first hearing. Participants who do not prefile testimony will be allowed to testify at the first hearing only if time permits after all prefiled materials are addressed. Prefiling deadlines for the second hearing may be established at a later date.

The Notice List for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The Service List is the list of persons who wish to actively participate in this proceeding and receive not only opinions and orders, but also other filings such as prefiled materials and public comments. The Notice and Service Lists for R09-9 are available on COOL. Prefiled materials filed with the Clerk must also be served on the hearing officer and on those persons on the Service List. Before filing with the Clerk, please confirm that you have the most recent version of the Service List.

IT IS SO ORDERED.



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Richard R. McGill, Jr.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-6983 or [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us)