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CLERK'S OFFICE

MAY 25 2001

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
SITE REMEDIATION PROGRAM:) R01-27
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking - Land)
740)

P.C. #6

IN THE MATTER OF:)
)
SITE REMEDIATION PROGRAM:) R01-29
PROPOSED 35 ILL. ADM. CODE) (Rulemaking - Land)
740.SUBPART H (SCHOOLS, PUBLIC) (Consolidated)
PARKS, AND PLAYGROUNDS))

NOTICE OF FILING

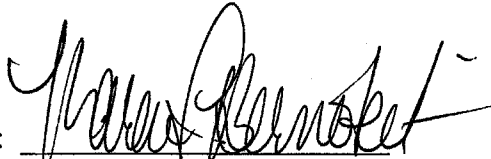
| | |
|----------------------------------|----------------------------------|
| TO: Ms. Dorothy M. Gunn | Bobb A. Beauchamp, Esq. |
| Clerk of the Board | Hearing Officer |
| Illinois Pollution Control Board | Illinois Pollution Control Board |
| James R. Thompson Center | James R. Thompson Center |
| 100 West Randolph Street | 100 West Randolph Street |
| Suite 11-500 | Suite 11-500 |
| Chicago, Illinois 60601 | Chicago, Illinois 60601 |
| (VIA FEDERAL EXPRESS) | (VIA FEDERAL EXPRESS) |

(PERSONS ON ATTACHED SERVICE LIST)
(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have filed today with the Clerk of the Illinois Pollution Control Board an original and nine copies of a **MOTION FOR LEAVE TO**

FILE INSTANTER and POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP, copies of which are herewith served upon you.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: 
One of Its Attorneys

Dated: May 24, 2001

Katherine D. Hodge
HODGE & DWYER
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(217) 523-4900

Karen L. Bernoteit
Illinois Environmental
Regulatory Group
215 East Adams Street
Springfield, Illinois 62701
(217) 522-5512

MAY 25 2001

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

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|---------------------------------|-----------------------|
| IN THE MATTER OF: |) |
| |) |
| SITE REMEDIATION PROGRAM: |) R01-27 |
| AMENDMENTS TO 35 ILL. ADM. CODE |) (Rulemaking - Land) |
| 740 |) |

| | |
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| IN THE MATTER OF: |) |
| |) |
| SITE REMEDIATION PROGRAM: |) R01-29 |
| PROPOSED 35 ILL. ADM. CODE |) (Rulemaking - Land) |
| 740.SUBPART H (SCHOOLS, PUBLIC |) (Consolidated) |
| PARKS, AND PLAYGROUNDS) |) |

MOTION FOR LEAVE TO FILE INSTANTER

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP ("IERG"), by one if its attorneys, Karen L. Bernoteit, and respectfully seeks leave from the Illinois Pollution Control Board (Board) to file INSTANTER the attached Post-Hearing Comments of the Illinois Environmental Regulatory Group ("IERG") in the above-referenced proceedings. In support of its request, IERG states as follows:


Due to other pressing concerns, IERG was not able to complete its research until recently regarding the impact on IERG member companies of Illinois EPA's proposal to require the use of an accredited laboratory for the purposes of the Site Remediation Program. Because this issue was discussed extensively during the April 4, 2001 public hearing, IERG believes it is important to include its position on this issue in its Post-Hearing Comments. Further, IERG has been involved in meeting with the Citizens for a Better Environment (CBE) to revise its proposal to require community relations plans. IERG has received numerous different revisions to the proposal after the close of the comment period, including the most recent revisions, which were not received until

May 3, 2001. IERG's review of these most recent revisions necessitates these comments. The inclusion of IERG's Post-Hearing Comments in the record of the above proceedings will present a more complete record for the Board's consideration.

WHEREFORE, IERG respectfully requests that the Board grant IERG's Motion in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: 
Karen L. Bernoteit

Dated: May 24, 2001

Karen L. Bernoteit
ILLINOIS ENVIRONMENTAL REGULATORY GROUP
215 E. Adams Street
Springfield, IL 62701
217/522-5512

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**POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL
REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP
("IERG"), by one if its attorneys, Karen L. Bernoteit, and for its Post-Hearing Comments
in the above-titled matters, states as follows:

IERG submits the following Post-Hearing Comments to supplement its testimony
presented by Harry Walton and any comments made as part of its participation at the
April 4, 2001 public hearing.

IERG has had an opportunity to research the impact of the Illinois EPA's
proposed requirement in 35 Ill. Admin. Code 740.415(d)(6) that only a certified
laboratory be used for the purpose of the SRP program after July 1, 2002. After polling
its member companies about whether this requirement would pose any problems, IERG
would like to clarify that it supports this proposed requirement and believes that it would
help ensure that accurate data is available to the Illinois EPA to implement an effective
SRP program.

In addition, IERG would like to reiterate its support of the concept of the community relations plan (CRP) requirement proposed as part of R01-29. While IERG supports the concept of CRP as proposed by Citizens for a Better Environment (CBE), it is also important to the regulated community that the proposed amendments, docketed as R01-27, move forward as expeditiously as possible and not be delayed due to the development of the proposal docketed as R01-29.

Currently, it is uncertain whether Senate Bill 1180, that relates to the same topic as R01-29, will be signed into law and, if so, when this will occur. SB 1180 is related to CBE's proposed CRP requirements in that it applies to schools and prohibits the construction of a building intended for use as a school that is enrolled in the Site Remediation Program, unless a remedial action plan (RAP) is approved by the Illinois EPA, if a RAP is required by Board regulations. In addition, SB 1180 prohibits a person from causing or allowing a person to occupy a building that will be used as a school for which a RAP is required by Board regulations, unless all work required by the RAP is completed. The CBE's proposal contains a requirement in proposed Section 740.805 that pertains to the timing of when a site enrolled in the Site Remediation Program, intended for future use as a school, can be made available for use by the general public. There is the possibility that the development of the CRP proposal contained in R01-29 will be delayed to ensure that it is consistent with the intent of SB 1180, if the bill is signed into law.

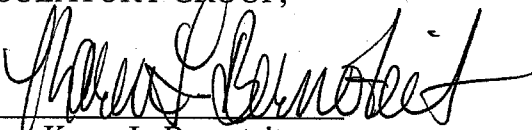
There are elements of the proposal docketed as R01-27, such as the soil management zone, that are extremely important to the regulated community and, as such, the timing of a first notice should not be affected by possible delays in adopting the

proposed CRP contained in R01-29. IERG urges the Board to sever the dockets of R01-27 and R01-29 so that the adoption of the proposal docketed as R01-27 is not impacted by any possible delays associated with R01-29.

IERG urges the Board to act consistent with the comments and testimony presented by IERG during its participation in the April 4, 2001 public hearing and its Post-Hearing Comments filed today.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: 
Karen L. Bernoteit

Dated: May 24, 2001

Karen L. Bernoteit
ILLINOIS ENVIRONMENTAL REGULATORY GROUP
215 E. Adams Street
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217/522-5512

CERTIFICATE OF SERVICE

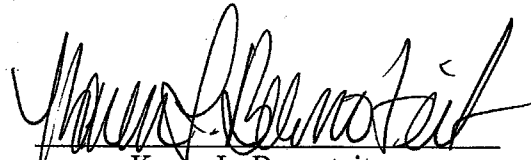
I, Karen L. Bernoteit, the undersigned, certify that I have served a copy of the attached MOTION FOR LEAVE TO FILE INSTANTER and POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Bobb A. Beauchamp, Esq
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST.

by depositing said documents in the United States Mail in Springfield, Illinois, or Federal Express as indicated, on May 24, 2001.



Karen L. Bernoteit

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