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OCT 23 2001

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED MTBE GROUNDWATER) R01-14
QUALITY STANDARDS AMENDMENTS:) (Rulemaking - Water)
35 ILL. ADM. CODE 620) *P.C. #3*

NOTICE OF FILING

TO	Dorothy M. Gunn, Clerk Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 (VIA FIRST CLASS MAIL)	Joel J. Sternstein, Esq. Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 (VIA FIRST CLASS MAIL)
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PLEASE TAKE NOTICE that I have filed today with the Clerk of the Illinois Pollution Control Board a copy of the FIRST NOTICE COMMENTS of the Illinois Environmental Protection Agency. Copies of this document are herewith served upon you and those persons on the attached service list.

Respectfully submitted

by: Stephen C. Ewart
Stephen C. Ewart
Deputy Counsel
Division of Legal Counsel

DATE: OCTOBER 19, 2001

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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(217) 782-5544

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CERTIFICATE OF SERVICE**

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AGENCY'S FIRST NOTICE COMMENTS

The Illinois Environmental Protection Agency ("Agency") respectfully submits its first notice comments in the above-titled matters to the Illinois Pollution Control Board ("Board") pursuant to 35 Ill. Adm. Code 102.604.

On September 6, 2001, the Board adopted proposed amendments to the Groundwater Quality Regulations, 35 Ill. Adm. Code 620 as first notice and directed the Clerk of the Board to file the proposed amendments with the Secretary of State for publication.

On September 21, 2001, the first notice of the proposed amendments was published in the *Illinois Register* at 25 Ill. Reg. 11973. The Agency's comments are below.

I. OVERVIEW

Two hearings have been held on the Agency's proposal for the amendment of 35 Ill. Adm. Code 620. The hearings were held on March 1, 2001, in Springfield, Illinois, and on April 5, 2001, in Chicago, Illinois.

During the hearings, the Agency presented evidence in support of adopting amendments to the existing Groundwater Quality Regulations, 35 Ill. Adm. Code 620, to include the MTBE level of 0.020 milligram per liter ("mg/l) as an amendment to the preventive response level, 35 Ill. Adm. Code 620.310(a)(3)(A)(i); and the MTBE standard of 0.070 mg/l for Class I: Potable Resource Groundwater Standard, 35 Ill. Adm. Code 620.410(b), and for Class II: General

Resource Groundwater Standard, 35 Ill. Adm. Code 620.420(b).

In addition, the Agency provided support for amendments to the 35 Ill. Adm. Code 620.505 to address deficiencies in compliance point determination conditions and criteria and the inclusion of definitions of "Licensed Professional Engineer" and Licensed Professional Geologist" to the definitions of 35 Ill. Adm. Code 620.110.

During the April 5, 2001 hearing, the Board introduced two MTBE studies into the record, from California and New Hampshire, respectively, for Agency technical review and comment. In response to this request, the Agency has included the review of Thomas C. Hornshaw, Ph.D., of these matters relating to the proposed MTBE standards.

II. AGENCY COMMENT AND CONCLUSIONS

On September 6, 2001, the Board adopted proposed amendments to the Groundwater Quality Regulations, 35 Ill. Adm. Code 620 as first notice and directed the Clerk of the Board to file the proposed amendments with the Secretary of State for publication.

Having reviewed the opinion and order of the Board, the Agency endorses the proposed amendment to the definition of "carcinogen" to the version used in Section 58.2 of the Illinois Environmental Protection Act 415 ILCS 5/58.2 (2000). The Agency believes that this proposal provides consistency with the "carcinogen" definition as used in the Act and in 35 Ill. Adm. Code 742.

With regard to the balance of the Board's proposed amendments in this proceeding, the Agency has no other comment except to support the amendments to 35 Ill. Adm. Code 620 as proposed.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Stephen C. Ewart
Stephen C. Ewart
Deputy Counsel

Date: October 19, 2001

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THIS DOCUMENT SUBMITTED ON RECYCLED PAPER

I, the undersigned, CERTIFY that I have served a copy of the FIRST NOTICE

COMMENTS of the Illinois Environmental Protection Agency upon:

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by depositing said document in the United States Mail in Springfield, Illinois on October 19, 2001.

Stephen C. Ewart

Stephen C. Ewart