

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 2009

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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) )

**HEARING OFFICER ORDER**


The second hearing in this rulemaking was held in Chicago on March 17, 2009. On the record at the second hearing, the hearing officer set a pre-first notice deadline of May 29, 2009, for filing public comments. If the Board proceeds to first notice, there will be other opportunities to file public comments in this rulemaking. Filing by May 29, 2009, however, ensures that the comment will be considered by the Board before the Board adopts any proposed amendments for first-notice publication in the *Illinois Register*.

Public comments must be filed with the Clerk's Office and may be filed at:

Pollution Control Board  
Clerk's Office  
JRTC  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Public comments may also 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. Each person who files a public comment must also serve a copy of the public comment on each person on the R09-9 Service List. Finally, to facilitate the citation of hearing exhibits, attached to this order is the list of exhibits admitted at the two hearings.

IT IS SO ORDERED.

  
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)

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**EXHIBIT LIST**

**First Hearing: January 27, 2009, Springfield**

- Exhibit 1:** *Errata* Sheet Number 1 of IEPA
- Exhibit 2:** *Errata* Sheet Number 2 of IEPA
- Exhibit 3:** Prefiled Testimony of Gary King of IEPA
- Exhibit 4:** Color Hardcopy of Slide Presentation of Dr. Atul Salhotra on behalf of IEPA
- Exhibit 5:** Prefiled Testimony of Dr. Thomas Hornshaw of IEPA
- Exhibit 6:** Prefiled Testimony of Tracey Hurley of IEPA
- Exhibit 7:** Prefiled Questions of Gail Artrip, Carlson Environmental
- Exhibit 8:** Prefiled Questions of the Illinois Environmental Regulatory Group (IERG)
- Exhibit 9:** Prefiled Responses of IEPA

**Second Hearing: March 17, 2009, Chicago**

- Exhibit 10:** IEPA’s “Supplemental Studies and Reports List”
- Exhibit 11:** Prefiled Testimony of Heather Nifong of IEPA
- Exhibit 12:** Prefiled Testimony of Dr. Thomas Hornshaw of IEPA
- Exhibit 13:** USEPA’s March 2005 revised “Guidelines for Carcinogen Risk Assessment”
- Exhibit 14:** Prefiled Testimony of Tracey Hurley of IEPA (filed 2/23/09)
- Exhibit 15:** *Errata* Sheet Number 3 of IEPA
- Exhibit 16:** Prefiled Questions of Raymond Reott

**Exhibit 17:** Prefiled Questions of IERG

**Exhibit 18:** Prefiled Responses of IEPA

**Exhibit 19:** Prefiled Testimony of Tracey Hurley of IEPA (filed 3/12/09)

**Exhibit 20:** *Errata* Sheet Number 4 of IEPA

**Exhibit 21:** USEPA, Sept. 2005, "Uncertainty and the Johnson-Ettinger Model for Vapor Intrusion Calculations," EPA/600/R-05/110

**Exhibit 22:** USEPA, Sept. 2005, "Review of Recent Research on Vapor Intrusion," EPA/600/R-05/106

**Exhibit 23:** USEPA, OSWER Directive 9610.17, Mar. 1, 1995, "Use of Risk-Based Decision-Making In UST Corrective Action Programs"

**Exhibit 24:** Prefiled Testimony of Brian Martin of the Site Remediation Advisory Committee (SRAC)

**Exhibit 25:** Prefiled Testimony of Raymond Reott

**Exhibit 26:** Table attachment in prefiled testimony of Raymond Reott entitled "Comparison of Existing and Proposed TACO Standards (02/19/09) For Residential Property in Communities With an Approved Groundwater Use Institutional Control Ordinance"

**Exhibit 27:** Prefiled Testimony of Harvey Pokorny of Versar

**Exhibit 28:** Prefiled Testimony of James Olsta of CETCO

**Exhibit 29:** 60-mil "Poly-Flex" membrane

**Exhibit 30:** Prefiled Responses of James Olsta of CETCO

**Exhibit 31:** Liquid Boot Brownfield Membrane/Liner & Vent System brochure with sample of 60-mil spray-applied membrane