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STATE OF ILLINOIS
Pollution Control Board

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Richard McGill - Follow up to call regarding procedural question

From: "Geving, Kim" <Kim.Geving@Illinois.gov>
To: "Richard McGill" <MCGILLR@ipcb.state.il.us>
Date: 6/9/2009 11:02 AM
Subject: Follow up to call regarding procedural question

Richard,

After our discussion with you the end of last week, our technical staff had a lengthy call with our consultant, Atul, regarding the best way to go about addressing the issues that arose as a result of ERM's public comment. At the conclusion of that conference call, the Agency changed its position regarding how to approach this matter. We have decided that the best course of action would be to leave the existing proposal as it is. We fear that attempting to open up other issues at this point in the regulatory process would substantially delay the adoption of the vapor intrusion provisions and would not be in the best interests of protecting human health.

The Agency believes that our existing proposal should stay on course for four reasons:

1. Our use of the SSL guidance is more protective of human health in that it uses an exposure time for the construction worker of 24 hours versus RAGS's use of an 8 hour exposure duration. RAGS uses the theory that even though you are breathing harder, you are not bringing in any more contamination than you would at a normal rate of respiration. We believe that theory is counterintuitive. SSL addresses this issue in its supplemental guidance (published in December 2002). You may wish to look at 4-21 (Chapter 4.0 deals with Developing SSLs for Non-Residential Exposure Scenarios.) This issue is also addressed at 5-19. (Chapter 5.0 discusses Calculation of SSLs for Construction Worker Scenario.)
2. This new information from RAGS did not come out until January 2009, well after we submitted our proposal.
3. Under the existing proposal, a party may propose to use the 8 hour exposure time (as raised in ERM's public comment) under a Tier 3 scenario.
4. Our proposal is more conservative overall, and thus more protective.

We appreciate your guidance on the procedural issues we discussed over the phone last week. I understand that there is more substance in this follow up email and that the Board may be inclined to post this email as a public comment from the Agency.

Regards,

Kim Geving, Assistant Counsel