



Illinois Manufacturers' Association

[www.ima-net.org](http://www.ima-net.org)

1211 West 22nd Street • Suite 620 • Oak Brook, Illinois 60523 • 630-368-5300 • Fax: 630-218-7467  
220 East Adams Street • Springfield, Illinois 62701 • 217-522-1240 • Fax: 217-522-2367

Email: [ima@ima-net.org](mailto:ima@ima-net.org)

January 31, 2013

Richard McGill  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

---

Subject: Public Comments Regarding the Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO)(Indoor Inhalation); R11-9

Dear Mr. McGill:

I am writing on behalf of the Illinois Manufacturers' Association to provide public comments in response to the Illinois Pollution Control Board's ("Board") January 10, 2013 Opinion and Order regarding its Proposed Second Notice in the subject matter referenced above.

The Illinois Manufacturers' Association (IMA) is the oldest and largest statewide manufacturing trade association in the United States. The IMA represents nearly 4,000 member companies and facilities that employ 600,000 workers and contribute the single largest share of the State's Gross Domestic Product. Many of our members will be impacted by the outcome of this rulemaking and have an interest in insuring that it accomplishes its purpose by imposing requirements that provide reasonable flexibility consistent with the complexity of each remediation.

The Board requested comments on several specific issues and our comments on these issues follow:

1. Source-Building Horizontal Separation Distance Standard: The Board has asked "... whether the potential for contamination to diffuse laterally warrants requiring that a minimum "source-building horizontal separation distance" be met before allowing the indoor inhalation exposure route to be excluded based upon building/contamination proximity. The Board is proposing a 100 foot criterion for the horizontal distance between the contamination and the building before the indoor inhalation exposure route may be excluded. This criterion has been used in some other states as a screening tool to identify situations where further study is needed to determine the nature and extent of contamination. The TACO rules already require a site characterization and an assessment of exposure routes as a fundamental part of the process before remediation objectives are developed. [see 35 IAC 742.120, 742.300(b)] The specific requirements for a site characterization are contained in the regulations for the specific program under which the remediation is being addressed such as for the Leaking Underground Storage Tank Program (35 IAC 734, Subpart C) and the Site Remediation Program (35 IAC 740). Therefore, the use of this 100 foot criterion as an absolute standard ignores the value of the more sophisticated site assessments that are already required and are not an appropriate addition to the regulations. For this reason, we recommend that the 100 foot source-building horizontal separation distance provision be removed from the second notice proposal.

2. Institutional Controls When Full Concrete Floor Is Modeled: The Board is proposing the addition of rules that would only allow the application of Tier 1 and Tier 2 remediation objectives when the building has a full concrete slab-on-grade or full concrete basement floor and walls. The full concrete floor would then need to be incorporated as a deed restriction under the Board's proposal. We believe that an unrestricted No Further Remediation (NFR) letter should be issued to an applicant who has completed a site investigation and remediation and has met all Tier 1 or Tier 3 Remediation Objectives. The Johnson & Ettinger model has numerous assumptions which are not otherwise required to be codified as being applicable in every case. Including a deed restriction for one of the model assumptions (full concrete floors) has the potential to impose a significant adverse impact on the property value and is not necessary to achieve program goals. For example, the Illinois EPA has the authority to void a sites' NFR letter for various exposure pathways if it finds that significant assumptions are no longer valid at the site.
  
3. Whether to Apply Similar-Acting Chemical Provisions When Developing Remediation Objectives: The Board has asked for comment on whether the similar-acting chemical provisions should be used when developing remediation objectives for soil gas and groundwater. [35 IAC 742.505(b)(3), 742.805(c)] We believe that these provisions were developed to apply to human exposure and would be used in this case for human inhalation exposure inside a building. These provisions should not be applied to the means of transport which are the soil gas and groundwater but only to the media to which humans are directly exposed. Therefore the remediation objectives should not be developed using the similar-acting chemical provisions previously cited.

We appreciate the opportunity to provide comments in this matter.

Thank you for your consideration.

Sincerely,



Mark Denzler, Vice President & COO  
Illinois Manufacturers' Association