

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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APR 22 2003

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
BROWNFIELD SITE RESTORATION)	
PROGRAM)	
)	R03-20
(AMENDMENTS TO 35 ILL.ADM.)	(Rulemaking)
CODE 740))	

NOTICE

Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

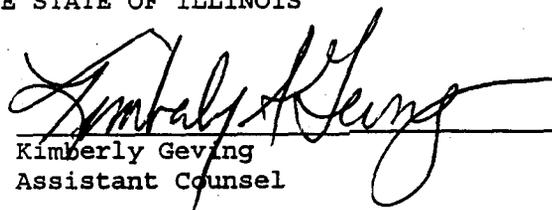
Robert T. Lawley
Dept. Of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Attorney General's Office
Environmental Bureau
188 W. Randolph, 20th Floor
Chicago, Illinois 60601

See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Errata Sheet Number 1 of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: 
Kimberly Geving
Assistant Counsel

DATE: April 18, 2003
Agency File #:
Illinois Environmental
Protection Agency

1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

IN THE MATTER OF:)
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BROWNFIELD SITE RESTORATION)
PROGRAM)
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(AMENDMENTS TO 35 ILL. ADM. CODE 740))
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APR 22 2003

R03-20 STATE OF ILLINOIS
Pollution Control Board
(Rulemaking)

ERRATA SHEET NUMBER 1

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") through one of its attorneys, Kimberly A. Geving, and submits this ERRATA SHEET NUMBER 1 to the Illinois Pollution Control Board ("Board") and the participants listed on the Service List.

It appears that the Illinois EPA's February 14, 2003 Proposed Amendments submitted to the Board were based on a version of Part 740 that was adopted prior to the most recent amendments (which were adopted in April of 2002). Therefore, the Illinois EPA is now submitting this ERRATA SHEET NUMBER 1 to correct the errors in its February 2003 submittal.

Language that has already been adopted by the Board, but inadvertently omitted by the Illinois EPA, will not be reflected with underlining. However, corrections to the current proposal will be reflected with underlining.

Section

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740.535

Establishment of Soil Management Zones

Contents page
740.621

Requirements for No Further Remediation Letters Issued to Illinois

Department of Transportation Remediation Sites Located in Rights-of-Way

Contents page 740.622	Requirements for Perfection of No Further Remediation Letters Issued to Federal Landholding Entities Without Authority to Record Institutional Controls
Contents page Subpart H	SUBPART H: REQUIREMENTS RELATED TO SCHOOLS
Contents page 740.800	General
Contents page 740.805	Requirements Prior to Public Use
Contents page 740.810	Engineered Barriers and Institutional Controls
Contents page 740.815	Public Notice of Site Remedial Action Plan
Contents page 740.820	Establishment of Document Repository
Contents page 740.825	Fact Sheet
Contents page <u>SUBPART I</u>	<u>SUBPART I: REVIEW OF REMEDIATION COSTS FOR BROWNFIELDS SITE RESTORATION PROGRAM</u>
740.900	<u>General</u>
740.901	<u>Pre-application Assessment and Eligibility Determination</u>
740.905	<u>Preliminary Review of Estimated Remediation Costs</u>
740.910	<u>Application for Final Review and payment of Remediation Costs</u>
740.911	<u>Application for Final Review and Payment of Remediation Costs Where the Remediation Applicant Will Remediate Groundwater For More Than</u>

One Year

740.915 Agency Review of Application for Review and payment of Remediation Costs

740.920 Fees and Manner of Payment

740.925 Remediation Costs

740.930 Ineligible Costs

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740.Table A Volatile Organics Analytical Parameters

740.Table B Semivolatile Organic Analytical Parameters

740.Table C Pesticide and Aroclors Organic Analytical Parameters

740.Table D Inorganic Analytical Parameters

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AUTHORITY Implementing Section 58 through 58.8 and 58.10 through ~~58.15~~ ~~58.14~~ and authorized by Sections 58.5, 58.6, 58.7, 58.11, ~~and 58.14,~~ and ~~58.15~~ of the Environmental Protection Act [415 ILCS 5/58 through 58.8 and 58.10 through ~~58.15~~ ~~58.14~~].

Section

740.120

Definitions

The Illinois EPA proposal left out several of the definitions that were adopted from the most recent amendments in April 2002. In alphabetical order, the following definitions should have been incorporated into Section 740.120.

“Federal Landholding Entity” means that federal department, agency or instrumentality with the authority to occupy and control the day-to-day use, operation, and management of Federally Owned Property.

“Federally Owned Property” means real property owned in fee by the United States on which an institutional control is or institutional controls are sought to be placed in accordance with this Part.

“GIS” means Geographic Information System.

"GPS" means Global Positioning System.

"Institutional Control" means a legal mechanism for imposing a restriction on land use.

"Land Use Control Memorandum of Agreement" or "LUC MOA" means an agreement entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limits or places requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment, or that is used to perfect a No Further Remediation Letter that contains land use restrictions.

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in Sections 740.621 and 740.622 of this Part.

"Soil management zone" or "SMZ" means a three dimensional region containing soil being managed to mitigate contamination caused by the release of contaminants at a remediation site.

NOTE to Board: all the new definitions as proposed in the Illinois EPA's February 2003 submittal for this Section remain the same.

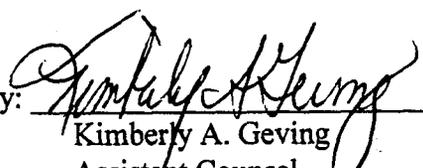
Subpart H

All references in the Illinois EPA February 2003 proposal to Subpart H should be changed to Subpart I. Likewise, all numbering of the 800 series in our proposal should be changed to a 900 series. The Illinois EPA did not intend to usurp the existing Subpart H regarding Requirements Related to Schools.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:


Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

Date: April 18, 2003

1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Errata Sheet Number 1 on behalf of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste 11-500
Chicago, Illinois 60601
(1st Class)

Robert T. Lawley
Dept. Of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702
(1st Class)

Attorney General's Office
Environmental Bureau
188 W. Randolph, 20th Floor
Chicago, Illinois 60601
(1st Class)

See Attached Service List
(1st Class)

and mailing it from Springfield, Illinois on

April 18, 2003

Kimberly A. Blaylock

SUBSCRIBED AND SWORN TO BEFORE ME

this 18th day of April, 2003

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

R 03-20 SERVICE LIST*

IN THE MATTER OF: BROWNFIELDS SITE RESTORATION PROGRAM; AMENDMENTS TO 35 ILL. ADM. CODE 740

Updated April 11, 2003

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FROM: ILLINOIS POLLUTION CONTROL BOARD

10:00 am

14-03

R 03-20 SERVICE LIST*

IN THE MATTER OF: BROWNFIELDS SITE RESTORATION PROGRAM; AMENDMENTS TO 35 ILL ADM. CODE 740
Updated April 11, 2003

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*Subject to change without notification. Please contact the Clerks Office at 312-814-3461 to obtain the current list.

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From-ILLINOIS POLLUTION CONTROL BOARD

10:00am

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