

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD  
February 5, 2001

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
SITE REMEDIATION PROGRAM: ) R01-27  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Land)  
740 )

IN THE MATTER OF: ) R01-29  
) (Rulemaking - Land)  
SITE REMEDIATION PROGRAM: )  
PROPOSED 35 ILL. ADM. CODE )  
740.SUBPART H (SCHOOLS, PUBLIC )  
PARKS, AND PLAYGROUNDS) )

NOTICE OF HEARINGS

DATES, TIMES AND PLACES:

FIRST HEARING TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE  
WEDNESDAY, FEBRUARY 28, 2001

9:00 A.M.  
Illinois Pollution Control Board Hearing Room 403  
600 S.2nd Street, Fourth Floor  
Springfield, Illinois 62704

SECOND HEARING TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS  
COMPLETE WEDNESDAY, APRIL 4, 2001

9:30 A.M.  
James R. Thompson Center  
Room 2-025  
100 West Randolph Street  
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Marili McFawn

HEARING OFFICER: Bobb A. Beauchamp  
(312) 814-6926

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact Dorothy Gunn, Clerk of the Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

## HEARING OFFICER ORDER

The Board accepted Docket No. R01-27 for hearing on January 18, 2001. See Site Remediation Program: Amendments to 35 Ill. Adm. Code 740 (January 18, 2001), R01-27. The Board accepted Docket No. R01-29 for hearing, and consolidated the hearings for these rulemakings. See Site Remediation Program: Proposed 35 Ill. Adm. Code 740.Subpart H (Schools, Public Parks, and Playgrounds) (February 1, 2001), R01-29.

### Hearings

Two hearings are scheduled. At each hearing the Board will consider both R01-27 and R01-29.

### Prefiled Testimony

Pursuant to the Board's procedural rules:

The proponent must submit all written testimony and any related exhibits 21 days prior to the hearing at which the witness testifies, unless the hearing officer directs otherwise to prevent material prejudice or undue delay. 35 Ill. Adm. Code 102.424.

The Agency and CBE must prefile all written testimony and related exhibits. All other parties interested in presenting testimony at the hearings are strongly encouraged to prefile such testimony. For the first hearing, the Agency (Docket R01-27) and CBE (Docket R01-29) must submit all prefiled testimony with the Board on or before 4:30 P.M. on Wednesday, February 14, 2001. For the second hearing, the Agency (Docket R01-27) and CBE (Docket R01-29) must submit all prefiled testimony with the Board on or before 4:30 P.M. on Wednesday, March 14, 2001. The "mailbox rule" as set forth in 35 Ill. Adm. Code 101.300(b)(2) does not apply to either of these filing requirements.

Prefiled testimony must be sent simultaneously to the respective proponent and to all persons on the service list. Interested persons may receive a copy of the current service list by contacting the hearing officer or the Clerk's Office. The initial service lists for these consolidated matters will be identical. However, persons who wish to appear on both service lists must specifically request to be added to both service lists.

The Board will reserve time at the second hearing on April 4, 2001, for testimony regarding economic impact considerations.

### R01-27

The Illinois Environmental Protection Agency (Agency) is proposing amendments to 35 Ill. Adm. Code 740, the Board's site remediation program (SRP) rules, adopted by the Board in Site Remediation Program (Brownfields) and Groundwater Quality (35 Ill. Adm. Code 740

and 35 Ill. Adm. Code 620) (June 5, 1997), R97-011. The SRP is primarily a volunteer program under which participants may clean up sites where contaminants are present. The regulations include procedures for site investigation, determination of remediation objectives, submission of closure reports, and issuance of no further remediation (NFR) letters. The Agency is proposing these amendments primarily to update and clarify the regulations based on the experience gained in administering the rules for over three years. Persons interested in obtaining a copy of the Agency's proposed amendments in Docket R01-27 may download it from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

#### R01-29

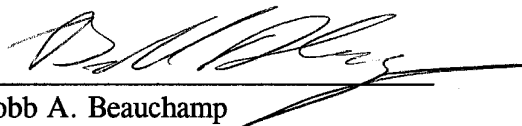
Citizens for a Better Environment (CBE) is proposing to add a new Subsection H to the SRP rules. This new subsection would add procedural safeguards for applying the SRP rules to sites that will be used as schools, public parks, or playgrounds. The proposal does not mandate a different or more stringent set of cleanup objectives for these types of sites, but rather modifies the procedures through which these types of sites are remediated. The proposal would add language that: (1) prevents public use of SRP sites that will be used as a school, public park, or playground until the Agency issues a NFR letter; (2) enhances public participation in the process of remediating such sites; and (3) ensures the maintenance of institutional controls during the entire period that the site is used as a school, public park, or playground. Persons interested in obtaining a copy of CBE's proposed amendments in Docket R01-29 may download it from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

#### Concurrent Hearings in Other Matters

The Board has scheduled concurrent hearings in two other matters that may be of interest to persons on the R01-27 and R01-29 notice lists. In Docket R01-14, Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620, the Agency is proposing methyl tertiary butyl ether (MTBE) parameters for groundwater and amendments to assure protection of certain existing drinking water supply wells. In Docket R01-26, Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732, the Agency is proposing clarifying and refining amendments to the Board's regulations addressing petroleum leaking underground storage tanks. Persons interested in either Docket R01-14 or Docket R01-26 should contact Hearing Officer Joel Sternstein for more information and to be placed in the notice and/or service lists. Mr. Sternstein may be reached by phone at (312) 814-3665, by e-mail at [sternstj@ipcb.state.il.us](mailto:sternstj@ipcb.state.il.us), or by mail at Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago, Illinois 60601.

Persons interested in obtaining a copy of the Agency's proposals in Dockets R01-14 and R01-26 may download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

IT IS SO ORDERED.



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**Bobb A. Beauchamp**  
**Hearing Officer**  
**100 W. Randolph, 11-500**  
**Chicago, Illinois 60601**