

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **MAR 06 2006**

IN THE MATTER OF:)		STATE OF ILLINOIS
)	R06-10	Pollution Control Board
PROPOSED AMENDMENTS TO)	(Rulemaking-Land)	
TIERED APPROACH TO CORRECTIVE)		
ACTION OBJECTIVES)		
(35 Ill. Adm. Code 742))		
)		


NOTICE

Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

Richard R. McGill, Jr.
Ill. Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(Via First Class Mail)

PLEASE TAKE NOTICE that at the Hearing Officer's Request on March 1, 2006, I have today filed with the Office of the Clerk of the Illinois Pollution Control Board and the Hearing Officer in this matter the Agency's clean copies of reserved Exhibit Number 15 from yesterday's hearing, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kimberly A. Geving
Assistant Counsel
Division of Legal Counsel

DATE: March 2, 2006

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

THIS FILING SUBMITTED ON RECYCLED PAPER

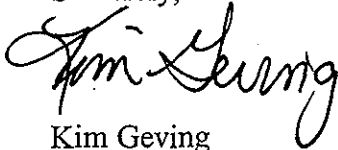
March 2, 2006

Richard,

I just wanted to let you know that I looked back through the transcript from the August 2000 hearing in R00-19, and on pages 81-83 Tracey Hurley not only summarized her testimony that was introduced as Exhibit 15 yesterday, but she made the correction to that method (8260B) on the record and provided a copy of her written summary to the Board and the court reporter. Therefore, in addition to sending you a clean copy of her testimony, I am also sending you a copy of her summary and those three pages of the transcript.

If you need anything else, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Kim Geving". The signature is written in a cursive style with a large, looping initial "K".

Kim Geving

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAR 06 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO)	R00-19
TIERED APPROACH TO CORRECTIVE)	(Rulemaking-Land)
ACTION OBJECTIVES)	
(35 ILL. ADM. CODE 742))	

TESTIMONY OF TRACEY HURLEY ON
APPENDIX A, TABLE H AND APPENDIX B, TABLES
A, B, E, AND F

Qualifications

My name is Tracey Hurley. I am an Environmental Toxicologist with the Toxicity Assessment Unit within the Office of Chemical Safety of the Illinois Environmental Protection Agency ("Agency"). I have been with the Agency for eleven years providing expertise to the Agency in the area of environmental toxicology. My responsibilities include development and use of procedures for human and environmental exposure assessments and risk assessments; review of toxicological data and hazard information in support of Agency programs and actions; and review of remedial investigation and risk assessment documents submitted to the Agency. I received a Master of Public Health degree, specialization in Environmental Health, from Yale University in 1986 and a Bachelor of Science in Biology from Southern Illinois University at Edwardsville in 1984.

The following testimony provides discussion and analysis of the proposed amendments to 35 Ill. Adm. Code 742, Appendix A, Table H and Appendix B, Tables A, B, E, and F.

Testimonial Statement

My testimony concerns the proposed amendments to Part 742, Appendix A, Table H and Appendix B, Tables A, B, E, and F. These amendments are being proposed to reflect updates to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846. The latest update, Update III, is dated December 1996 and was promulgated in the Federal Register on June 13, 1997 (62 FR 32452). Update III was previously incorporated by reference at Section 742.210. Update III changed some Practical Quantitation Limits ("PQL") either through the deletion of outdated analytical methods, or the addition of new methods. Through an oversight, these changes in the detection limits were not reflected in the TACO rules. The affected chemicals and their PQLs are listed in a table, attached as Exhibit 1 to this testimony.

Appendix A, Table H lists Chemicals Whose Tier 1 Class I Groundwater Remediation Objective Exceeds the 1 in 1,000,000 Cancer Risk Concentration. For carcinogens without a Maximum Contaminant Limit ("MCL"), the Tier 1 Class I groundwater remediation objective is equal to the Acceptable Detection Limit ("ADL"), which is defined as the lowest appropriate PQL given in SW-846. Five chemicals have been added to this table because their updated ADLs and Tier 1 Class I groundwater remediation objectives are now greater than their respective 1 in 1,000,000 cancer risk concentrations. These five chemicals are: DDD, DDE, DDT, 2,6-dinitrotoluene, and 2,4,6-trichlorophenol. N-nitrosodiphenylamine has been deleted from this table because its updated ADL and associated Tier 1 Class I groundwater remediation objective is now less than its respective 1 in 1,000,000 cancer risk concentration. Changes to the ADL

listed in this table have been made for the following eight chemicals: Carbon tetrachloride, 1,2-dibromo-3-chloropropane, 1,2-dichloromethane, heptachlor, heptachlor epoxide, tetrachloroethylene, vinyl chloride, and pentachlorophenol.

In Appendix B, Tables A and B, there are numerous proposed changes to the ADL column. The updated PQL has been inserted in this column if it is greater than the soil remediation objective. An asterisk in the ADL column indicates that the lowest PQL in SW-846 is less than the soil remediation objective.

Appendix B, Table E lists the Tier I Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route. For carcinogens that do not have a Groundwater Quality Standard pursuant to 35 Ill. Adm. Code 620.410 for Class I Groundwater or 35 Ill. Adm. Code 620.420 for Class II Groundwater, the groundwater remediation objective is equal to the ADL. The proposed changes to the Class I and Class II Groundwater Remediation Objectives reflect changes in the PQLs. There are several chemicals affected. In addition, the footnotes for seven chemicals have been corrected: 2,4-dinitrotoluene, 2,6-dinitrotoluene, naphthalene, nitrobenzene, polychlorinated biphenyls ("PCBs"), 1,1,1-trichloroethane, and vanadium. The proposed change to footnote "a" more accurately explains the process used to derive the groundwater remediation objectives for carcinogens.

The change to Appendix B, Table F, footnote "b" also is designed to more accurately explain the process used to derive the Groundwater Remediation Objective used to calculate Tier I Soil Remediation Objectives.

Concluding Statement

This concludes my testimony regarding the Agency's proposed amendments to 35 Ill. Adm. Code 742, Appendix A, Table H and Appendix B, Tables A, B, E, and F. I will be available to answer questions.

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EXHIBIT 1
TACO PQL UPDATE

Chemical	GW PQL mg/l	Soil PQL mg/kg	SW846 Method
Aldrin	0.014	0.94	8081A
bis(2-chloroethyl)ether	0.01	0.66	8270C
bis(2-ethylhexyl)phthalate	0.0027	0.18	8061A
bromodichloromethane	0.0002	0.0002	8021B HECD
bromoform	0.001(a)	0.005	8260B
carbon tetrachloride	0.0001	0.0001	8021B HECD
4-chloroaniline	0.0066	0.44	8131
chloroform	0.0002	0.0002	8021B HECD
dalapon	0.0013	0.00012	8151A
DDD	0.014	0.94	8081A
DDE	0.01	0.67	8081A
DDT	0.006	0.402	8081A
1,2-dibromo-3-chloropropane	0.001(a)	0.005	8260B
1,2-dibromoethane	0.001(a)	0.005	8260B
3,3'-dichlorobenzidine	0.02	1.3	8270C
1,2-dichloroethane	0.0003	0.0003	8021B
1,3-dichloropropylene (cis & trans)	0.001(a)	0.005	8260A
dieldrin	0.009	0.603	8081A
2,4-dinitrophenol	0.05	3.3	8270C
2,4-dinitrotoluene	0.00002	0.250	8330
2,6-dinitrotoluene	0.00031	0.260	8330
alpha-HCH	0.00011	0.0074	8121
heptachlor	0.013	0.87	8081A
heptachlor epoxide	0.015	1.005	8081A
N-nitrosodiphenylamine	0.00081	0.00081	8070A
N-nitrosodi-n-propylamine	0.00046	0.00046	8070A
Pentachlorophenol	0.000076	0.00016	8151A GC/ECD
Tetrachloroethylene	0.0004	0.0004	8021B HECD
2,4,6-trichlorophenol	0.01	0.66	8270C
Vinyl chloride	0.002	0.002	8021B PID

(a) Method 8260B lists two sets of quantitation limits based upon purge volumes of 5 ml or 25 ml. The corresponding quantitation limits are 5 ug/l and 1 ug/l. The lowest quantitation limit needed to achieve the recommended cleanup objective should be used.

Summary of Testimony

OF TRACEY HURLEY ON
APPENDIX A, TABLE H AND APPENDIX B, TABLES
A, B, E, AND F

My name is Tracey Hurley. I am an Environmental Toxicologist with the Toxicity Assessment Unit within the Office of Chemical Safety of the Illinois Environmental Protection Agency ("Agency"). I have been with the Agency for eleven years providing expertise to the Agency in the area of environmental toxicology. My responsibilities include development and use of procedures for human and environmental exposure assessments and risk assessments; review of toxicological data and hazard information in support of Agency programs and actions; and review of remedial investigation and risk assessment documents submitted to the Agency. I received a Master of Public Health degree, specialization in Environmental Health, from Yale University in 1986 and a Bachelor of Science in Biology from Southern Illinois University at Edwardsville in 1984.

My testimony concerns revisions to Appendix A, Table H and Appendix B, Tables A, B, E, and F. The Agency is proposing the revisions Appendix A, Table H and Appendix B, Tables A, B, and E to reflect the latest update, Update III, to USEPA's SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods". Update III changed some Practical Quantitation Limits ("PQL") and was previously incorporated by reference in Section 742.210. However, the numerical changes in the detection limits were not reflected in the TACO tables.

The proposed change to Appendix B, Table F footnote (b) clarifies the method used to derive the Groundwater Remediation Objective used to calculate Tier I Soil Remediation Objectives.

My prefiled testimony contained, as Exhibit 1, a table of the TACO chemicals affected and their updated PQLs. I have since found some errors in Exhibit 1. The SW-846 Method for 1,3-dichloropropylene (cis & trans) should be 8260B. For N-nitrosodiphenylamine the groundwater PQL should be 0.003 mg/l and the soil PQL should be 0.003 mg/kg. For N-nitrosodi-n-propylamine the groundwater PQL should be 0.0018 mg/l and the soil PQL should be 0.0018 mg/kg. For vinyl chloride the groundwater PQL should be 0.0002 mg/l and the soil PQL should be 0.0002 mg/kg. The correct values have been given in the proposed amendments to Appendix A, Table H and Appendix B, Tables, A, B, and E.

I would also like to propose an additional amendment to Appendix B, Tables A and B. In both Tables A and B the ADL for 1,2-Dibromo-3-chloropropane should be changed from an "*" to 0.005 mg/kg. Also in Appendix B, Table B the ADLs for 4-Chloroaniline, N-Nitrosodiphenylamine, and Pentachlorophenol have been deleted. The deleted ADLs should be replaced with an "*" and not left blank. An "*" in the ADL column for a chemical means that the ADL is less than all listed Remediation Objectives for that chemical.

1 objectives.

2 MS. GEVING: Thank you, Mr. Clay.

3 Ms. Hurley.

4 MS. HURLEY: Thank you.

5 My name is Tracey Hurley. I'm an
6 environmental toxicologist with the Toxicity Assessment
7 Unit within the Office of Chemical Safety of the
8 Illinois Environmental Protection Agency. I have been
9 with the Agency for 11 years providing expertise to the
10 Agency in the area of environmental toxicology.

11 My responsibilities include development and
12 use of procedures for human and environmental exposure
13 assessments and risk assessments, review of
14 toxicological data and hazard information in support of
15 agency programs and actions, and review of remedial
16 investigation and risk assessment documents submitted
17 to the Agency.

18 My testimony concerns revisions to
19 Appendix A, Table H, and Appendix B, Tables A, B, E,
20 and F. The Agency is proposing the revisions to
21 Appendix A, Table H, and Appendix B, Tables A, B, and E
22 to reflect the latest update, Update III, to USEPA's
23 SW-846 test methods for evaluating solid waste,
24 physical/chemical methods.

1 Update III changed some practical
2 quantitation limits or PQLs and was previously
3 incorporated by reference in Section 742.210. However,
4 the numerical changes in the detection limits were not
5 reflected in the TACO tables.

6 The proposed change to Appendix B, Table F,
7 Footnote B clarifies the method used to derive the
8 groundwater remediation objective used to calculate
9 Tier 1 soil remediation objectives.

10 And my prefiled testimony contained, as
11 Exhibit 1, a table of TACO chemicals affected and their
12 updated PQLs. And since I have found some errors in
13 Exhibit 1.

14 The SW-846 method for 1,3-Dichloropropylene
15 (cis & trans) should be 8260B.

16 For N-Nitrosodiphenylamine, the groundwater
17 PQL should be 0.003 milligrams per liter, and the soil
18 PQL should be 0.003 milligrams per kilogram.

19 For N-Nitrosodi-n-propylamine, the
20 groundwater PQLs should be 0.0018 milligrams per liter,
21 and the soil PQLs should be 0.0018 milligrams per
22 kilogram.

23 For vinyl chloride, the groundwater PQL
24 should be 0.0002 milligrams per liter, and the soil

1 PQLs should be 0.0002 milligrams per kilogram.

2 The correct values have been given in the
3 proposed amendments to Appendix A, Table H, and
4 Appendix B, Tables A, B, and E.

5 And at this time I would also like to propose
6 an additional amendment to Appendix A, Tables A and B.
7 In both Tables A and B the ADL for
8 1,2-Dibromo-3-chloropropane should be changed from an
9 asterisk to 0.005 milligrams per kilogram.

10 And also in Appendix B, Table B, the ADLs for
11 4-Chloroaniline, N-Nitrosodiphenylamine, and
12 Pentachlorophenol have been deleted. The deleted ADLs
13 should be replaced with an asterisk and not left blank.

14 And this concludes my oral summary today. My
15 qualifications and written testimony have been prefiled
16 with the Board.

17 MS. GEVING: Thank you.

18 THE HEARING OFFICER: Ms. Geving, before you
19 proceed, are those changes reflected in writing
20 anywhere that you can present to the Board?

21 MS. GEVING: Tracey has a copy that she can
22 present both to the court reporter and to the Board.

23 THE HEARING OFFICER: Thank you.

24 MS. GEVING: Mr. King.

1 MR. KING: I had an opportunity to talk earlier
2 about the ELUCs, and that was the primary part of my
3 testimony. The rest of it I think is fairly
4 straightforward, so I wasn't going to say anything
5 else.

6 MS. GEVING: Thank you.

7 Dr. Hornshaw.

8 DR. HORNSHAW: Good morning. My name is Thomas C.
9 Hornshaw. I'm a senior public service administrator
10 with the Illinois EPA, and I'm also the manager of the
11 Toxicity Assessment Unit within the Office of Chemical
12 Safety.

13 I participated in the development of the
14 original Part 742 TACO proposal to the Board and
15 testified concerning my contributions to that proposal
16 in the Board hearings regarding TACO.

17 This is a summary of my written testimony
18 filed for this proceeding.

19 My testimony regarding the proposed
20 amendments to Part 742 falls into three broad
21 categories. Additions to the Tier 1 tables,
22 modifications to the Tier 1 tables due to updated
23 information for the chemicals in the tables, and
24 clarifications and corrections to the text in the rule

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached clean copies of Reserved Exhibit Number 15 upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

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

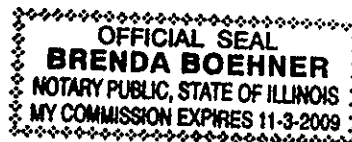
Richard R. McGill, Jr.
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

and mailing them (First Class Mail) from Springfield, Illinois on March 2, 2006, with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME
This 2nd day of March, 2006.

Brenda Boehner
Notary Public



THIS FILING SUBMITTED ON RECYCLED PAPER