

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF)
)
 PROPOSED AMENDMENTS TO:)
 TIERED APPROACH TO CORRECTIVE) R11-9
 ACTION OBJECTIVES (TACO) (INDOOR) (Rulemaking – Land)
 INHALATION): AMENDMENTS TO 35 ILL.)
 ADM. CODE 742)

NOTICE OF FILING

TO: Mr. John T. Therriault	Mr. Richard McGill
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the PUBLIC COMMENTS OF THE SITE REMEDIATION ADVISORY COMMITTEE IN RESPONSE TO THE ILLINOIS EPA'S SUPPLEMENTAL COMMENT, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: October 1, 2012

/s/ Alec M. Davis

Alec M. Davis

Alec M. Davis
215 East Adams Street
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(217) 522-5512

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PUBLIC COMMENTS OF THE SITE REMEDIATION ADVISORY COMMITTEE

IN RESPONSE TO ILLINOIS EPA'S SUPPLEMENTAL COMMENT

NOW COMES the Site Remediation Advisory Committee ("SRAC")¹, and pursuant to the August 28, 2012 Hearing Officer Order, submits the following PUBLIC COMMENTS in the above-referenced matter.

In its August 28, 2012 Hearing Officer Order, the Illinois Pollution Control Board ("Board") poses a series of questions to the Illinois EPA regarding the appropriate use of Tier 1 and 2 indoor inhalation remediation objectives in various circumstances related to the assumption in the Johnson and Ettinger ("J&E") Model that buildings have a concrete floor. On September 13, 2012, the Illinois EPA filed its Responses to Pre-Second Notice Questions Filed in Hearing Officer Order. SRAC offers these comments in support of the Agency's positions regarding the Board's "concrete foundations" questions, and offers a suggestion for the Board's consideration.

SRAC agrees with the Agency that the existence of a concrete floor/foundation is a key assumption of the J&E Model, and that as such, the use of remediation objectives under either

¹ SRAC is authorized by Section 58.11 of the Illinois Environmental Protection Act, 415 ILCS 5/58.11, and consists of members from the Illinois State Chamber of Commerce, Illinois Manufacturer's Association, Chemical Industry Council of Illinois, Consulting Engineers Council of Illinois, Illinois Bankers Association, the Community Bankers Association of Illinois, Illinois Realtor Association, and the National Solid Waste Management Association. Among its statutory charges, SRAC is to review, evaluate, and make recommendations regarding State laws, rules, and procedures that relate to site remediations. 415 ILCS 5/58.11 (b)(1).

Tier 1 or Tier 2 of TACO that are derived by the J&E Model may not be appropriate in situations where a building with an earthen floor overlies a contaminated area. Further, SRAC believes that the Agency has adequately explained how it intends to handle the existence of man-made pathways such as sumps and elevator vaults.

With respect to the language proposed by the Agency to make clear to site evaluators that the use of the J&E Model is limited to buildings with concrete floors, SRAC supports the concept, but is concerned that its placement within the regulatory language could lead to confusion about the applicability of the limitation under various programs (i.e., the Site Remediation Program and the Leaking Underground Storage Tank program). SRAC encourages the Board to instead consider including the limitation as a footnote to the appropriate tables being proposed in the appendices to Part 742, which contain numerous footnotes describing similar limitations and clarifications regarding their appropriate use. Placement as a footnote would indicate that this limitation is applicable for all programs under which the tables are being applied.

Finally, SRAC agrees with the Agency that an institutional control requiring a concrete floor/foundation is unnecessary. The assumption of a concrete floor is only a condition of the J&E Model. It is not the only method by which the indoor inhalation pathway may be evaluated. This approach is no different than any other exposure pathway as all remediation objectives are based on assumptions that may not hold true in every case. The Remedial Applicant is responsible for evaluating the site conditions appropriately and demonstrating that each potential exposure pathway has been addressed. In the event that a new building without a concrete floor/foundation was constructed on a site and determined to pose a hazard to public health or the

environment, the Agency retains the right to void the NFR letter; as with any other exposure pathway. See 35 Ill. Adm. Code 740.625 and 35 Ill. Adm. Code 734.720.

SRAC thanks the Board for the opportunity to submit these comments, and for its consideration.

Respectfully submitted,

THE SITE REMEDIATION
ADVISORY COMMITTEE,

Dated: October 1, 2012

By: Brian H. Martin
Brian Martin, Chairman

Brian Martin, CHMM
Consulting Environmental Scientist
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CERTIFICATE OF SERVICE

I, Alec M. Davis, the undersigned, hereby certify that I have served the attached PUBLIC COMMENTS OF THE SITE REMEDIATION ADVISORY COMMITTEE IN RESPONSE TO THE ILLINOIS EPA'S SUPPLEMENTAL COMMENT upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 1, 2012; and upon:

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by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on October 1, 2012.

By: /s/ Alec M. Davis
Alec M. Davis