POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) <u>Heading of the Part</u>: Standards and Requirements For Potable Water Supply Well Surveys and For Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination

2)	Code Citation:	35	Ill.	Adm.	Code	1600

1600.Appendix A

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3)	Section Numbers:	Proposed Actions :
	1600.100	Repealed
	1600.105	Repealed
	1600.110	Amendment
	1600.115	Amendment
	1600.200	Amendment
	1600.205	Amendment
	1600.210	Amendment
	1600.300	Amendment
	1600.305	Amendment
	1600.310	Amendment
	1600.315	Amendment
	1600.320	Amendment
	1600.325	Amendment
	1600.330	Amendment
	1600.335	Amendment
	1600.340	Amendment

STATE OF ILLINOIS
Pollution Control Board

4) <u>Statutory Authority</u>: Implementing and authorized by Sections 25d-3(c), 25d-7(a), and 27 of the Environmental Protection Act [415 ILCS 5/25d-3(c), 25d-7(a), 27].

Amendment

A Complete Description of the Subjects and Issues Involved: In the summer of 2016, the Board began reviewing its rules to identify obsolete or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update multiple provisions of the Board's rules. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. Although IEPA proposed to amend numerous Board rules, its proposal did not include amendments to the Board's Right-to-Know (RTK) rules. On its own motion, the Board proposed amendments to this part, all of which are intended to be non-substantive clarifications to the RTK rules.

POLLUTION CONTROL BOARD

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- 6) <u>Published studies or reports, and sources of underlying data, used to compose this rulemaking</u>: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) <u>Does this rulemaking contain an automatic repeal date?</u> No
- 9) <u>Does this rulemaking contain incorporations by reference?</u> No
- 10) Are there any other rulemakings pending on this Part? No
- Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Public comments should reference docket number R18-30 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Comments may also be filed with the Clerk of the Board and be addressed to:

Clerk's Office Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R18-30 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's website at pcb.illinois.gov.

- 13) <u>Initial Regulatory Flexibility Analysis</u>:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, the amendments are non-substantive.
 - B) Reporting, bookkeeping or other procedures required for compliance: None beyond those required to comply with current rules.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) <u>Types of professional skills necessary for compliance</u>: None beyond those required to comply with current rules.
- 14) <u>Small Business Impact Analysis</u>: This rulemaking should not affect small business because the proposed amendments are non-substantive. As written, this rule continues to apply to soil, soil gas, and groundwater contamination threatening potable water supply wells and the response action required in handling these threats.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2018

The full text of the Proposed Amendments begins on the next page:

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GRATE OF ILLINOIS

CONTROL BOARD



1	~ N	SUBTITLE 0: RIGHT TO KNOW CHAPTER I: POLLUTION CONTROL BOARD
2	511	SUBTITLE O: RIGHT TO KNOW
3	bou.	CHAPTER I: POLLUTION CONTROL BOARD
4		
5		PART 1600
6	STANDARD	OS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS
7		COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION
8	V	VITH AGENCY NOTICES OF THREATS FROM CONTAMINATION
9		
10		SUBPART A: GENERAL
11	C 4:	
12	Section	
13	1600.100	Purpose and Scope (Repealed)
14	1600.105	Applicability (Repealed)
15 16	1600.110	Definitions Second Vita
17	1600.115	Severability
18		STIDDADT D. STANDADDS AND DEOLUDEMENTS FOR
19		SUBPART B: STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS
20		TOTABLE WATER SOTTET WELL SURVETS
21	Section	
22	1600.200	Purpose and Scope
23	1600.205	Applicability
24	1600.210	Procedures for Potable Water Supply Well Surveys
25		The survey of th
26		SUBPART C: STANDARDS AND REQUIREMENTS FOR
27		COMMUNITY RELATIONS ACTIVITIES
28		
29	Section	· ·
30	1600.300	Purpose and Scope
31	1600.305	Applicability
32	1600.310	Notices and Community Relations Plans for Limited Community Relations
33		Activities
34	1600.315	Notices, Fact Sheets and Community Relations Plans for Expanded Community
35	4 600 000	Relations Activities
36	1600.320	Establishment of Document Repository
37	1600.325	Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans
38	1.600.220	for Review
39	1600.330	Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations
40	1600 225	Plans Implementation of Community Relations Plans and Distribution of Nations and
41 42	1600.335	Implementation of Community Relations Plans and Distribution of Notices and
42	1600.340	Fact Sheets; Records Retention Compliance
T-J	1000.340	Comphanic

14 15 16	1600.APPEN	DIX A Contents of a Model Community Relations Plan	
47 48 49		7: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-vironmental Protection Act [415 ILCS 5].	
50 51 52	SOURCE: A R14-23 at 39	dopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended in Ill. Reg. 3968, effective February 26, 2015; amended in R18-30 at 43 Ill. Reg. tive	n
53 54		SUBPART A: GENERAL	
55 56	Section 1600	100 Purpose and Scope (Repealed)	
57 58 59 50 51	æ)	The purpose of this Part is to set forth in accordance with Section 25d-7 of the A [415 ILCS 5/25d-7] the minimum procedures for conducting potable water supplied well surveys pursuant to applicable Board rules and for the documentation and reporting of the results of those surveys to the Agency. In addition, the purpose	oly
62 63 64 65 66 67		of this Part is to set forth in accordance with Section 25d-7 of the Act standards and requirements for the performance of community relations activities when the Agency has authorized a person to provide the notice pursuant to subsections (a and (c) of Section 25d-3 of the Act [415 ILCS 5/25d-3(a) and (c)] as part of the Agency-approved community relations activities.	e)
58 59 70 71	b)	Subsection (a) of Section 25d-3 of the Act requires that the Agency provide notion under certain specified circumstances while subsection (c) of Section 25d-3 provides that the Agency may authorize a person who has implemented community relations activities to provide the notice in place of the Agency.	ice
73 74 75 76 77 78 79	c)	The standards and requirements in Subpart C of this Part are for community relations activities performed by parties authorized to provide notice in place of the Agency. This Part establishes the minimum standards and requirements for the performance of the potable water supply well surveys and the development, review, implementation and distribution of notices, fact sheets and community relations plans and the establishment and maintenance of document repositories Nothing in this Part relieves an authorized party from reporting and notice obligations under other federal and State environmental laws.	
31 32 33	(Sour	e: Repealed at 43 Ill. Reg, effective	
34 35	Section 1600	105 Applicability (Repealed)	
36	Subparts B a	d C of this Part contain separate and independent applicability provisions.	

87 (Source: Repealed at 43 Ill. Reg. _____, effective ______) 88 89 90 Section 1600.110 Definitions 91 92 Unless otherwise provided Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of the Environmental Protection Act apply 93 to the same words or terms in this Part shall be the same as that applied to the same words or 94 95 terms in Title I or Title VI-D of the Environmental Protection Act. 96 97 "Act" means the Environmental Protection Act [415 ILCS 5]. 98 99 "Agency" is the Illinois Environmental Protection Agency. [415 ILCS 5/3.105] 100 "Authorized party" means a person authorized by the Agency under subsection (c) 101 102 of Section 25d-3(c) of the Act [415 ILCS 5/25d-3(c)] and Subpart C of this Part to 103 provide notice as part of Agency-approved community relations activities in lieu 104 of a notice required to be given by the Agency. 105 "Board" is the Pollution Control Board. [415 ILCS 5/3.130] 106 107 108 "Building control technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing or preventing 109 110 contaminant migration to the indoor air. 111 "Class I groundwater quality standards" means the Class I groundwater quality 112 113 standards specified inlocated at 35 Ill. Adm. Code 620.410. 114 "Contaminant" is any solid, liquid or gaseous matter, any odor, or any form of 115 116 energy, from whatever source. [415 ILCS 5/3.165] 117 "CRP" means the community relations plan required under Title VI-D of the Act 118 119 and Subpart C-of this Part. 120 121 "Person" means individual, trust, firm, joint stock company, joint venture, 122 consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political 123 124 subdivision of a state, or any interstate body, including the United States Government and each department, agency, and instrumentality of the United 125 126 States. [415 ILCS 5/58.2] 127 128 "Person performing a response action" means the person or persons taking 129 responsibility for addressing a release by authorizing or approving the

130 performance of a response action (e.g., Leaking Underground Storage Tank 131 Program owner or operator, Site Remediation Program Remediation Applicant. 132 permittees). The phrase does not include persons who have been hired or authorized to perform the response action by the person taking responsibility for 133 134 the release or persons with whom the person taking responsibility for the release 135 has contracted or subcontracted to perform the response action. 136 137 "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the 138 139 environment, but excludes any release which results in exposure to persons solely 140 within a workplace, with respect to a claim which such persons may assert 141 against the employer or such persons; emissions from the engine exhaust of a 142 motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; 143 release of source, byproduct, or special nuclear material from a nuclear incident, 144 as those terms are defined in the federal Atomic Energy Act of 1954, if such 145 release is subject to requirements with respect to financial protection established 146 by the Nuclear Regulatory Commission under Section 170 of such Act; and the 147 normal application of fertilizer. [415 ILCS 5/3.395] 148 149 "Response action" means any action or series of actions taken to address a release 150 of contaminants or its effects as may be necessary or appropriate to protect human 151 health or the environment. A response action may include, but is not limited to, 152 release investigation and characterization, soil remediation, and groundwater 153 remediation. 154 155 "Soil gas" means the air existing in void spaces in the soil between the 156 groundwater table and the ground surface. [415 ILCS 5/25d-1] 157 158 "Tier 1 remediation objectives" means the Tier 1 remediation objectives specified 159 inlocated at 35 Ill. Adm. Code 742. 160 161 "Volatile chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than 1.9 x 10⁻² or a vapor pressure greater than 0.1 Torr 162 163 (mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental 164 mercury is included in this definition. 165 (Source: Amended at 43 Ill. Reg. _____, effective _____) 166 167 168 Section 1600.115 Severability 169 170 If any provision of this Part is adjudged invalid, or itsif the application to any person or in any

circumstance is adjudged invalid, the adjudication such invalidity will not affect the validity of

1/2	uns <u>Subutie</u>	art as a whole of any Subpart, Section, subsection, sentence or clause thereof not
173	adjudged inv	
174		
175	(Sour	rce: Amended at 43 Ill. Reg, effective)
176		
77		SUBPART B: STANDARDS AND REQUIREMENTS FOR
178		POTABLE WATER SUPPLY WELL SURVEYS
179 180		
81	Section 1600	200 Dumaga and Casas
82	Section 1000	0.200 Purpose and Scope
83	The purpose	of this Subpart D agrablishesis to agrablish minimum standard and and and and
84	nerforming r	of this Subpart B establishes is to establish minimum standards and requirements for otable water supply well surveys to ensure that these wells are accurately identified
85	and located t	o determine these that impacts and potential impacts to these such wells from soil,
86	soil gas or g	roundwater contamination, or both, can be identified. The effects of soil
87		n on groundwater contamination are evaluated as the soil component of the
88		ingestion exposure route using modeling as referenced in this Subpart-B. This
89	Subpart-B se	ts forth the procedures persons subject to this Subpart B must use when performing
90	theseto perfe	rm potable water supply well surveys and documenting for the documentation of the
91	results of we	Il surveys in reports to the Agency.
92		the state of the s
93	(Sour	ce: Amended at 43 Ill. Reg, effective
94	`	<u> </u>
95	Section 1600	0.205 Applicability
96		
97	a)	Except as provided in subsection (b) of this Section, this Subpart B applies to
98		persons required under Board rules to performperforming response actions for soil
99		and groundwater contamination. The pursuant to applicable Board rules.
200		Whenever a response action for soil or groundwater contamination, or both, is
201		required pursuant to applicable Board rules, the person subject to those rules must
202		comply with the standards and requirements of this Subpart apply if, as part of the
203		response action, B when a well survey is required to determine the existence and
204		location of potable water supply wells. The When determining the existence and
205 206		location of these wells, the person performing the well survey must also must
200		identify and locate setback zones and regulated recharge areas associated with the wells.
208		Wells.
209		1) This-Subpart B does not contain an independent requirement to perform a
210		potable water supply well survey. If the Board rules governing the
213		requirements forthat must be satisfied when performing that well survey
214		
211 212		response action require the performance of a well survey as part of the response action, this Subpart B sets forth the minimum standards and
		and documenting itpreparing the documentation for submission to the

215			Agen	cy. The Board's response action rules also governIn addition, the
216			subm	ission and review of well survey documentation and appeals of
217				cy final determinations regarding concerning well survey procedures
218			and re	eporting are subject to the rules governing the response action.
219				porting are subject to the rates go verning the response denon.
220		2)	Annli	cable Board rules requiring potable water supply well surveys as part
221		_)	of res	ponse actions may supersede the requirements of this-Subpart B only
222			to the	extent their express provisions are equivalent to, or more stringent
223				
224			unan	the standards and requirements of this Subpart-B.
225	h)	Dargor	va manfe	amaing magazanas actions assessed to a distance in the Decision of the Company of
226	b)	alman d	is peric	orming response actions pursuant to applicable Board rules who
220 227				initiated the response action for a release as of September 15, 2006
				red by the Agency to perform an otherwise required potable water
228		suppry	well s	urvey in accordance with this Subpart B if:
229		1\	mi .	
230		1)		agency requires the performance of a well survey in accordance with
231			the ap	pplicable Board rules; and
232				
233		2)	The v	vell-survey:
234				
235			A	has not been performed as of September 15, 2006; or
236				
237			B)	has been performed but has not been approved by the Agency as of
238				September 15, 2006 and the well survey performed does not satisfy
239				the requirements of this Subpart B.
240				
241	<u>b</u> e)	Nothir	ng in th	is-Subpart B is intended to prohibit the use of all or some of the
242				l requirements set forth in this Subpart B-in other rules or contexts as
243				those rules, Board or court orders, or other applicable law.
244			•	
245	(Sourc	e: Ame	ended a	at 43 Ill. Reg, effective)
246	`			<u> </u>
247	Section 1600.	.210 Pr	ocedu	res for Potable Water Supply Well Surveys
248				
249	a)	When	applied	able Board rules require a well survey to determine the existence and
250	,			otable water supply wells, the following must be identified:
251			F	
252		1)	Allne	rsons subject to this Subpart B must identify all private, semi-private,
253		<u></u> _		on-community water system wells located at the property where the
254				e occurred or within 200 feet of the property where the release
255			occur	
256			occur	20425
200				

257 258 259		<u>2)</u>	Allall community water system ("CWS") wells located at the property where the release occurred or within 2,500 feet of the property where the release occurred; and
260 261 262 263		<u>3)</u>	Allall setback zones and regulated recharge areas in which all or any portion of the property where the release occurred is located.
264 265 266	b)	the we	erson performing the well survey must take action Actions taken to identify alls and associated protected areas, including must include, but are not to, the following:
267 268 269 270		1)	Contacting the Agency's Division of Public Water Supplies to identify community water system wells and associated setback zones and regulated recharge areas;
271 272 273 274 275 276 277		2)	Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health (or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells, other than community water system wells, and their setback zones; and
278 279 280		3)	Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.
281 282 283 284 285	c)	areas p	ition to identifying potable water supply wells and associated protected pursuant to subsections (a) and (b) of this Section, persons subject to this rt B may be required tomust expand the area of the potable water supply arvey.
286 287 288 289 290 291 292		1)	An expanded well survey is required if measured or modeled groundwater contamination extends beyond a boundary of the property where the release occurred in concentrations exceeding the applicable remediation objectives of 35 Ill. Adm. Code 742. Appendix B: Table E for the groundwater ingestion exposure route or the applicable groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III).
293 294 295 296 297 298			A) If there is no Table E objective or Part 620 standard, the Agency will determine or approve an objective according to shall be determined or approved by the Agency in accordance with 35 Ill. Adm. Code 620.Subpart F.

299 300		<u>B</u> 1)	The extent of modeled groundwater contamination must be determined using the procedures of 35 Ill. Adm. Code 742 or
301			another model or methodology approved by the Agency. When
302			modeling the extent of groundwater contamination, the modeling
303			must include the impact from soil contamination in concentrations
304			exceeding the applicable remediation objectives for the soil
305			component of the groundwater ingestion exposure route.
306			
307		2) At a n	ninimum, the expanded well survey must identify the following:
308			
309		A)	All private, semi-private, and non-community water system wells
310			located within 200 feet, and all community water system wells
311			located within 2,500 feet, of the measured orand modeled extent of
312			groundwater contamination exceeding the applicable remediation
313			objectives of Part 742 for the groundwater ingestion exposure
314			route or the applicable Part 620 groundwater quality standards; and
315			
316		B)	All setback zones and regulated recharge areas in which any
317			portion of the measured or modeled extent of groundwater
318			contamination exceeding the applicable remediation objectives of
319			Part 742 for the groundwater ingestion exposure route or Part 620
320			remediation objectives is located.
321	1\		
322	d)		may, based on site-specific circumstances or information collection
323			e.g., incomplete, conflicting or imprecise information, information
324			om unverified sources), require additional investigation to determine
325			or location of potable water supply wells, setback zones or regulated
326			s. The additional investigation may include, but is not limited to,
327			surveys (e.g., interviewing property owners, investigating individua
328			wellheads, distributing door hangers or other materials requesting
329		information a	bout the existence of potable water supply wells).
330			
331	e)		on of a potable water supply well survey conducted underin
332		accordance w	with this Section must include, but is not limited to, the following:
333		_	
334		1) One o	r more maps to a scale <u>depictingelearly showing</u> the following:
335			
336		A)	The locations of the community water system wells and other
337			potable water supply wells identified underpursuant to this Section
338			and
339			
340 341		B)	The location and extent of setback zones and regulated recharge
J + I			areas identified underpursuant to this Section; and-

342			
343			C2) The maps showing the well locations, setback zones and regulated
344			recharge areas pursuant to subsection (e)(1) of this Section must
345			show those areas identified in subsections (A) and (B) in relation
346			to the measured or modeled extent of groundwater contamination
347			exceeding the applicable remediation objectives of Part 742 for the
348			groundwater ingestion exposure route or the applicable Part 620
349			groundwater quality standards;
350			ground water quanty standards ₂ .
351		<u>2</u> 3)	One or more tables listing the applicable setback zones and regulated
352			recharge areas for each community water system well and other potable
353			water supply walls identified underpursuant to this Section, and
354			water supply wells identified underpursuant to this Section; and-
355		<u>3</u> 4)	A narrative that at a minimum lister dentifies each antity contacted to
356		<u>5</u> 7) '	A narrative that, at a minimum, <u>listsidentifies</u> each entity contacted to
357			identify potable water supply wells and protected areas pursuant to this
358			Section, the name and title of each person contacted at each entity, and
359			any field observations while identifying and locating, if any, associated
360			with the identification and location of potable water supply wells.
361	(Sour	aa. Amar	adad at 42 III Dag affactive
362	(Sour	ce. Amei	nded at 43 Ill. Reg, effective)
363		CLID	DADT C. STANDADDS AND DEGLIDEMENTS FOR
364		SUD	PART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES
365			COMMONITY RELATIONS ACTIVITIES
366	Section 1600	200 D	mass and Casas
367	Section 1000	1.300 Pur	pose and Scope
368	ما	Thomas	maga of this Sylmout C actabilishes is to set 11' 1 d' .'
369	a)	and rear	pose of this Subpart C establishes is to establish the minimum standards
370		davalar	airements for an authorized party developing and implementingthe
			ment and implementation of community relations activities under Title IV-
371			Act. in accordance with Section 25d 7 of the Act when the Agency has
372			ed a person to provide the notice pursuant to subsections (a) and (c) of
373			25d-3 of the Act as part of the Agency-approved community relations
374			s. In addition, it is the purpose of this Part to ensure that these
375			nity community relations activities must fully inform communities and
376			als in a timely manner about offsite impacts or potential impacts from
377			l gas, or groundwater contamination, or any combination thereof and the
378			es to thosesuch impacts. This Subpart C contains the minimum
379			nents for the content, submission for review, distribution and
380			entation of notices, contact lists, fact sheets and CRPs, and the
381		establish	nment and maintenance of document repositories.
382	1	G 1	
383	b)	Subpart	C Not a Limitation:
384			

385 386 387 388 389 390 391 392 393 394 395 396		1)	This Subpart C establishes minimum requirements for community relations activities when such activities are to be performed in place of a notice by the Agency in accordance with subsection (a) of Section 25d-3 of the Act. Nothing in this Subpart C is intended to prohibit or prevent a person from implementing other community relations activities sooner than required, by this Subpart or under circumstances in addition to those described, in this Subpart. The Agency may recommend alternative times and other circumstances for performing that community relations activities be performed at other times and under other circumstances and may assist in developing offer assistance with development and implementing these implementation of such activities where resources permit.
397 398 399 400 401 402 403		2)	Nothing in this-Subpart C is intended to limit in any way the Agency's authority to provide independent notice of threatened threats of exposure to the public from soil, soil gas, or groundwater contamination, according toor any combination thereof, in accordance with Title VI-D of the Act [415 ILCS 5/25d-1 through 25d-10] and implementing rules or under any other authority.
404	(Sourc	e: Ame	ended at 43 Ill. Reg, effective)
405			
406	Section 1600.	305 Ap	oplicability
407	-)	XX71 X	VI 41 - A 1-4 1-4 1 4 14 4 1 1 4 1 1 4 1 1 4 1 1 4 1
408 409	a)		Whenever the Agency determines that it must provide notice <u>underpursuant</u>
410			ection (a) of Section 25d-3(a) of the Act, the Agency may authorize a
411			to provide the notice as part of the Agency-approved community relations es developed and implemented <u>underin accordance with</u> this Subpart-C.
412		activiti	es developed and implemented under maccordance with this Subpart .
413	b)	A nerso	on must developNothing in this Subpart C requires the development and
414	0)		nentimplementation of community relations activities underin accordance
415			is Subpart only if unless :
416			
417		1)	The Agency <u>informs</u> notifies the person in writing that a notice must be
418		•	issued under subsection (a) of Section 25d-3(a) of the Act;
419			22.3
420		2)	In that same writing As a part of the written notice to the person, the
421			Agency offers the person the opportunity to provide the notice in lieu of
422			the Agency issuing itthe notice; and
423			
424		3)	The person accepts the Agency's offer and notifies the Agency in writing
425			within seven days after receiving receipt of the Agency's offer letter
426			(unless a longer period of time-is provided in the offer Agency's notice
427			letter) that the personit intends to provide the notice in place of the

428 429 430 431		Agency as part of the community relations activities developed and implemented <u>underin accordance</u> with Subpart C-of this Part in lieu of the Agency providing the notice.
432 433 434 435 436	c)	Nothing in this-Subpart C is intended to prohibit the use of all or some of the standards and requirements <u>underset forth in</u> this Subpart C in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.
437 438	(Source	ee: Amended at 43 Ill. Reg, effective)
439 440 441	Section 1600. Relations Ac	310 Notices and Community Relations Plans for Limited Community tivities
442 443 444 445 446	a)	An authorized partyAuthorized parties must develop a notice and CRP consisting of a contact list and fact sheet undereomply with community relations requirements in this Section if, at five or fewer offsite properties or potable supply wells other than a community water supply well, the:
446 447 448 449 450 451 452 453		Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards at five or fewer offsite private, semi-private, or non-community water system wells;
454 455 456 457 458		Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite properties;
459 460 461 462		Offsite soil contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite properties; or
463 464 465 466		Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite properties.
467 468 469 470	b)	Notice and CRPAn authorized party, within the limits set forth in subsection (a) of this Section, must develop a notice and CRP consisting of a contact list and fact sheet in accordance with this subsection (b).

471			
472	1)	Motion	giggyod under this Section subsection (a) of Section 2512 Cd
473	1)	Acton	s issued under this Section subsection (e) of Section 25d-3 of the
474		ACT UIR	d this Part must be distributed to the contact list according to in
475			ance with Section 1600.335 of this Part to the contact list as derived
476			absection (b)(2) of this Section and may contain the following
477		inform	ation:
478		A \	
479		A)	The name and address of the site or facility where the release
480			occurred or is suspected to have occurred;
481		D)	The identification of the conteminant value of the conteminant value of
482		B)	The identification of the contaminant released or suspected to have
483			been released;
484		C	Information on to suboth outle and the subout of the suboth outless th
485		C)	Information as to whether the contaminant was released or
486			suspected to have been released into the air, land, or water;
487		D)	A history description of the notantial advance health effects and he
488		D)	A brief description of the potential adverse health effects posed by the contaminant;
489			the contaminant,
490		E)	A recommendation that water systems with wells impacted or
491		L)	A recommendation that water systems with wells impacted or
492			potentially impacted by the contamination be appropriately tested; and
493			unu
494		F)	The name, business address, and phone number of persons at the
495		1)	Agency from whom additional information about the release or
496			suspected release can be obtained. [415 ILCS 5/25d-3(c)]
497			suspected release can be obtained. [413 ILCS 3/230-3(C)]
498	2)	A cont	act list must be prepared by the The authorized party consisting must
499	2)		e a contact list, which must consist of affected, potentially affected,
500		200 mg	erested persons, including, but not limited to:
501		una mi	orested persons, merdanig, out not minted to.
502		A)	Owners of offsite properties served by private, semi-private, or
503		11)	non-community water system wells that have been or may be
504			impacted by groundwater contamination from the release;
505			impacted by groundwater contamination from the release,
506		B)	Owners of offsite properties without potable water supply wells
507		2)	but with groundwater that has been or may be impacted by
508			groundwater contamination from the release;
509			5. State with the following th
510		C)	Owners of offsite properties with buildings located above
511		- /	groundwater with measured contamination from volatile chemicals
512			posingthat poses a threat of indoor inhalation exposure above the
513			appropriate Tier 1 remediation objectives for the current use or
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uses;

- D) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- E) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses:
- F) Occupants of the properties identified in subsections (b)(2)(A), (b)(2)(C), (b)(2)(D), and (b)(2)(E) of this Section to the extent reasonably practicable, including. The contact list must include the methods used in attempting by which the authorized party has attempted to identify the occupants; and
- Government officials Officials of units of government serving the affected or potentially affected properties, including but not limited to State and federal legislators, county board chairs and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and local health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant to subsections (b)(2)(A) through (b)(2)(F) of this Section.
- A fact sheet for the release and response action must be developed by the authorized party and The authorized party must develop a fact sheet for the release and response action. The fact sheet must be distributed to the contact list according to in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2) of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates must contain, at a minimum, the following information ifto the extent available:
 - A) The nature and extent of the contaminant or contaminants identified onsite on and offsite off the site where the release occurred;
 - B) A brief description of the <u>potential exposure pathway or pathways</u> of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;

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557 558	C)	A description of the appropriate actions that a affected persons should take to evaluate the personal description of the appropriate actions that a
559		human health via a completed exposure pathw
560		water supply well sampling, soil gas sampling
561		actions, as well as any precautionary measure
562		or reduce public health impacts, if appropriate
563		
564	D)	A non-technical description of the <u>proposed</u> st
565		to address the contamination, such as including
566		soil excavation and treatment, disposal or redi
567		and-treat, bio-remediation, reliance on engine
568		institutional controls, groundwater monitoring
569		technologies, and so forth;
570		
571	E)	The anticipated remediation schedule through
572		project, including any operation, maintenance
573		following construction of the remedy;
574		
575	F)	The closure documentation expected from the
576		focused or comprehensive No Further Remed
577		permit modification, or Section 4(y) letter) an
578		contents of the closure documentation (e.g., re
579		barriers, institutional controls, or building con
580		
581	G)	Responses to key community concerns as exp
582		potentially affected, and interested persons;
583		
584	H)	The date of preparation date of the fact sheet,
585		information of the representative or representative
586		site, or facility representatives from whom inf

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- ffected or potentially otential for threats to vay, including potable g, and any other s necessary to avoid
- teps that are proposed g, but not limited to, stribution, pumpered barriers or g, building control
- completion of the , or monitoring
- Agency (e.g., lation (NFR) Letter, d a summary of the eliance on engineered itrol technologies);
- ressed by affected,
- the name and contact atives of the business. e, or facility representatives from whom information and siterelated documents may be obtained, and e-mail address, postal address and telephone number where the representative or representatives can be reached; and
- I) The name and contact information, e-mail address, postal address, and telephone number of the Agency's designated staff person; and
- An explanation of how additional information and site-related $\overline{\mathbf{J}}$ documentation can be obtained, including how to contacta statement that additional information and site-related documents may be available by contacting the Agency's designated staff person or file a request with the Agency underby filing a request

599 for site-specific information with the Agency in accordance with 600 the Freedom of Information Act [5 ILCS 140]. 601 602 c) If any information under subsection (b)(3) is unavailable when submitting For information that is not available when a fact sheet is prepared pursuant to 603 604 subsection (b)(3) of this Section, the submission of the fact sheet to the Agency, 605 for review must be accompanied by an explanation detailing of why the 606 information is unavailable is required. Anat the time of the submission of the fact 607 sheet and an estimate of when the missing information will be supplied in a 608 revised fact sheet must also be included. 609 610 d) Fact sheets and contact lists developed underin accordance with this Section must be updated and redistributed whenever new information is obtained or developed 611 612 or circumstances change so that there is a material change to the information 613 required or provided in the fact sheet (e.g., completion of site investigation and 614 characterization of the nature and extent of contaminants, higher concentrations of 615 contaminants than previously detected, evidence of additional contaminants of 616 concern or of a larger area affected by contamination, approval of plans or 617 reports, completion of response action activities). 618 619 (Source: Amended at 43 Ill. Reg. , effective) 620 621 Section 1600.315 Notices, Fact Sheet and Community Relations Plans for Expanded 622 **Community Relations Activities** 623 624 a) An authorized party Authorized parties must develop a notice, CRP, and fact sheet 625 undercomply with the community relations requirements in this Section if: 626 627 1) At more than five offsite properties or potable water supply wells other 628 than a community water supply well, the: 629 630 Measured or modeled groundwater contamination from the site A) 631 where the release occurred (including the impact from soil 632 contamination in concentrations exceeding the applicable 633 remediation objectives for the soil component of the groundwater 634 ingestion exposure route) poses a threat above the Class I 635 groundwater quality standards at more than five offsite private, 636 semi-private, or non-community water system wells or one or more 637 community water system wells; 638 639 Measured offsite groundwater contamination from volatile B_2) 640 chemicals from the site where the release occurred poses a threat 641 of indoor inhalation exposure above the appropriate Tier 1

642 643				remediation objectives for the current use or uses at more than five offsite properties;
644				offsite properties,
645			<u>C</u> 3)	Offsite soil contamination from the site where the release occurred
646			<u>o</u> 5)	poses a threat of exposure above the appropriate Tier 1 remediation
647				objectives for the current use or uses at more than five offsite
648				properties; or
649				properties, or
650			<u>D</u> 4)	Measured offsite soil gas contamination from the site where the
651			<u>D</u> 1)	release occurred poses a threat of exposure above the appropriate
652				Tier 1 remediation objectives for the current use or uses; or at more
653				than five offsite properties.
654				than rive orisite properties.
655		<u>2</u>)	At one	or more community water supply wells, measured or modeled
656		<u>~)</u>		lwater contamination from the site where the release occurred
657				ling the impact from soil contamination in concentrations exceeding
658				olicable remediation objectives for the soil component of the
659				Iwater ingestion exposure route) poses a threat above the Class I
660				lwater quality standards.
661			ground	iwater quanty standards.
662	b)	Notice	CRP	and Fact SheetAn authorized party exceeding the limits set forth in
663	U)			
664				of this Section must develop a notice and a CRP and fact sheet in
665				ith this subsection (b). Appendix A of this Part contains the outline
666		or a m	ouer Cr	RP that may be appropriate for a site subject to this Section.
		1)	Nation	a must be developed executive to
667 669		1)		s must be developed <u>according to in accordance with subsection</u>
668				of Section 1600.310(b)(1) of this Part and distributed to the contact
669 670				cording to in accordance with Section 1600.335 of this Part to the
670 671			comac	t list as derived from subsection (b)(2)(D) of this Section.
671 672		2)	T1 ()	DD mood by tour tour states at the state of
672		2)	ine Ci	RP must be implemented <u>according to in accordance with</u> Section
673				35 of this Part and must include, but is not limited to, the following
674				nts to the extent related to the contaminant or contaminants being
675			addres	sed in the response action:
676				
677			A)	A description of the site or facility and details of the release,
678				includingand any related soil, soil gas, or groundwater
679				contamination;
680			D .	
681			B)	A list of community issues and concerns collected from affected,
682				potentially affected, and interested persons identified
683				through the process outlined in subsection (b)(2)(D)-of this
684				Section;

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- C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested persons, and a schedule for activities and objectives; and
- D) A contact list, along with the The process for identifying and updating the contact list, consisting which must consist of affected, potentially affected, and interested persons, including, but not limited to:
 - i) Owners of offsite properties served by private, semiprivate, or non-community water systems that have been or may be impacted by groundwater contamination from the release;
 - ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
 - iii) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - iv) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals <u>posingthat poses</u> a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current <u>use or uses</u>;
 - v) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
 - vi) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
 - vii) Occupants of the properties identified in subsections (b)(2)(D)(i), (b)(2)(D)(iv), (b)(2)(D)(v), and (b)(2)(D)(vi) of this Section to the extent reasonably practicable. The

CRP must include the methods by which the authorized party will attempt to identify the occupants;

- viii) Government officials Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant to subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) of this Section; and
- ix) Citizens, identified groups, organizations or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may include (e.g., public and private school administrators, parent organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.
- A fact sheet for the release and response action must be developed by the authorized party and Along with the development of a notice and CRP in accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be distributed to the contact list according to in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)(D) of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any updates to the fact sheet must be produced and distributed in English and any other predominant languages spoken in the affected area. The fact

sheet and any required updates must contain, at a minimum, the following information ifto the extent available:

- A) The nature and extent of the contaminant or contaminants identified on-site and off-site of the site where the release occurred;
- B) A brief description of the <u>potential exposure pathways pathway or</u> pathways of potential exposure and the <u>potential adverse</u> public health effects posed by the <u>contaminant or</u> contaminants;
- C) A description of the appropriate actions that affected or potentially affected persons should take to evaluate the potential for threats to human health via a completed exposure pathway, including potable water supply well sampling, soil gas sampling, and any other actions, and, if appropriate, as well as any precautionary measures necessary to avoid or reduce public health impacts, if appropriate;
- D) A non-technical description of the <u>proposed</u> steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;
- E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
- F) The closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, institutional controls, or building control technologies);
- G) Responses to key community concerns as-expressed by affected, potentially affected, and interested persons;
- H) The <u>websiteWorld Wide Web address</u> of the <u>document</u> repositoryDocument Repository established <u>underpursuant to</u>
 Section 1600.320 of this Part and, if a physical location is also required, its the address and hours of the document repository

811 established at a physical location, if also required pursuant to Section 1600.320 of this Part: 812 813 814 I) The date of preparation of the fact sheet was prepared, the name 815 and contact information of the individual representative or representatives of the business, site or facility from whom 816 817 information and copies of repository and other site-related 818 documents may be obtained, and e-mail address, postal address 819 and telephone number where the representative or representatives 820 can be reached; and 821 822 The name and contact information, e-mail address, postal address J) 823 and telephone number of the Agency's designated staff person; and 824 825 K) An explanation of how additional information and site-related 826 documentation can be obtained, including how to contacta 827 statement that additional information and site-related documents 828 may be available by contacting the Agency's designated staff 829 person or file a request with the Agency under theby filing a 830 request for site-specific information with the Agency in accordance 831 with the Freedom of Information Act [5 ILCS 140]. 832 833 c) If any information under subsection (b)(3) is unavailable when submitting For 834 information that is not available when a fact sheet is prepared pursuant to 835 subsection (b)(3) of this Section, the submission of the fact sheet to the Agency. 836 for review shall be accompanied by an explanation detailing of why the 837 information is unavailable is required. Anat the time of the submission of the fact 838 sheet and an estimate of when the missing information will be supplied in a 839 revised fact sheet must also be included. 840 841 d) Updates 842 843 1) Fact sheets developed underin accordance with subsection (b)(3) of this 844 Section must be updated and redistributed whenever new information is 845 obtained or developed or circumstances change so that there is a material 846 change to the information required or provided in the fact sheet (e.g., 847 completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than 848 849 previously detected, evidence of additional contaminants of concern or of 850 a larger area affected by contamination, approval of plans or reports, 851 completion of response action activities). 852

853 854 855 856 857 858 859 860 861		2)	The CRP including, but not limited to, the contact list, and related documents under this Section must be reviewed on a regular basis and updated, as necessary, to ensure that timely and accurate information is provided to affected, potentially affected and interested persons and communities about contaminant releases of contaminants with actual or potential impacts to offsite wells and; offsite property uses, or both. A current version of the publicly available CRP must be kept in the document repository described in Section 1600.320.
862	<u>e)</u>	Appen	dix A of this Part contains the outline of a model CRP that may be
863		approp	priate for a site subject to this Section.
864			
865	(Sourc	e: Ame	ended at 43 Ill. Reg, effective)
866	C 4 1600	220 F	
867 868	Section 1600.	320 Es	tablishment of Document Repository
869	An outhorized	nortyA	uthorized parties developing a CRP underpursuant to Section 1600.315 of
870	this Part also r	partyri	tablish a document repository for document viewing and copyingthe
871			documents and providing copies of those documents. The document
872			ailable onlineestablished at a World Wide Web site. A document
873			al location, as described under subsection (c), of this Section also must be
874			st for onea repository at a physical location is made to the authorized party
875	or to-the Agen		or to 1 one of the appropriate to the authorized party
876		,	
877	a)	The do	ocument repository must include the notice, CRP, all public notices (e.g.,
878	,		of publication for newspaper or other published notices, letters, door
879			rs, or other forms of public notification), all fact sheets, all applications,
880		_	and reports submitted to the Agency for review and approval and
881		_	uent Agency comment packages, and all final determinations by the
882			y, such as an NFR Letter, permit modification, or other project completion
883			nentation.
884			
885		1)	The authorized party must update the repository promptly and
886			continuously as notices, fact sheets, plans, reports, comment packages, and
887			Agency decisions are generated throughout the process.
888			
889		2)	The documents must be created, organized and indexed so that affected,
890			potentially affected, or interested persons can identify, locate, and

download documents of interest.

The repository must include the business, site or facility representative's

contact informatione-mail, postal address, and telephone number where

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895 inquiries can be directed and persons can request copies of repository 896 documents and other site-related documents by mail. 897 898 b) Online Repositories at World Wide Web Sites 899 900 1) Documents The documents must be in a readily available format for downloading and printing (e.g., portable document format (.pdf), graphic 901 902 interchange format (.gif), tagged image file format (.tiff), joint 903 photographic group format (.jpg)) with links to downloadweb sites where 904 software for viewingto view and printingprint the documents may be 905 downloaded. 906 907 2) Documents that cannot be converted to a readily available format for 908 downloading and printing must be described in the document index. 909 identified as available upon request, and made available according toin 910 accordance with subsection (a)(3) of this Section. 911 912 3) System capacity must be sufficient to accommodate the anticipated 913 number of viewers and to support the viewing and downloading of the 914 documents in the repository documents and to accommodate the 915 anticipated number of viewers. 916 917 c) Repositories at Physical Locations 918 919 1) Repositories established at physical locations must be established no later than 10ten business days after receiving eitherreceipt of a request for a 920 921 repository at a physical location or Agencyreceipt of the Agency's 922 notification that a request has been made to the Agency, whichever is 923 earlier. 924 925 2) Repositories established at a physical location must be at a public location 926 (e.g., public library, city hall) and open to the public at times convenient to 927 affected, potentially affected, or interested persons. 928 929 d) Information deemed trade secrets or non-disclosable underin accordance with 930 Board procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. 931 Code 1828 may be redacted or excluded from the repository consistent with the 932 requirement for providing the public all documents that have not been deemed 933 confidential. Information to be added to the document repository also must be 934 screened to ensure that personal information identifying affected, potentially 935 affected, or interested persons or their exact property locations is not disclosed. 936

937 938	e)	The document repository <u>must remain accessible for at leastmay be discontinued</u>
939		no less than 180 days after the recording of the NFR Letter or Agencythe issuance
939 940		of other project completion documentation by the Agency (e.g., permit
		modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))).
941 942	(Source	ce: Amended at 43 Ill. Reg, effective)
943	(2002)	, onodivo
944	Section 1600	.325 Submission of Notices, Contact Lists, and Fact Sheets and Community
945		ans for Review
946		
947	a)	Except as provided in subsection (b) of this Section or Section 1600.330(d) of this
948		Part, within 30 days after the date of acceptance, the authorized partyparties must,
949		within 30 days after the date of their acceptance:
950		
951		1) Submit to the Agency a notice and CRP satisfying the requirements of
952		Section 1600.310(b) of this Part or a notice, CRP, fact sheet, and contact
953		list satisfying the requirements of Section 1600.315(b) of this Part; and
954		
955		2) Establish an onlinea World Wide Web site document repository if required
956		underin accordance with Section 1600.320 of this Part.
957		
958	b)	Updates of CRPs, fact sheets or both and updates of contact lists prepared
959		pursuant to Section 1600.310(d) or Section 1600.315(d) of this Part also must be
960		submitted to the for Agency for review in accordance with subsection (a) of this
961		Section, except that the updates must be submitted to the Agency within 10ten
962		days after preparing the revised CRP or developing or obtaining new information
963		that would materially change the information required or provided in the fact
964		sheet.
965		
966	c)	If authorized by the Agency, CRPs, notices, contact lists or fact sheets may be
967	- /	filed in specified electronic formats.
968		
969	(Sour	ce: Amended at 43 Ill. Reg, effective)
970	(-2 - 3 - 2 - 3 - 2 - 3 - 3 - 3 - 3 - 3 -	
971	Section 1600	.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community
972	Relations Pla	· · · · · · · · · · · · · · · · · · ·
973		
974	a)	The Agency has 30 days from receipt of a notice, contact list, fact sheet, CRP, or
975	/	related updates of such documents to conduct a review approving, approving with
976		conditions or modifications, and approve or disapproving disapprove of the
977		documents document(s) or approve of the document(s) with conditions or
978		modifications. All reviews must be based on the standards for review set forth in
979		subsection (b) of this Section.
		bacobeaton (d) or min pagnon.

980			
981		1)	The Agency's record of the date it received of receipt of a notice, contact
982			list, fact sheet, or CRP will be deemed conclusive unless a contrary date is
983			proved by a signed, dated receipt from the Agency or certified mail or
984			registered mail.
985			8
986		2)	An authorized partyparties may waive the time-period for review-upon a
987		_/	request from the Agency or at the authorized party's discretion.
988			request from the rigoroy of at the damonized party 5 disoretion.
989	b)	When	reviewing documents under this Section, a notice, contact list, fact sheet or
990	0)		the Agency must consider:
991		citi,	the rigoroy must consider.
992		1)	Whether the notice complies with Section 1600.310(b)(1) or Section
993		1)	1600.315(b)(1) the requirements of subsection (b) of Section 1600.310(b)
994			of this Part or Section 1600.315(b) of this Part;
995			or this rait or section 1000.515(b) or this rait,
996		2)	Whether the CRP contains the elements required by Section
997		2)	1600.315(b)(2) of this Part;
998			1000.515(0)(2) or this Fait,
999		2)	Whathan the fact shoot contains the claments namined by Carting
1000		3)	Whether the fact sheet contains the elements required by Section
1000			1600.310(b)(3) of this Part or Section 1600.315(b)(3) of this Part
1001			including, but not limited to, any explanation of why specified information
			is unavailable at the time of the submission of the fact sheet and an
1003			estimate of when the missing information will be supplied in a revised fact
1004			sheet;
1005		45	What and a information is the maties and at 11 to C to 1 to CDD:
1006		4)	Whether the information in the notice, contact list, fact sheet or CRP is
1007			consistent with the information contained in the Agency's records and any
1008			field observations; and
1009		5)	TTTI (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1
1010		5)	Whether the authorized party hasparties have clearly defined:
1011			
1012			A) Persons required to be included in the contact list for notices and
1013			fact sheets underin accordance with Section 1600.310(b) of this
1014			Part or Section 1600.315(b) of this Part; or
1015			
1016			B) The demographics of nearby populations potentiallythat may be
1017			affected by or concerned about site activities for notification
1018			purposes of notification under the CRP, including, but not limited
1019			to, residences, businesses, day care centers, schools, nursing
1020			homes, hospitals and clinics.
1021			

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1022	c)	Upo:	n completingeompletion of the review, the Agency must notify the authorized
1023	,		y in writing whether the notices, contact list, fact sheet, or CRP is approved,
1024			oved with conditions or modifications, or disapproved. The notification must
1025			nade by certified mail or registered mail postmarked with a date stamp and
1026			return receipt requested, or by email with consent of the recipient. If the
1027			ncy disapproves a document, or approves a document with conditions or
1028			ifications, the notification must contain the following information, as
1029			icable:
1030		• •	
1031		1)	An explanation of the specific information or documentation, if any, that
1032		ŕ	the Agency determines is lacking, missing, the authorized party did not
1033			provide or is inconsistent with the information contained in the Agency's
1034			records and any field observations;
1035			·
1036		2)	A list of the provisions of this Part that may be violated if the document is
1037		ŕ	approved as submitted;
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1039		3)	A statement of the reasons why the provisions cited in subsection (c)(2) of

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- 3) A statement of the reasons why the provisions cited in subsection (c)(2) θ this Section may be violated if the document is approved as submitted; and
- 4) An explanation justifying the inclusion of anythe reasons for conditions or modifications if conditions or modifications are required.
- d) If the Agency disapproves of a document under this Sectionnotice, contact list. fact sheet or CRP or approves it of a notice, contact list, fact sheet or CRP with conditions or modifications, the authorized party must submit a revised version of the document to the Agency within 10ten days after receiving the Agency's decisiondisapproval or approval with conditions or modifications.
- If a revised notice, contact list, fact sheet or CRP is not received by the Agency e) within 10ten days, or if a revised document is not approved on the second Agency review, the Agency, in addition to any other remedies that may be available, may provide notice to the public and seek cost recovery from the authorized party underpursuant to Title VI-D of the Act, or pursue an enforcement action against the authorized party for failure to develop and implement an Agency-approved notice, contact list, fact sheet or CRP.
 - 1) In addition to any other defenses that may be available to the authorized party, it is shall be a defense to an Agency action to obtain cost recovery for notification or for an alleged violation of the requirement to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP that the document submitted to and rejected by the Agency satisfies the

1064 1065		requirements of for such documents as set forth in Sections 1600.310 or and 1600.315 of this Part.
1066		
1067		2) The defense described in subsection (e)(1) does not limit the use of this
1068		defense in other circumstances where appropriate.
1069		and the second of the second o
1070	f)	To The Agency will, to the extent consistent with review deadlines, the Agency
1071	,	will provide the authorized party with a reasonable opportunity to correct
1072		deficiencies within a notice, contact list, fact sheet, or CRP prior to sending a
1073		disapproval of a notice, contact list, fact sheet or CRP or an approval with
1074		conditions or modifications of these documents. However, resubmitting a
1075		document to correct the correction of such deficiencies by the submission of
1076		additional information may, in the sole discretion of the Agency, restart the time
1077		for review.
1078		
1079	g)	If the Agency does not issue its final determination on the notice, contact list, fact
1080	υ,	sheet, CRP, or updates of these such documents within 30 days after receiving the
1081		receipt of the document, the document will be deemed approved as submitted.
1082		SALARIA NA
1083	(Sour	ce: Amended at 43 Ill. Reg, effective)
1084	`	
1085	Section 1600	.335 Implementation of Community Relations Plans and Distribution of
1086		Fact Sheets; Records Retention
1087		
1088	a)	Implementing Implementation of the CRP or distributing distribution of a notice or
1089		fact sheet must begin within five days after receiving receipt of the Agency's
1090		approval of the document or within 10ten days after the date the document is
1091		deemed approved underpursuant to Section 1600.330(g)(f) of this Part.
1092		
1093	b)	The authorized party Authorized parties must:
1094		The authorized party rathorized parties must.
		The authorized party Authorized parties must.
1095		Provide to the Agency copies of all public notices (including, but not
1095 1096		
		1) Provide to the Agency copies of all public notices (including, but not
1096		Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices,
1096 1097		Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification);
1096 1097 1098		Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification);
1096 1097 1098 1099		Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and
1096 1097 1098 1099 1100 1101 1102		 Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and Inform the Agency in writing two weeks <u>priorin advance of plans</u> to
1096 1097 1098 1099 1100 1101 1102 1103		 Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and Inform the Agency in writing two weeks <u>priorin advance of plans</u> to <u>holdinghold</u> public meetings or press conferences about site activities or
1096 1097 1098 1099 1100 1101 1102 1103 1104	c)	 Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and Inform the Agency in writing two weeks priorin advance of plans to holdinghold public meetings or press conferences about site activities or developments. The authorized party Authorized parties must retain records and documents
1096 1097 1098 1099 1100 1101 1102 1103	c)	 Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and Inform the Agency in writing two weeks <u>priorin advance of plans</u> to holdinghold public meetings or press conferences about site activities or developments.

Section 1600.APPENDIX A Contents of a Model Community Relations Plan

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This Appendix A lists the four key elements of a CRP for an authorized party proceeding under Section 1600.315 of this Part and several factors that might be included with each element in a CRP prepared for the site where the release occurred. Unless otherwise required by rule, all the factors listed with each element may not be necessary for each site developing and implementing a CRP <u>underpursuant to</u> this Part, but each factor should be considered when developing the CRP.

1. Site/Facility Description: The CRP should provide a brief overview of the site where the release occurred, including, but not limited to, a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.

 2. Community Issues and Concerns: The CRP should provide a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially affected and interested persons and their preferred language-or languages, key community concerns, and any-preferred methods of communication as learned through research-work, interviews, and surveys of a representative sample of affected, potentially affected, and interested persons identified through the process outlined in the fourth element below.

3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested persons apprised of <u>site</u> conditions—at the site, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact persons and contact information for public inquiries should be clearly defined. Additionally, details about the location of, and access to, the document repository should be outlined in this section of the CRP.

4. Contact List: The CRP should outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested persons, including, but not limited to:

A. Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;

1165 1166 1167	В.	Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
1167 1168 1169 1170 1171	C.	Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
1171 1172 1173 1174 1175 1176	D.	Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
1177 1177 1178 1179	E.	Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
1180 1181 1182 1183	F.	Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
1184 1185 1186 1187	G.	Occupants of properties identified in paragraphs A, D, E, and F to the extent reasonably practicable. The CRP must include the methods by which the authorized party will attempt to identify the occupants;
1188 1189 1190 1191 1192 1193 1194 1195 1196	H.	Government officials Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant to Section 1600.315(b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix); and
1197 1198 1199 1200 1201 1202 1203 1204 1205 1206	I.	Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may include (e.g., public and private school administrators, parent organization leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

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1208 (Source: Amended at 43 Ill. Reg. _____, effective _____)

(a) = 11 5 |

POPULION CONTROL BOARS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE O: RIGHT TO KNOW

CHAPTER I: POLLUTION CONTROL BOARD

PART 1600

STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS AND FOR COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION WITH AGENCY NOTICES OF THREATS FROM CONTAMINATION

SUBPART A: GENERAL

Section

1600.100 Purpose and Scope (Repealed)

1600.105 Applicability (Repealed)

1600.110 Definitions

1600.115 Severability

SUBPART B: STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS

Section

1600.200 Purpose and Scope

1600.205 Applicability

1600.210 Procedures for Potable Water Supply Well Surveys

SUBPART C: STANDARDS AND REQUIREMENTS FOR

COMMUNITY RELATIONS ACTIVITIES

Section

1600.300 Purpose and Scope

1600.305 Applicability

1600.310 Notices and Community Relations Plans for Limited Community Relations Activities

1600.315 Notices, Fact Sheets and Community Relations Plans for Expanded Community Relations Activities

1600.320 Establishment of Document Repository

1600.325 Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans for Review

1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans

1600.335 Implementation of Community Relations Plans and Distribution of Notices and Fact Sheets; Records Retention

1600.340 Compliance

1600.APPENDIX A Contents of a Model Community Relations Plan

AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-7(a) of the Environmental Protection Act [415 ILCS $5\frac{\sqrt{25d-3(c)}}{\sqrt{25d-3(c)}}$].

SOURCE: Adopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended in R14-23 at 39 Ill. Reg. 3968, effective February 26,

10152	2015; amended in R18-30 at 43 Ill. Reg, effective
SUBPA	ART A: GENERAL
Secti	ion 1600.100 Purpose and Scope (Repealed)
condu Board those to se requi the A subse	The purpose of this Part is to set forth in accordance with ion 25d 7 of the Act [415 ILCS 5/25d 7] the minimum procedures for setting potable water supply well surveys pursuant to applicable living and for the documentation and reporting of the results of surveys to the Agency. In addition, the purpose of this Part is at forth in accordance with Section 25d 7 of the Act standards and rements for the performance of community relations activities when Agency has authorized a person to provide the notice pursuant to sections (a) and (c) of Section 25d 3 of the Act [415 ILCS 5/25d 3 (c)] as part of the Agency approved community relations activities
subse perso	Subsection (a) of Section 25d 3 of the Act requires that the by provide notice under certain specified circumstances while ection (c) of Section 25d 3 provides that the Agency may authorize on who has implemented community relations activities to provide the in place of the Agency.
proviminim water and dand t in th	The standards and requirements in Subpart C of this Part are for anity relations activities performed by parties authorized to de notice in place of the Agency. This Part establishes the num standards and requirements for the performance of the potable supply well surveys and the development, review, implementation distribution of notices, fact sheets and community relations plans the establishment and maintenance of document repositories. Nothing Part relieves an authorized party from reporting and notice gations under other federal and State environmental laws.
(Sour	cce: Repealed at 43 Ill. Reg, effective)
Secti	on 1600.105 Applicability (Repealed)
	erts B and C of this Part contain separate and independent cability provisions.
	(Source: Repealed at 43 Ill. Reg, effective
Secti	on 1600.110 Definitions
unles the d	es otherwise providedExcept as statedprovided in this Section, or as a different meaning of a word or term is clear from the context definitions of the Environmental Protection Act apply to the same

same words or terms in Title I or Title VI D of the Environmental Protection Act.

"Act" means the Environmental Protection Act- [415 ILCS 5]_

"Agency" is the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

"Authorized party" means a person authorized by the Agency under-subsection (c) of Section 25d-3(c) of the Act [415 ILCS 5/25d 3(c)] and Subpart C of this Part to provide notice as part of Agency-approved community relations activities in lieu of a notice required to be given by the Agency.

"Board" is the Pollution Control Board. [415 ILCS 5/3.130]

"Building control technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing or preventing contaminant migration to the indoor air.

"Class I groundwater quality standards" means the Class I groundwater quality standards specified inlocated atin 35 Ill. Adm. Code 620.410.

"Contaminant" is any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/3.165]

"CRP" means the community relations plan required under Title VI-D of the Act and Subpart C of this Part.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency, and instrumentality of the United States. [415 ILCS 5/58.2]

"Person performing a response action" means the person or persons taking responsibility for addressing a release by authorizing or approving the performance of a response action (e.g., Leaking Underground Storage Tank Program owner or operator, Site Remediation Program Remediation Applicant, permittees). The phrase does not include persons who have been hired or authorized to perform the response action by the person taking responsibility for the release or persons with whom the person taking responsibility for the release has contracted or subcontracted to perform the response action.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling

stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS 5/3.395]

"Response action" means any action or series of actions taken to address a release of contaminants or its effects as may be necessary or appropriate to protect human health or the environment. A response action may include, but is not limited to, release investigation and characterization, soil remediation, and groundwater remediation.

"Soil gas" means the air existing in void spaces in the soil between the groundwater table and the ground surface. [415 ILCS 5/25d-1]

"Tier 1 remediation objectives" means the Tier 1 remediation objectives specified inlocated atin 35 Ill. Adm. Code 742.

"Volatile chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than 1.9 x 10-2 or a vapor pressure greater than 0.1 Torr (mmHg) at $25\,^{\circ}$ C. For purposes of the indoor inhalation exposure route, elemental mercury is included in this definition.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1600.115 Severability

If any provision of this Part is adjudged invalid, or its if the application to any person or in any circumstance is adjudged invalid, the adjudicationsuch invalidityadjudication will not affect the validity of this SubtitlePartSubtitle as a whole or any Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS

Section 1600.200 Purpose and Scope

The purpose of this Subpart B establishesis to establishestablishes minimum standards and requirements for performing potable water supply well surveys to ensure that these wells are accurately identified and located to determine these that the impacts and potential impacts to these suchwells from soil, soil gas, or groundwater contamination, or both, can be identified. The effects of soil contamination on groundwater contamination are evaluated as the soil component of the

groundwater ingestion exposure route using modeling as referenced in this Subpart B. This Subpart B sets forth the procedures persons subject to this Subpart B must use when performing these to perform potable water supply well surveys and documentingfor the the Agency.

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(Source:	Amended	at	43	Ill.	Reg.	 effective
_)						

Section 1600.205 Applicability

- a) Except as provided in subsection (b) of this Section, this Subpart B applies to persons required under Board rules to performerformingperform response actions for soil and groundwater contamination. The pursuant to applicable Board rules. Whenever a response action for soil or groundwater contamination, or both, is required pursuant to applicable Board rules, the person subject to those rules must comply with the standardsThestandards and requirements of this Subpart apply if, as part of the response action, B when a well survey is required to determine the existence and location of potable water supply wells. TheWhen determining the existence and location of these wells, theThe person performing the well survey must also must identify and locate setback zones and regulated recharge areas associated with the wells.
- This Subpart B does not contain an independent requirement to perform a potable water supply well survey. If the Board rules governing the response action require the performance of a well survey as part of the response action, this Subpart B sets forth the minimum standards and requirements for that must be satisfied when performing that well survey and properly documenting itpreparing the documentationit for submission to the Agency. The Board's response action rules also governIn addition, the govern submission and review of well survey documentation and appeals of Agency final determinations regarding concerning well survey procedures and reporting are subject to the rules governing the response action.
- 2) Applicable Board rules requiring potable water supply well surveys as part of response actions may supersede the requirements ofthis Subpart B only to the extent their express provisions are equivalent to, or more stringent than, the standards and requirements of this Subpart—B.
- b) Persons performing response actions pursuant to applicable Board rules who already have initiated the response action for a release as of September 15, 2006 may be required by the Agency to perform an otherwise required potable water supply well survey in accordance with this Subpart B if:
- 1) The Agency requires the performance of a well survey in accordance with the applicable Board rules; and

2) The well survey:

- A) has not been performed as of September 15, 2006; or
- B) has been performed but has not been approved by the Agency as of September 15, 2006 and the well survey performed does not satisfy the requirements of this Subpart B.be) Nothing in this Subpart B is intended to prohibit the use of all or some of the standards and requirements set forth in this Subpart B in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

(Source: Amended at 43 Ill. Reg. _____, effective

Section 1600.210 Procedures for Potable Water Supply Well Surveys

- a) When applicable Board rules require a well survey to determine the existence and location of potable water supply wells, the following must be identified:
- 1) Allpersons subject to this Subpart B must identify allAll private, semi-private, and non-community water system wells located at the property where the release occurred or within 200 feet of the property where the release occurred;
- 2) AllallAll community water system ("CWS") wells located at the property where the release occurred or within 2,500 feet of the property where the release occurred; and
- 3) Allaliall setback zones and regulated recharge areas in which all or any portion of the property where the release occurred is located.
- b) The person performing the well survey must take actionActions takenaction to identify the wells and associated protected areas, which includes must include, but are not limited to, including the following:
- 1) Contacting the Agency's Division of Public Water Supplies to identify community water system wells and associated setback zones and regulated recharge areas;
- 2) Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health (or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells, other than community water system wells, and their setback zones; and
- 3) Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.

- c) In addition to identifying potable water supply wells and associated protected areas pursuant to subsections (a) and (b) of this Section, persons subject to this Subpart B may be required to must expand the area of the potable water supply well survey.
- 1) An expanded well survey is required if measured or modeled groundwater contamination extends beyond a boundary of the property where the release occurred in concentrations exceeding the applicable remediation objectives of 35 Ill. Adm. Code 742.Appendix B: Table E for the groundwater ingestion exposure route or the applicable groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III).
- A) If there is no Table E objective or Part 620 standard, the Agency will determine or approve an objective according toshall be determined or approved by the Agency in accordance withto 35 Ill. Adm. Code 620. Subpart F.
- B)1) The extent of modeled groundwater contamination must be determined using the procedures of 35 Ill. Adm. Code 742 or another model or methodology approved by the Agency. When modeling the extent of groundwater contamination, the modeling must include the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route.
- 2) At a minimum, the expanded well survey must identify the following:
- A) All private, semi-private, and non-community water system wells located within 200 feet, and all community water system wells located within 2,500 feet, of the measured orandor modeled extent of groundwater contamination exceeding the applicable remediation objectives of Part 742 for the groundwater ingestion exposure route or the applicable Part 620 groundwater quality standards; and
- B) All setback zones and regulated recharge areas whereinin which any portion of the measured or modeled extent of groundwater contamination exceeding the applicable remediation objectives of Part 742 for the groundwater ingestion exposure route or Part 620 remediation objectives is located.
- d) The Agency may, based on site-specific circumstances or information collection deficiencies (e.g., incomplete, conflicting or imprecise information, information assembled from unverified sources), require additional investigation to determine the existence or location of potable water supply wells, setback zones, or regulated recharge areas. The additional investigation may include, but is not limited to, physical well surveys (e.g., interviewing property owners, investigating individual properties for wellheads, distributing door hangers or other materials requesting information about the existence of potable water supply wells).

- e) Documentation of a potable water supply well survey conducted underin accordance withunder this Section must include, but is not limited to, the following:
- 1) One or more maps to a scale <u>depicting</u>clearly showing depicting the following:
- A) The locations of the community water system wells and other potable water supply wells identified underpursuant tounder this Section; and
- B) The location and extent of setback zones and regulated recharge areas identified underpursuant tounder this Section; and.
- C2) The maps showing the well locations, setback zones and regulated recharge areas pursuant to subsection (e)(1) of this Section must show those) The areas identified in subsections (A) and (B) in relation to the measured or modeled extent of groundwater contamination exceeding the applicable remediation objectives of Part 742 for the groundwater ingestion exposure route or the applicable Part 620 groundwater quality standards.
- 232) One or more tables listing the applicable setback zones and regulated recharge areas for each community water system well and other potable water supply wells identified underpursuant tounder this Section; and
- 342) A narrative that, at a minimum, listsidentifies lists each entity contacted to identify potable water supply wells and protected areas—pursuant to this Section, the name and title of each person contacted at each entity, and any field observations while identifying and locating, if any, associated with the identification and location of the potable water supply wells.

(Source:	Amended	at	43	Ill.	Reg.	 effective
)						

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES

Section 1600.300 Purpose and Scope

a) The purpose of this Subpart C establishesis to establish theestablishes minimum standards and requirements for an authorized party developing and implementingthe development and implementation of implementing community relations activities under Title IV-D of the Act.in accordance with Section 25d 7 of the Act when the Agency has authorized a person to provide the notice pursuant to subsections (a) and (c) of Section 25d 3 of the Act as part of the Agency approved community relations activities. In addition, it is the purpose of this Part to ensure that these Community community relations

activities must fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil, soil gas, or groundwater contamination, or any combination thereof and the responses to those impacts. This Subpart C contains the minimum requirements for the content, submission for review, distribution and implementation of notices, contact lists, fact sheets and CRPs, and the establishment and maintenance of document repositories.

- b) Subpart C Not a Limitation:
- This Subpart C establishes minimum requirements for community relations activities when such activities are to be performed in place of a notice by the Agency in accordance with subsection (a) of Section 25d 3 of the Act. Nothing in this Subpart C is intended to prohibit or prevent a person from implementing other community relations activities sooner than required, by this Subpart or under circumstances in addition to those described, in this Subpart. The Agency may recommend alternative times and other circumstances for performing that performing community relations activities be performed at other times and under other circumstances and may assist in developing offer assistance with development developing and implementing these implementation of such activities where resources permit.
- 2) Nothing in this Subpart C is intended to limit in any way the Agency's authority to provide independent notice of threatenedthreats of exposure the public threatened exposure from soil, soil gas, or groundwater contamination, according to, or any combination thereof, in accordance with Title VI-D of the Act [415 ILCS 5/25d-1 through 25d-10] and implementing rules or under any other authority.

(Source	e: Amer	nded at	43	Ill.	Reg.	 effective
)					

Section 1600.305 Applicability

- a) WhenWheneverWhen the Agency determines that it must provide notice underpursuant to subsection (a) of under Section 25d-3(a) of the Act, the Agency may authorize a person to provide the notice as part of the Agency-approved community relations activities developed and implemented underin accordance withunder this Subpart—C.
- b) A person must developNothing in this Subpart C requires the development and implementation ofdevelop and implement community relations activities underin accordance withunder this Subpart only ifunlessif:
- 1) The Agency informsnotifies informs the person in writing that a notice must be issued under subsection (a) of Section 25d-3(a) of the Act;

- 2) In that same writing, As a part of the written notice to the person, the Agency offers the person the opportunity to provide the notice in lieu of the Agency issuing itthe noticeit; and
- 3) The person accepts the Agency's offer and notifies the Agency in writing within seven days after receiving receiving the Agency's offer letter (unless a longer period of time is provided in the offerAgency's noticeoffer letter) that the personit person intends to provide the notice in place of the Agency as part of the community relations activities developed and implemented underin accordance withunder Subpart C of this Part in lieu of the Agency providing the notice.
- c) Nothing in this Subpart C is intended to prohibit the use of all or some of the standards and requirements underset forth inunder this Subpart C in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

Section 1600.310 Notices and Community Relations Plans for Limited Community Relations Activities

- a) An authorized partyAuthorized partiesparty must develop a notice and CRP consisting of a contact list and fact sheet undercomply with community relations requirements inunder this Section if, at five or fewer offsite properties or potable supply wells other than a community water supply well, the:
- 1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards at five or fewer offsite private, semi private, or non community water system wells;
- 2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite propertiesuses;
- 3) Offsite soil contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite propertiesuses; or
- 4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses at five or fewer offsite propertiesuses.

- b) Notice and CRP. An authorized party within the limits set forth in subsection (a) of this Section must develop a notice and CRP consisting of a contact list and fact sheet in accordance with this subsection (b).
- 1) Notices issued under this Sectionsubsection (e) of Section 25d-3 of the Act and this Part must be distributed to the contact list according to accordance with to Section 1600.335 of this Part to the contact list as derived from subsection (b) (2) of this Section and may contain the following information:
- A) The name and address of the site or facility where the release occurred or is suspected to have occurred;
- B) The identification of the contaminant released or suspected to have been released;
- C) Information as to whether the contaminant was released or suspected to have been released into the air, land, or water;
- D) A brief description of the potential adverse health effects posed by the contaminant;
- E) A recommendation that water systems with wells impacted or potentially impacted by the contamination be appropriately tested; and
- F) The name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained. [415 ILCS 5/25d-3(c)]
- 2) A contact list must be prepared by the the authorized party consisting of must prepare a contact list, which must consist of affected, potentially affected, and interested persons, including, but not limited to:
- A) Owners of offsite properties served by private, semi-private, or non-community water system wells that have been or may be impacted by groundwater contamination from the release;
- B) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
- C) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals posingthat posesposing a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- D) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;

- E) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- F) Occupants of the properties identified in subsections (b)(2)(A), (b)(2)(C), (b)(2)(D), and (b)(2)(E) of this Section to the extent reasonably practicable, including. The contact list must include the methods used in attempting which the authorized party has attempted attempting to identify the occupants; and
- G) Government officials of units of governmentofficials serving the affected or potentially affected properties, including but not limited to State and federal legislators, county board chairs and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and local health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant tounder subsections (b) (2) (A) through (b) (2) (F)—of this Section.
- 3) A fact sheet for the release and response action must be developed by the authorized party and The authorized party must develop a fact sheet for the release and response action. The fact sheet must be and distributed to the contact list according to accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b) (2) of this of Section 1600.335. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates must contain, at a minimum, the following information if to the extentif available:
- A) The nature and extent of the contaminant or contaminants identified onsiteononsite and offsiteoff the siteoffsite where the release occurred;
- B) A brief description of the potential exposure pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;
- C) A description of the appropriate actions that affected or potentially affected persons should take to evaluate the potential—for threats to human health via a completed exposure pathway, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if appropriate;
- D) A non-technical description of the proposed steps that areproposed to address the contamination, such asincluding, but not limited
 to,as soil excavation and treatment, disposal or redistribution,
 pump-and-treat, bio-remediation, reliance on engineered barriers or
 institutional controls, groundwater monitoring, building control
 technologies, and so forth;

- E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
- F) The closure documentation expected from the Agency (e.g., focused or comprehensive No Further Remediation (NFR) Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, institutional controls, or building control technologies);
- G) Responses to key community concerns as expressed by affected, potentially affected, and interested persons;
- H) The date of preparation date of the fact sheet, the name and contact information of the representative or representatives of the business, site, or facility representatives from whom information and site-related documents may be obtained, and e-mail address, postal address, and telephone number where the representative or representatives can be reached; and:
- I) The name and contact information, e mail address, postal address, and telephone number of the Agency's designated staff person; and
- J) An explanation of how additional information and site-related documentation can be obtained, including how to contacts statement that additional information and site related documents may be available by contactingcontact the Agency's designated staff person or file a request with the Agency under the Freedom of Information Act [5 ILCS 140]by filing a request for site specific information with the Agency in accordance with thounderthe Freedom of Information Act [5 ILCS 140].
- c) If any information under subsection (b)(3) is unavailable when submittingFor information that is not available when a fact sheet is prepared pursuant to subsection (b)(3) of this Section, the submission of submitting the fact sheet to the Agency, for review must be accompanied by an explanation detailingof detailing why the information is unavailable is required. Anat the time of the submission of the fact sheet and anAn estimate of when the missing information will be supplied in a revised fact sheet must also be included.
- d) Fact sheets and contact lists developed underin accordance withunder this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

(Source:	Amended	at	43	Ill.	Reg.	<u> </u>	effective

Section 1600.315 Notices, Fact Sheet and Community Relations Plans for Expanded Community Relations Activities

- a) An authorized partyAuthorized partiesparty must develop a notice, CRP, and fact sheet undercomply with the community relations requirements inunder this Section if:
- 1) At more than five offsite properties or potable water supply wells other than a community water supply well, the:
- A) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards at more than five offsite private, semi private, or non-community water system wells or one or more community water system wells; or:
- B2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses at more than five offsite properties; oruses:
- C3) Offsite soil contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses at more than five offsite propertiesuses; or
- D4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses; or at more than five offsite properties.
- 2) At one or more community water supply wells, measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards.
- b) Notice, CRP, and Fact Sheet An authorized party exceeding the limits set forth in subsection (a) of this Section must develop a notice and a CRP and fact sheet in accordance with this subsection (b).

 Appendix A of this Part contains the outline of a model CRP that may be appropriate for a site subject to this Section.
- 1) Notices must be developed according toin accordance with subsection (b) (1) of to Section 1600.310(b) (1) of this Part and

- 2) The CRP must be implemented according to in accordance with to Section 1600.335 of this Part and must include, but is not limited to, the following elements to the extent related to the contaminant or contaminants being addressed in the response action:
- A) A description of the site or facility and details of the release including and any related soil, soil gas, or groundwater contamination;
- B) A list of community issues and concerns collected from affected, potentially affected, and interested persons identified throughthrough the process outlined in subsection (b)(2)(D) of this Section;
- C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested persons, and a schedule for activities and objectives; and
- D) A contact list, along with the the process for identifying and updating the contact list, consisting which must consisting of affected, potentially affected, and interested persons, including, but not limited to:
- i) Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;
- ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
- iii) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
- iv) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals posingthat posesposing a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- v) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- vi) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;

- vii) Occupants of the properties identified in subsections (b) (2) (D) (i), (b) (2) (D) (iv), (b) (2) (D) (v), and (b) (2) (D) (vi) of thissection to the extent reasonably practicable. The CRP must include the methods by which the authorized party will attempt to identify the occupants;
- viii) Government officials of units of government officials serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant tounder subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) of this Section; and
- ix) Citizens, identified groups, organizations or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may include (e.g., public and private school administrators, parent organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.
- 3) A fact sheet for the release and response action must be developed by the authorized party and Along with the development of a notice and CRP in accordance with subsections (b) (1) and (b) (2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be and distributed to the contact list according toin accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)(D) of thisto Section <u>1600.335</u>. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any updates to the fact sheet must be produced and distributed in English and any other predominant languages spoken in the affected area. The fact sheet and any required updates must contain, at a minimum, the following information ifto the extent if available:
- A) The nature and extent of the contaminant or contaminants identified onsite on-site and offsite of the off-site where the release occurred;
- B) A brief description of the potential exposure pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;

- C) A description of the appropriate actions that affected or potentially affected persons should take to evaluate the potential—for threats to human health via a completed exposure pathway, including potable water supply well sampling, soil gas sampling, and any other actions, and, if appropriate, as well as any precautionary measures necessary to avoid or reduce public health impacts, if appropriate;
- D) A non-technical description of the proposed steps that are proposed to address the contamination including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;
- E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
- F) The closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, institutional controls, or building control technologies);
- G) Responses to key community concerns as expressed by affected, potentially affected, and interested persons;
- H) The websiteWorld Wide Web addresswebsite of the document repositoryDocument Repositoryrepository established underpursuant to SectionunderSection 1600.320 of this Part and, if a physical location is also required, its the address and hours of the document repository established at a physical location, if also required pursuant to Section 1600.320 of this Part;
- I) The date of preparation of the fact sheet was prepared, the name and contact information of the individual representative or representatives of the business, site or facility individual from whom information and copies of repository and other site-related documents may be obtained, and e mail address, postal address, and telephone number where the representative or representatives can be reached; and;
- J) The name and contact information, e mail address, postal address, and telephone number of the Agency's designated staff person; and
- K) An explanation of how additional information and site-related documentation can be obtained, including how to contacts statement that additional information and site related documents may be available by contacting contact the Agency's designated staff person or file a request with the Agency under the Freedom of Information Act [5 ILCS 140] by filing a request for site specific information with the Agency in accordance with the Freedom of Information Act [5 ILCS 140].

c) If any information under subsection (b)(3) is unavailable when submittingFor information that is not available when a fact sheet is prepared pursuant to subsection (b)(3) of this Section, the submission of submitting the fact sheet to the Agency, for review shall be accompanied by an explanation detailingofdetailing why the information is unavailable is required.at the time of the submission of the fact sheet and Anan An estimate of when the missing information will be supplied in a revised fact sheet must also be included.

d) Updates

- 1) Fact sheets developed under in accordance with subsection (b) (3) of this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).
- 2) The CRP including, but not limited to, the contact list, and related documents under this section Section must be reviewed on a regular basis and updated, as necessary, to ensure that timely and accurate information is provided to affected, potentially affected, and interested persons and communities about contaminant releases of contaminants with actual or potential impacts to offsite wells and offsite property uses, or both. A current version of the publicly available CRP must be kept in the document repository described in Section 1600.320.
- e) Appendix A of this Part contains the outline of a model CRP that may be appropriate for a site subject to this Section.

(Source:	Amended	at	43	Ill.	Reg.	,	effective
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Section 1600.320 Establishment of Document Repository

An authorized partyAuthorized partiesparty developing a CRP underpursuant tounder Section 1600.315 of this Part also must establish a document repository for document viewing and copyingthe purpose of displaying documents and providing copies of those documentscopying. The document repository must be available onlineestablished at a World Wide Web siteonline. A document repository at a physical location, as described under subsection (c), of this Section also must be established if a request for onea repositoryone at a physical location is made to the authorized party or to the Agency.

a) The document repository must include the notice, CRP, all public notices (e.g., proof of publication for newspaper or other published

notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as an NFR Letter, permit modification, or other project completion documentation.

- 1) The authorized party must update the repository promptly and continuously as notices, fact sheets, plans, reports, comment packages, and Agency decisions are generated throughout the process.
- 2) The documents must be created, organized, and indexed so that affected, potentially affected, or interested persons can identify, locate, and download documents of interest.
- 3) The repository must include the business, site or facility representative's contact information mail, postal address, and telephone numberinformation where inquiries can be directed and persons can request copies of repository documents and other site-related documents by mail.
 - b) Online Repositories at World Wide Web Sites
- 1) DocumentsThe documentsDocuments must be in a readily available format for downloading and printing (e.g., portable document format (.pdf), graphic interchange format (.gif), tagged image file format (.tiff), joint photographic group format (.jpg)) with links to downloadweb sites wheredownload software for viewingto viewviewing and printingprintprinting the documents may be downloaded.
- 2) Documents that cannot be converted to a readily available format for downloading and printing must be described in the document index, identified as available upon request, and made available according to accordance withto subsection (a)(3) of this Section.
- 3) System capacity must be sufficient to accommodate the anticipated number of viewers and to support the viewing and downloading of the documents in the repository documents and to accommodate the anticipated number of viewers documents.
 - c) Repositories at Physical Locations
- 1) Repositories established at physical locations must be established no later than ten10 business days after receiving eitherreceipt of either a request for a repository at a physical location or receipt of the Agency notification that a request has been made to the Agency, whichever is earlier.
- 2) Repositories established at a physical location must be at a public location (e.g., public library, city hall) and open to the public at times convenient to affected, potentially affected, or interested persons.

- d) Information deemed trade secrets or non-disclosable underin accordance withunder Board procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code 1828 may be redacted or excluded from the repository consistent with the requirement for providing the public all-documents that have not been deemed confidential. Information to be added to the document repository also must be screened to ensure that personal information identifying affected, potentially affected, or interested persons or their exact property locations is not disclosed.
- e) The document repository must remain accessible for at least may be discontinued no less than 180 days after the recording of the NFR Letter or the Agency issuance of other project completion documentation by the Agency (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y)).

(Source: Amended at 43 Ill. Reg. _____, effective

Section 1600.325 Submission of Notices, Contact Lists, and Fact Sheets and Community Relations Plans for Review

- a) Except as provided in subsection (b) of this Section or Section 1600.330(d) of this Part, within 30 days after the date of acceptance, the authorized partyparties must, within 30 days after the date of their acceptance party must:
- 1) Submit to the Agency a notice and CRP satisfying the requirements of Section 1600.310(b) of this Part or a notice, CRP, fact sheet, and contact list satisfying the requirements of Section 1600.315(b) of this Part; and
- 2) Establish an onlinea World Wide Web site online document repository if required underin accordance withunder Section 1600.320 of this Part. 1600.320.
- b) Updates of CRPs, fact sheets, or both and updates of contact lists prepared pursuant to Section 1600.310(d) or Section 1600.315(d) of this Part also must be submitted to theforthe Agency for review in accordance with subsection (a) of this Section except that the updates must be submitted to the Agency within tenwithin 10 days after preparing the revised CRP or developing or obtaining new information that would materially change the information required or provided in the fact sheet.
- c) If authorized by the Agency, CRPs, notices, contact lists, or fact sheets may be filed in specified electronic formats.

(Source: Amended at 43 Ill. Reg. _____, effective

Section 1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans

- a) The Agency has 30 days from receipt of a notice, contact list, fact sheet, CRP, or related updates of such documents to conduct a review approving, approving with conditions or modifications, and approve or disapproving disapprove of the documents document(s) or approve of the document(s) with conditions or modifications or disapproving the documents. All reviews must be based on the standards for review set forth in subsection (b) of this Section.
- 1) The Agency's record of the date which it received receipt of it received a notice, contact list, fact sheet, or CRP will be deemed conclusive unless a contrary date is proved by a signed, dated receipt from the Agency or certified mail or registered mail.
- 2) An authorized partyparties party may waive the time period for review upon a request from the Agency or at the authorized party's discretion.
- b) When reviewing documents under this section, a notice, contact list, fact sheet or CRPSection, the Agency must consider:
- 1) Whether the notice complies with Section 1600.310(b)(1) or Section 1600.315(b)(1) the requirements of subsection (b) of Section 1600.310 of this Part or Section 1600.315(b) of this Part;
- Whether the CRP contains the elements required by Section 1600.315(b)(2) of this Part;
- 3) Whether the fact sheet contains the elements required by Section 1600.310(b)(3) of this Part or Section 1600.315(b)(3) of this Part including, but not limited to, any explanation of why specified information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet;
- 4) Whether the information in the notice, contact list, fact sheet $_{7}$ or CRP is consistent with the information contained in the Agency's records and any field observations; and
- 5) Whether the authorized party hasparties havehas clearly defined:
- A) Persons required to be included in the contact list for notices and fact sheets underin accordance withunder Section 1600.310(b) of this Part or Section 1600.315(b) of this Part; or
- B) The demographics of nearby populations potentially that may be affected by or concerned about site activities for notification purposes of notification under the CRP, including, but not limited to, residences, businesses, day care centers, schools, nursing homes, hospitals and clinics.

- c) Upon completingcompletion of completing the review, the Agency must notify the authorized party in writing whether the noticenotices, contact list, fact sheet, or CRP is approved, approved with conditions or modifications, or disapproved. The notification must be made by certified mail or registered mail postmarked with a date stamp and with return receipt requested, or by email with consent of the recipient. If the Agency disapproves a document, or approves a document with conditions or modifications, the notification must contain the following information, as applicable:
- 1) An explanation of the specific information or documentation, if any, that the Agency determines is lacking, missing, the authorized party did not provide or is or inconsistent with the information contained in the Agency's records and any field observations;
- 2) A list of the provisions of this Part that may be violated if the document is approved as submitted;
- 3) A statement of the reasons why the provisions cited in subsection (c)(2) of this Section may be violated if the document is approved as submitted; and
- 4) An explanation justifying the inclusion of the reasons for any conditions or modifications if conditions or modifications are required.
- d) If the Agency disapproves of a document under this Sectionnetice, contact list, fact sheet or CRPSection or approves itof a notice, contact list, fact sheet or CRPit with conditions or modifications, the authorized party must submit a revised version of the document to the Agency within ten10 days after receiving the Agency's decision-disapproval or approval with conditions or modifications.
- e) If a revised notice, contact list, fact sheet, or CRP is not received by the Agency within ten10 days, or if a revised document is not approved on the second Agency review, the Agency, in addition to any other remedies that may be available, may provide notice to the public and seek cost recovery from the authorized party underpursuant tounder Title VI-D of the Act, or pursue an enforcement action against the authorized party for failure to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP.
- 1) In addition to any other defenses that may be available to the authorized party, it ishall being a defense to an Agency action to obtain cost recovery for notification or for an alleged violation of the requirement to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP that the document submitted to and rejected by the Agency satisfies the requirements of or such documents as set forth inof Sections 1600.310 orand 1600.315 of this Part. or 1600.315.
- 2) The defense described in subsection (e)(1) does not limit the use of this defense in other circumstances where appropriate.

- f) To The Agency will, to To the extent consistent with review deadlines, the Agency will provide the authorized party with a reasonable opportunity to correct deficiencies within a notice, contact list, fact sheet, or CRP prior to sending a disapproval of a notice, contact list, fact sheet or CRP or an approval with conditions or modifications of these documents. However, resubmitting a document to correct the correction of such deficiencies by the submission of additional information may, in the sole discretion of the Agency, restart the time for review.
- g) If the Agency does not issue its final determination on the notice, contact list, fact sheet, CRP, or updates of these such these documents within 30 days after receiving the document, the document will be deemed approved as submitted.

(Source:	Amended	at	43	Ill.	Reg.—	,	effective
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Section 1600.335 Implementation of Community Relations Plans and Distribution of Notices and Fact Sheets; Records Retention

- a) ImplementingImplementation of Implementing the CRP or distributingdistribution of distributing a notice or fact sheet must begin within five days after receivingreceipt of receiving the Agency's approval of the document or within ten10 days after the date the document is deemed approved underpursuant tounder Section 1600.330(g)(f) of this Part.
 - b) The authorized partyAuthorized partiesparty must:
- 1) Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices, news releases, letters, door hangers, or other forms of public notification); and
- 2) Inform the Agency in writing two weeks priorin advance of plans to holdingholdprior to holding public meetings or press conferences about site activities or developments.
- c) The authorized partyAuthorized partiesparty must retain records and documents demonstrating compliance with the requirements of this Subpart C for at least one year after the recording of the NFR Letter or the issuance of other project completion documentation by the Agency (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))). The retention period for the records and documents is extended automatically during the course of any disputes or unresolved enforcement actions regarding the community relations activities or as requested in writing by the Agency. Records may be preserved and presented in an electronic format.

(Source:	Amended	at	43	Ill.	Reg.	 effective
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Section 1600.340 Compliance

An authorized party must comply with the requirements of this Subpart C or the provisions of community relations activities approved by the Agency.

(Source:	Amended	at	43	Ill.	Reg.	 effective
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Section 1600.APPENDIX A Contents of a Model Community Relations Plan

This Appendix A lists the four key elements of a CRP for an authorized party proceeding under Section 1600.315 of this Part and several factors that might be included with each element in a CRP prepared for the site where the release occurred. Unless otherwise required by rule, all the factors listed with each element may not be necessary for each site developing and implementing a CRP underpursuant tounder this Part, but each factor should be considered when developing the CRP.

- 1. Site/Facility Description: The CRP should provide a brief overview of the site where the release occurred, including, but not limited to, a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.
- 2. Community Issues and Concerns: The CRP should provide a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially affected, and interested persons and their preferred language, or languages, key community concerns, and any preferred methods of communication as learned through research work, interviews, and surveys of a representative sample of affected, potentially affected, and interested persons identified through the process outlined in the fourth element below.
- 3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested persons apprised of site conditions at the site, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact person or persons and contact information for public inquiries should be clearly defined.

Additionally, details about the location of, and access to, the document repository should be outlined in this section of the CRP.

- 4. Contact List: The CRP should outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested persons, including but not limited to:
- A. Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;
- B. Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
- C. Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
- D. Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current—use or uses;
- E. Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- F. Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use or uses;
- G. Occupants of properties identified in paragraphs A, D, E, and F to the extent reasonably practicable. The CRP must include the methods by which the authorized party will attempt to identify the occupants;
- H. Government Officials of units of governmentofficials serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required underpursuant tounder Section 1600.315(b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix); and
- I. Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties. These persons may include (e.g., public and private school administrators, parent organization leaders; day care center, senior center and nursing home management; neighborhood or homeowner

association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

(Source: Amended at 43 Ill. Reg. _____, effective

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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Document 1 ID	file://I:\Input\Agency Rulemakings - Files Received\2019\June 2019\35-1600-Agency Proposed-(issue 24).docx
Description	35-1600-Agency Proposed-(issue 24)
Document 2 ID	file://l:\Input\Agency Rulemakings - Files Received\2019\June 2019\35-1600-r01(issue 24).docx
Description	35-1600-r01(issue 24)
Rendering set	Standard

Legend:	
Insertion	
Deletion-	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion-	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:					
	Count				
Insertions	193				
Deletions	435				
Moved from	0				
Moved to	0				
Style change	0				
Format changed	0				
Total changes	628				