

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-30
) (Rulemaking – Right to Know)
SUBTITLE O: RIGHT TO KNOW)

NOTICE OF FILING

TO: See attached Certificate of Service.

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board ILLINOIS EPA'S FIRST-NOTICE COMMENTS, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall
Gabriel H. Neibergall
Assistant Counsel
Division of Legal Counsel
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DATED: July 29, 2019

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ILLINOIS EPA’S FIRST-NOTICE COMMENTS

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Agency”), by and through its counsel, and pursuant to the Illinois Pollution Control Board (“Board”) Order dated May 30, 2019 (“Order”), submits the following comments in the above captioned rulemaking.

I. Responses to Board Questions

Illinois EPA’s responses to the Board’s questions at Order page 7 are set forth below.

1. *The Board’s proposal amends Sections 1600.210(c)(1), (c)(2)(B), and (e). Are any of these proposed amendments substantive and why?*

Agency Response: No, these do not appear to be substantive changes.

2. *The RTK rules contain notice requirements in Section 1600.310 for limited community relations activities and in Section 1600.315 for expanded community relations activities. To further distinguish these sections, would including a brief explanation of limited and expanded community relations activities in Section 1600.305 (Applicability) be appropriate? If so, please propose rule text for the brief explanation.*

Agency Response: Yes, such an explanation could be inserted after subsection 1600.305(b) as a new subsection. The Agency proposes the following language:

Limited community relations activities apply when five or fewer offsite properties or potable supply wells, other than a community water supply well, are impacted by the release. Expanded community relations activities apply when one or more public water supply wells or more than five offsite properties or potable supply wells, other than a community water supply well, are impacted by the release.

- 1) Limited community relations activities include developing a notice, contact list, and fact sheet. Refer to Section 1600.310 for more specific information.

- 2) Expanded community relations activities include developing a notice, CRP, and fact sheet as well as establishing a document repository. Refer to Section 1600.315 for more specific information.

3. *Lastly, is there any proposed revision that would change the rule's meaning or application? If so, please identify those changes.*

Agency Response: No.

II. Additional Comment

Regarding the list of requirements for fact sheets, and more specifically within the identical proposed subsections 1600.310(b)(3)(J) and 1600.315(b)(3)(K), the Agency would like to include its website as an additional avenue for information-gathering. The Agency proposes the following additions to the Board's proposed language:

An explanation of how additional information and site-related documentation can be obtained, including how to access the information by using the Agency's website, contact the Agency's designated staff person, or file a request with the Agency under the Freedom of Information Act [5 ILCS 140].

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall
Gabriel H. Neibergall
Assistant Counsel
Division of Legal Counsel
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DATED: July 29, 2019

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attached ILLINOIS EPA’S FIRST-NOTICE COMMENTS, on behalf of the Illinois EPA, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below or, if no e-mail address is provided, by placing a true copy, in an envelope duly addressed and bearing proper first class postage, in the United States mail at Springfield, Illinois on July 29, 2019:

TO:

Illinois Pollution Control Board
Don Brown, Clerk
Natalie Winqvist, Hearing Officer
State of Illinois Center
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I affirm that my e-mail address is gabriel.neibergall@illinois.gov; the number of pages in the e-mail transmission is 5; and the e-mail transmission took place today before 4:30 PM. If you prefer service by mail, please contact me and a copy will be mailed to you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Gabriel H. Neibergall
Gabriel H. Neibergall
Assistant Counsel
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