

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER F: RISK BASED CLEANUP OBJECTIVES

PART 740: SITE REMEDIATION PROGRAM

**SUBPART H: REQUIREMENTS RELATED TO SCHOOLS, PUBLIC PARKS
AND PLAYGROUNDS**

740.800 General

- a) The purpose of Subpart H is to ensure that children and the general public are not exposed to harmful pollutants at a remediation site intended for future use as a school, public park or playground that has been enrolled in the Site Remediation Program, thereby protecting human health and the environment.
- b) For the purposes of this Subpart, the term “school” means a school as defined in Section 34-1.1 of the School Code.
- c) For the purposes of this Subpart, the term “public park” means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.
- d) For the purposes of this Subpart, the term “playground” means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

740.805 Requirements Prior to Public Use

- a) A RA that has enrolled a remediation site into the Site Remediation Program that is intended for future use as a school, public park or playground shall not make that site or any buildings or structures contained within the boundary lines of the site available for use by the general public without first completing its Remedial Action Plan and receiving a NFR Letter from the Agency. This section shall not be construed to exempt a RA from any additional requirements set forth in Section 58.15 of the Environmental Protection Act.

740.810 Engineered Barriers and Institutional Controls

- a) Every five years following the date in which the Agency issued a No Further Remediation Letter, the RA or any other subsequent transferee of the remediation site shall provide written certification to the Agency that land use limitations have been maintained and that there has been no disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan and NFR Letter.
 - 1) If the Agency does not receive a certification letter on a timely basis, the Agency shall provide written notice to the RA or any other subsequent transferee of such failure and allow 30 additional days for certification to be provided.
 - 2) In the case that certification is not received within the 30 day period, the Agency may void the NFR Letter consistent with Section 740.625.

740.815 Public Notice of Site Remediation Program Application

- a) The RA shall provide notice to interested persons prior to submission of a Site Remediation Program Application for a remediation site intended for future use as a school, public park, or playground. In determining the form of this notice, the RA will consider the recognized environmental conditions and related contaminants of concern, and the interests of those who may be affected. The RA shall consult with the Agency to obtain names and addresses of likely interested persons, public officials and organizations to be notified. In addition, notice shall be published in at least one newspaper of general circulation in the county where the remediation site is located. Such notice shall include at least the following information:
 - 1) Name and address of the RA;
 - 2) Location and site boundary lines of the remediation site;
 - 3) A description of the intended use of the site;
 - 4) The nature of the recognized environmental conditions and related contaminants of concern;
 - 5) A brief description of surrounding land uses; and
 - 6) A statement of the nature of the No Further Remediation Letter requested.

740.820 Public Hearing

- a) The Agency may hold a public hearing concerning the application for a No Further Remediation Letter at a remediation site intended for future use as a school, public park, or playground in the county where the site is located or at some other convenient location. The purpose of the hearing shall be to enable interested persons to provide information to the Agency for its decision on the application.

- b) In determining whether to hold a public hearing, the Agency will consider:
 - 1) Evidence of interest as demonstrated by comments and requests for hearing received from members of the public;
 - 2) Evidence that a cause and effect relationship exists between the proposed activities and the concern of the public;
 - 3) Expectation that a public hearing will provide information useful to the Agency for making its determination on the request for the NFR Letter;

- c) The notice of hearing shall be given to the RA. At least 30 days before holding a hearing pursuant to these rules, notice shall be published in at least one newspaper of general circulation in the county where the remediation site is located.

- d) The notice of hearing shall include at least the following:
 - 1) The information in Section 740.810(a);
 - 2) A brief statement of any land use limitations or conditions placed on the No Further Remediation Letter
 - 3) The time and location of the hearing;
 - 4) The purpose of the hearing;
 - 5) A concise statement of the issues to be considered at the hearing; and
 - 6) A brief description of the procedures to be followed at the hearing

- e) The Agency may hold a public hearing covering more than one application for a No Further Remediation Letter at the same time.