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MAR 14 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
STANDARDS AND REQUIREMENTS)
FOR POTABLE WATER WELL)
SURVEYS AND FOR COMMUNITY)
RELATIONS ACTIVITIES PERFORMED)
IN CONJUNCTION WITH AGENCY)
NOTICES OF THREATS FROM)
CONTAMINATION UNDER P.A. 94-134)
)
NEW 35 ILL. ADM. CODE PART 1505)

R06-023
(Rulemaking – Public Water)

NOTICE

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Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's Testimony of Gary P. King, Testimony of Richard P. Cobb, Testimony of Kurt D. Neibergall, and Errata Sheet No. 1, a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Mark Wight
Mark Wight
Assistant Counsel
Division of Legal Counsel

DATE: March 13, 2006

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STATE OF ILLINOIS
Pollution Control Board

R06-023
(Rulemaking -- Public Water)

TESTIMONY OF RICHARD P. COBB, P.G., ON BACKGROUND OF PROPOSAL AND
PROPOSED SUBPART A

My name is Richard P. Cobb, and I am the Deputy Manager of the Division of Public Water Supplies of the Illinois Environmental Protection Agency's (EPA) Bureau of Water (BOW). I am also responsible for managing the Groundwater Section in the BOW. I have served as an Illinois EPA representative on the Interagency Coordinating Committee on Groundwater (ICCG) (415 ILCS 55/4) since 1988. The Illinois Groundwater Protection Act (IGPA) (415 ILCS 55/5), established the ICCG. Illinois EPA chairs the ICCG, which is comprised of: the Illinois Department of Public Health (IDPH); Department of Natural Resources (DNR); Department of Agricultural; Illinois State Fire Marshall; Department of Commerce and Economic Opportunity, and Illinois Emergency Management Agency. Additionally, I have served as the ICCG liaison to the Governor-appointed Groundwater Advisory Council (GAC) (415 ILCS 55/5) from 1988 to the present. The GAC is comprised of environmental, business, public water supply, county and municipal government, regional planning, and water well driller interest group representatives. The ICCG and GAC work jointly, and the Illinois EPA is the liaison between the ICCG and GAC. For further detail on my qualifications I have enclosed a copy of my Curriculum Vitae in Attachment I.

The purpose of my testimony today is to provide a brief explanation of the background that has led to the enactment of Public Act (P.A.) 94-314 and to the Agency's proposal of 35 Ill. Adm. Code 1505: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination. In addition, I will testify on the purpose and scope of proposed Part 1505 as set forth in Section 1505.100. This testimony, the attachments included with this testimony, and the Agency's Statement of Reasons generally describe the basis for the proposed general purpose and scope of the potable well survey and community relations plan regulations.

I. BACKGROUND

The genesis of these proposed regulations evolved from two groundwater contamination incidents that occurred in DuPage County. Starting in 2000, groundwater contamination events in Lisle and Downers Grove identified a large number of private drinking water system wells located in unincorporated areas with high-density residential neighborhoods, codependent on community water supply (CWS) wells. Attachment II provides a detailed chronology of events and activities that led to the development and adoption of P.A. 94-314 on July 25, 2005 (commonly referred to as the Right-to-Know (RTK) law). The RTK law was prompted in part by the experience of a group of DuPage County homeowners who learned that their private wells were polluted with potential cancer-causing chemicals. A citizen with the Lisle Citizens Advisory Group (CAG), and ICCG RTK Notice Committee recommended that sites should have to provide a preliminary notice of some type as soon as they are in a program working with the State, if there is suspected or known contamination. The notification and rulemaking requirements of the RTK law, that amended the Illinois Environmental Protection Act (Act), flowed from this key stakeholder input.

A. NOTIFICATION REQUIRED

The RTK Law creates Title VI-D of the Act (415 ILCS 5/25d-1 – 25d-10). Sections 25d-3(a) and (b) require the Illinois EPA to provide notice to certain specified members of the public when:

- 1) Soil contamination beyond the boundary of the site where the release occurred poses a threat of exposure to the public above the appropriate Tier 1 remediation objectives, based on the current use of the offsite property;
- 2) Groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board;
- 3) The Agency refers a matter for enforcement under Section 43(a) of the Act (415 ILCS 5/43(a) (substantial endangerment));
- 4) The Agency issues a seal order under Section 34(a) of the Act (415 ILCS 5/34(a); and
- 5) The Agency, the United States Environmental Protection Agency (USEPA), or a third party under Agency or USEPA oversight performs an immediate removal under the federal Comprehensive Environmental Response, Compensation and Liability Act.

Section 25d-3(c) provides guidance to the Agency as to how the notices are to be provided and the form they should take.

B. METHODS OF NOTIFICATION

Subsection 25d-3(c) of the Act (415 ILCS 5/25d-3(c)) requires that:

The methods by which the Agency gives the notices required under this Section shall be determined in consultation with members of the public and appropriate members of the regulated community and may include, but shall not be limited to, personal notification, public meetings, signs, electronic notification, and print media. For sites at which a responsible party has implemented a community relations plan, the Agency may allow the responsible party to provide Agency-approved notices in lieu of the notices required to be given by the Agency. (Emphasis added)

As emphasized above, the RTK law requires the Illinois EPA to consult with "...members of the public and appropriate members of the regulated community." After discussion with the ICCG and GAC, the Council agreed to facilitate the consultation process on August 17, 2005. The GAC established a committee (GAC Notice Committee) comprised of the Council members, citizen representatives from the Lisle and Downers Grove CAGs, and the Executive Director of the Illinois Environmental Regulatory Group (IERG). The GAC Notice Committee held their first meeting on October 12, 2005. The starting point for the GAC Notice Committee discussion was the review of the recommendations provided from the RTK Notice Subcommittee that was previously established by the ICCG and GAC in response to House Resolution (HR) 1010 adopted on June 1, 2004. The RTK Subcommittee provided the following input and guidance on how to improve notification pursuant to HR 1010:

- 1) Utilizing more than one method of notifying potentially affected parties will be needed;
- 2) Notification should be provided in the form of an official looking letter, similar to what is provided by Vehicle Emissions Testing program;
- 3) The public generally discards post cards;
- 4) The public is inclined to be more receptive if the notification comes from a local health department more so than from an agency which is not local;
- 5) Notifications should reference that state and federal agencies are involved with the project;

6) With respect to the print media, a headlined article not advertisement is preferred. (The public rarely reads the legal notices and even ads not located in the legal notice section may not be read); and

7) The seriousness of testing their private water supply wells should be emphasized.

There was extensive discussion by the GAC Notice Committee that occurred to evaluate these recommendations and to provide additional input. Bill Compton (Chair, GAC) and D.K. Hirner (Executive Director, IERG) agreed to prepare a draft document in the form of a resolution back to the rest of the committee for their review and input. The committee deliberation process continued through October, November, and December 2005 via e-mail. The resolution, prepared by the GAC committee via a consensus-based process was finalized on December 27, 2005 and was sent out to the committee on January 3, 2006 (see Attachment III). This resolution provides input to the Illinois EPA on the methods of providing notice as required under 25d-3 of the Act. Moreover, the resolution documents the results of the consultation process required pursuant to Subsection 25d-3(c) of the Act. The resolution provides input on the notices provided by the Illinois EPA or:

For sites at which a responsible party has implemented a community relations plan, the Agency **may allow** the responsible party to provide Agency-approved notices in lieu of the notices required to be given by the Agency. (Emphasis added)

Subsection 25d-3(c) of the Act does not require a responsible party to provide notice. However, it provides an option to the responsible party, where the Illinois EPA deems appropriate, to issue such notice upon Illinois EPA review and approval.

C. POTABLE WATER SUPPLY WELL SURVEYS AND COMMUNITY RELATIONS ACTIVITIES

The notice provisions of Section 25d-3 of the Act are linked to the community relations provisions of Section 25d-7(a) by Section 25d-3(c) cited above. In addition, Section 25d-7(a)

provides for the adoption of potable water supply well survey procedures. Section 25d-7(a) requires the Illinois EPA to do and consider the following:

“[T]he Agency shall evaluate the Board's rules and propose amendments to the rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or that may impact offsite potable water supply wells...”

“...Community relations activities required by the Board shall include, but shall not be limited to, submitting a community relations plan for Agency approval, maintaining a public information repository that contains timely information about the actions being taken in response to a release, and maintaining dialogue with the community through means such as public meetings, fact sheets, and community advisory groups.” (Emphasis added)

These proposed regulations are necessary in order to assess where off-site potable water supply wells are impacted or may be impacted by contamination, and to also provide the standards for community relation activities. These standards set the minimum requirements for community relations activities for responsible parties who may accept an Agency offer to provide notice pursuant to Section 25d-3(c) as part of those community relations activities. Further, these standards provide the Illinois EPA's basis of review for approving or disapproving community relations activities being proposed by the responsible party in lieu of Illinois EPA notification.

D. OUTREACH

The Illinois EPA held a public stakeholder input meeting on January 4, 2006 and met with industry group representatives on January 10, 2006. The invitees and attendees for these meetings are discussed in more detail in the Agency's Statement of Reasons at pages five through seven. One of the key comments heard from the industry group representatives was that the community relations requirements should be closely tied to the notification requirements. Due to the time constraints, Illinois EPA conducted less outreach than we would normally do prior to submission of the proposal to the Board. However, Illinois EPA committed to continue working with

stakeholders throughout this process. Since filing the original proposal with the Board on January 20, 2006, the Illinois EPA has met with a small subgroup of the Site Remediation Advisory Committee (February 9, 2006), a subset of environmental interest groups (March 1, 2006), and the GAC (March 7, 2006) to obtain their input and perspectives. The Illinois EPA used the errata sheet revisions during our dialog with these groups. These groups generally have been supportive of the revised version of the proposal. One issue remaining is the extent to which occupants of affected off-site properties should be identified and provided with notice. A citizen representative commented that notification to occupants should be required. This issue is discussed further in testimony for Subpart C. Also, it is the Agency's understanding that the Chicago Legal Clinic has offered to assist citizens with participating in the Board proceedings.

II. THE AGENCY'S PROPOSAL

The remainder of my testimony addresses Subpart A of the Agency's proposed Part 1505. Subpart A contains general provisions in support of the regulations such as the purpose and scope, applicability, definitions, and severability.

Section 1505.100 states the two purposes of Part 1505: 1) To set forth procedures for conducting potable water supply well surveys pursuant to applicable Board rules and for the documentation and reporting of the results of those surveys to the Agency; and 2) to set forth the standards and requirements for the performance of community relations activities when the Agency has authorized the responsible party to provide notice in lieu of the Agency as part of Agency-approved community relations activities. Consistent with these purposes, the proposed 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 fact sheets and community relations plans and the establishment and maintenance of document repositories.

Section 1505.105 directs interested parties to Subparts B and C for applicability information. This is because each Subpart operates independently of the other, and the applicability considerations are different in each case.

Section 1505.110 sets forth definitions. The new definitions for purposes of this Part are "Community Relations Plan," "response action," and a newly proposed definition, "person performing a response action." The latter has been added to the Agency's proposal since its original submission to the Board on January 20, 2006. It has been proposed in the Agency's Errata Sheet Number 1. It has been added to clarify the applicability provisions of Subpart B. These definitions will be discussed in more detail as part of the testimony for Subparts B and C.

Section 1505.115 is standard severability language.

This concludes my testimony. I will be happy to address any questions.

THIS FILING SUBMITTED ON RECYCLED PAPER.

ATTACHMENT I

RICHARD P. COBB, P.G. CURRICULUM VITAE

I. Personal

A. Present Position: Deputy Manager, Division of Public Water Supplies, Bureau of Water, Illinois Environmental Protection Agency

II. Education

1979 San Salvador Bahamian Field Station (Marine Ecology and Paleoecology)

1980 South Dakota School of Mines and Technology (Geology Field Camp)

1981 B.S. Illinois State University (Geology)

1984 Illinois State University (Hydrogeology and Engineering Geology)

1986 United States Geological Survey National Training Center (Geochemistry for Groundwater Systems)

1987 Illinois State University Graduate Hydrogeology Program (Hydrogeology of Waste Disposal Sites)

1995 Illinois State University Graduate Hydrogeology Program (Hydrology of Glacial Deposits in Illinois)

1992 United States Geological Survey (MODFLOW and MODPATH groundwater modeling)

1994 24 Hour Occupational Health & Safety Training

1995 Illinois State University Graduate Hydrogeology Program (Computer Modeling of Groundwater Systems)

2001 United States Environmental Protection Agency Introduction to Quality Systems Requirements and Basic Statistics Courses

2001 United States Environmental Protection Agency, Drinking Water Academy, Source Water Contamination Prevention Measures

III. License

Licensed Professional Geologist 196-000553, State of Illinois, expires 3/31/2007

IV. Certification

Certified Professional Geologist 7455, Certified by the American Institute of Professional Geologists 4/88

Certified Total Quality Management Facilitator
Certified by Organizational Dynamics Inc., 5/92

V. Summary of Experience

Over twenty years of diversified, interdisciplinary experience as a: deputy division manager (4-years), section manager (10-years), unit manager (4-years), and lead worker (3-years) for Illinois' statewide groundwater protection and drinking water program. Three years of experience as a consulting well site geologist for major and independent oil companies conducting petroleum exploration and development in Arkansas, Kansas, Louisiana, Montana, North Dakota, Oklahoma and Utah. Two years of undergraduate teaching assistant experience for petrology, geologic field techniques, and stratigraphy courses.

VI. Summary of Computer Skills

I use the following computer programs: ARC VIEW , Aqtesolv, SURFER, WHPA, DREAM, AQUIFEM, MODFLOW, MODPATH, Visual MODFLOW and MT3D.

VII. Professional Representation

Illinois Environmental Protection Agency (Agency) liaison to the Governor appointed Groundwater Advisory Council (GAC) and representative on the Interagency Coordinating Committee on Groundwater (ICCG) 1988 – present.

Agency representative on the Senate Working Committee on Geologic Mapping.

Agency representative on the State Certified Crop Advisory Board, and chairman of the Ethics and Regulatory Subcommittee established in association with the American Society of Agronomy/American Registry of Certified Professionals in Agronomy, Crops and Soils 1995 – 2001.

Past Chairman of the Agency Geographic Information System Users Group.

Past member of the Agency Cleanup Objectives Team from 1988 to 1993 that established soil and groundwater cleanup objectives on a site-by-site basis.

Member of technical work group that developed Illinois groundwater quality standards regulations 1988 – 1991.

Project leader for a special Agency work group that utilized vadose zone and solute transport modeling to develop soil cleanup objectives under different hydrogeologic settings for the leaking underground storage tank program.

Agency representative on a special subcommittee of the ICCG charged with the development of a State Pesticide Management Plan for the protection of groundwater.

Member of Agency task group involved with developing the siting criteria for a low level radioactive waste site in Illinois.

Environmental regulatory representative from Illinois on the Fresh Water Foundation's Groundwater Information System (GWIS) project in the great lakes basin.

Agency representative on four priority regional groundwater protection planning committees designated by the Director to advocate groundwater protection programs at the local level 1991 – present.

Representative on the Groundwater Subcommittee of the National Section 305(b) Report, of the Clean Water Act Consistency Workgroup.

Bureau of Water representative on the Agency's Locational Data Policy Workgroup.

Bureau of Water representative on the Agency GIS Steering Committee.

Member of the Ground Water Protection Council's Wellhead Protection Subcommittee.

Elected Co-Chair of the Groundwater Division of the GWPC on September 1997 to present GWPC is a national, not for profit organization whose members are interested in the protection of the nation's ground water supplies. The mission of the GWPC is to promote the safest methods and most effective regulations regarding comprehensive ground water protection and underground injection techniques. GWPC's meetings, workshops, seminars, and symposia provide forums, educational resources, open communication, and active participation by its members. GWPC's membership includes local, state, and federal governments, citizen groups, industry, academia, and other parties interested in responsible protection and management of ground water resources.

Chairman of Illinois' Source Water Protection Technical and Citizens Advisory Committee.

United States Environmental Protection Agency National Ground Water Report work group member. One of 10 state representatives serving on a work group sponsored by U.S. EPA headquarters charged with development of a national report to be submitted to the U.S. Congress on the status and needs for groundwater protection programs across the country. January 1999 to July 2000.

Northeastern Illinois Planning Commission Water Supply Task Force member. The purpose of this task force is to assist the Commission in the development of a Strategic Plan for Water Resource Management. March 1999 to 2001.

GWPC/U.S. EPA Futures Forum Work Group providing input on source water protection for the next 25 years. January 1999 to 2001.

GWPC/ASDWA work group providing input into the U.S. EPA Office of Ground and Drinking Water Strategic Plan for Source Water Protection. June 2000 to March 2005.

Co-Chair U.S. EPA Headquarters/GWPC/ASDWA/ASWIPCA workgroup to develop the second Ground Water Report to Congress. March 2002 –present.

Member of Agency Enforcement and Compliance System (ACES) Oversight Committee and Agency Information Management Steering Committee. June 2002 – present.

Chaired the ICCG Groundwater Contamination Response Subcommittee responsible for developing a new strategy for responding to groundwater contamination and the subsequent notification of private well owners. March 2002 – April 2002.

Illinois EPA representative on the ICCG Water Quantity Planning Subcommittee working on development of a surface and groundwater quantity- planning program for Illinois. June 2002 – January 2003

Bureau of Water representative on Agency Environmental Justice Advisory Group. January 2003 to present.

Bureau of Water representative working on the development of a new Strategic Management Plan for Illinois EPA under the new administration. August 2003.

Chair of the ICCG Right-to-Know (RTK) Subcommittee established under House Resolution 1010.

VIII. Professional Affiliation

American Institute of Professional Geologists

Illinois Groundwater Association

Ground Water Protection Council

National Groundwater Association -Association of Groundwater Scientists and Engineers

Sigma Xi – The Scientific Research Society

IX. Chronological Experience

5/02 – Present - Deputy Manager, Division of Public Water Supplies, Bureau of Water (BOW), Illinois Environmental Protection Agency (EPA). My primary responsibilities include managing the groundwater and source water protection, field operations, and the administrative sections of the division. Further, I assist with administering the public water supervision program under the federal Safe Drinking Water Act ("SDWA"). Additionally, responsibility includes the integration of source water protection with traditional water supply engineering and treatment practices, and to

further assist with linking Clean Water Act and SDWA programs. I also represent the BOW on Illinois EPA's: Strategic Management Planning Team; Environmental Justice Committee; Agency Information Management Steering Committee; Agency Compliance and Enforcement System Oversight Group (ACES OG); and the Geographic Information System Steering Committee. Further, I chaired the ACES OG Subcommittee that worked on an e-permit system.

9/92-5/02 - Manager of the Groundwater Section, Division of Public Water Supplies, BOW, Illinois EPA. I also serve periodically as Acting Manager for the Division of Public Water Supplies. My primary responsibilities include development and implementation of Illinois statewide groundwater quality protection, USEPA approved wellhead protection program, and source water protection program. My responsibilities include development and implementation of Illinois statewide groundwater quality protection, USEPA approved wellhead protection program, and the source water assessment and protection program for surface and groundwater public drinking water supplies. These duties include extensive coordination with federal, state and local stakeholders that include the Governor appointed Groundwater Advisory Council, the Interagency Coordinating Committee on Groundwater, four Priority Groundwater protection planning Committees, Illinois Source Water Protection Technical and Citizens Advisory Committee and through being co-chair of the GWPC Ground Water Division. Additionally, work with the Bureau of Water permit and Mine Pollution Control Program staff to develop source water protection, groundwater monitoring and aquifer evaluation and remediation programs. I have also served as a primary Agency witness at Illinois Pollution Control Board proceedings in the matter of groundwater quality standards, technology control regulations, regulated recharge areas and water well setback zone exceptions. Furthermore, I have served as an Agency witness in enforcement matters.

7/91-9/92 - Acting Manager of the Groundwater Section, Division of Public Water Supplies, BOW, Illinois EPA. My responsibilities include continued development and implementation of Illinois statewide groundwater quality protection and USEPA's approved wellhead protection program. Additionally, work with the Bureau of Water permit and Mine Pollution Control Program staff to develop groundwater monitoring and aquifer evaluation, remediation and/or groundwater management zone programs. I also served as a primary Agency witness at Illinois Pollution Control Board proceedings in the matter of groundwater quality standards and technology control regulations. Additionally, serve as an Agency total quality management (TQM) facilitator, and TQM trainer.

Manage a statewide regulatory compliance program for activities located within setback zones and regulated recharge areas of potable water supply wells.

7/88-7/91 - Manager of the Hydrogeology Unit, Groundwater Section, Division of Public Water Supplies, Illinois EPA. Manage a staff of geologists and geological engineers that apply hydrogeologic and groundwater modeling principals to statewide groundwater protection programs. Oversight the development, integration and application of Geographic Information System, global positioning system, geostatistical, optimization, vadose zone, solute transport, groundwater flow and particle tracking computer hardware/software programs for groundwater protection and remediation projects.

Provide administrative support to the Section manager in coordination, planning, supervision, grant application and management, regulatory and legislative development in relation to the statewide groundwater quality protection program. Establish soil and groundwater cleanup objectives on the Agency Cleanup Objectives Team.

7/85-7/88 - Environmental Protection Specialist I, II, and III in the Groundwater Section, Division of Public Water Supplies, Illinois EPA. Lead worker and senior geologist in the development and implementation of Illinois statewide groundwater quality protection program.

3/81-12/83 - Consulting Well Site Geologist for Geological Exploration (GX) Consultants of Denver Colorado. Worked as a consulting well site geologist in petroleum exploration and development for major and independent oil companies. Responsible for the geologic oversight of test drilling for the determination and presence of petroleum hydrocarbons. Prepared geologic correlations and performed analysis of geophysical logs, drilling logs and drill cuttings. Supervised and analyzed geophysical logging. Made recommendations for conducting and assisted with the analysis of drill stem tests and coring operations. Provided daily telephone reports and final written geologic reports to clients.

1/79-3/81 Title: Undergraduate Teaching Assistant for Illinois State University Geology Department. Responsible for teaching and assisting with lecture sessions, lab sessions, assignment preparation and grading for petrology, stratigraphy and geologic field techniques.

X. List of Rulemaking or Cases in Which Expert Witness Experience Has Been Gained

IN THE MATTER OF: GROUNDWATER QUALITY STANDARDS (35 ILL. ADM. CODE 620), R89-14(B) (Rulemaking). Subject: I served as the principal Illinois EPA witness recommending adoption of this Agency proposal. R89-14(B) was adopted by the Board. The standards became effective January 1991.

IN THE MATTER OF: GROUNDWATER PROTECTION: REGULATIONS FOR EXISTING AND NEW ACTIVITIES WITHIN SETBACK ZONES AND REGULATED RECHARGE AREAS (35 ILL. ADM. CODE 601, 615, 616 and 617), R89-5 (Rulemaking). Subject: I served as the principal Illinois EPA witness supporting adoption of this Agency proposal. R89-5 was adopted by the Board and became effective January 1992.

IN THE MATTER OF: GROUNDWATER QUALITY STANDARDS (35 ILL. ADM. CODE 620), R93-27 (Rulemaking). Subject: I served as the principal Illinois EPA witness recommending amendments of new constituent standards in this Agency proposal.

IN THE MATTER OF: PROPOSED REGULATED RECHARGE AREAS FOR PLEASANT VALLEY PUBLIC WATER DISTRICT, PROPOSED AMENDMENTS TO (35 ILL. ADM. CODE 617), R00-17 (Rulemaking). Subject: I served as the principal Illinois EPA witness supporting adoption of this Agency proposal. The proposal was adopted on July 26, 2001 and became effective September 1, 2001.

IN THE MATTER OF: NATURAL GAS-FIRED, PEAK-LOAD ELECTRICAL GENERATION FACILITIES (PEAKER PLANTS), R01-10 (Informational Hearing) Subject: I served as a supporting Illinois EPA witness to discuss the impact of peaker plants on groundwater.

IN THE MATTER OF: PROPOSED AMENDMENTS TO TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742), (R00-19(A) and R00-19(B)) (Rulemaking). Subject: I served as a supporting Illinois EPA witness recommending inclusion of MTBE in this Agency proposal.

IN THE MATTER OF: GROUNDWATER QUALITY STANDARDS AND COMPLIANCE POINT AMENDMENTS (35 ILL. ADM. CODE 620), R01- 14 (Rulemaking). Subject: I served as the principal Illinois EPA witness recommending amendments of a groundwater standard for MTBE and compliance point determinations in this Agency proposal. The Board adopted the proposal unanimously on January 24, 2002.

IN THE MATTER OF: PROPOSED AMENDMENTS TO TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742) (TACO), (Rulemaking). Subject: I served as the Illinois EPA witness supporting amendments TACO to include wellhead protection areas. September 2004.

STATE OIL COMPANY vs. DR. KRONE, McHENRY COUNTY and ILLINOIS EPA, PCB 90-102 (Water Well Exception). Subject: This case involved obtaining an exception from the owner of a non-community water supply well for placing new underground gasoline storage tanks within the 200-foot setback zone of well. I served as the principal witness for Illinois EPA on this case. The Board granted the exception with conditions.

SHELL OIL COMPANY vs. COUNTY of DuPAGE and THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, PCB 94-25 (Water Well Setback Exception). Subject: A new underground gasoline storage tank was seeking an exception from the Illinois Pollution Control Board in relation to a private drinking water supply well setback zone. The DuPage County and the Illinois EPA held that the tank would be a significant hazard and opposed the exception. I served as the principal Illinois EPA witness. Shell withdrew the petition from the Board after hearings were held.

People ex rel. Ryan v. STONEHEDGE, INC., 288 Ill.App.3d 318, 223 Ill.Dec. 764, 680 N.E.2d 497 (Ill.App. 2 Dist. May 22, 1997). Subject: State brought Environmental Protection Act action against company engaged in business of spreading deicing salt, alleging that salt stored on company's industrial property leaked into area's groundwater supply, thereby contaminating it. The Circuit Court, McHenry County, James C. Franz, J., granted company's motion for summary judgment. State appealed. The Appellate Court, Colwell, J., held that: (1) wells existing before Illinois Water Well Construction Code was enacted are not "grandfathered" in as being in compliance with Code, so as to be automatically subject to testing for groundwater contamination, and (2) fact issues precluded summary judgment on claim arising from alleged deposit of at least 50,000 pounds of salt in pile within 200 feet of two existing water supply wells. Affirmed in part and reversed in part; cause remanded.

People vs. AMOCO OIL COMPANY and MOBIL CORPORATION, Case no. 90-CH-79, Tenth Judicial Court, Tazewell County, Illinois. Subject: Groundwater contamination resulting from releases at above ground bulk petroleum storage terminals resulting in violation of Illinois' Groundwater Quality Standards Regulations (35 Illinois Administrative Code 620). I served as the principal Illinois EPA witness on this case. The case was settled with a penalty of \$125,000 and the requirement of a comprehensive corrective action program.

People vs. STONEHEDGE INC. Case no. 94-CH-46, Circuit Court of the 19th Judicial Circuit, McHenry County. Subject: This case involved a violation of the potable well setback zone provisions of Section 14.2 of the Illinois Environmental Protection Act. Stonehedge Inc. placed a salt pile of greater than 50,000 pounds within the 200 foot setback of multiple private drinking water supply wells. I served as an Agency principal witness. Stonehedge Inc. was found to be guilty of violating the setback prohibition in this case and was assessed a penalty of \$1,500 and attorneys fees of \$4,500.

SALINE VALLEY CONSERVANCY DISTRICT vs. PEABODY COAL COMPANY, Case No. 99-4074-JLF, United States District Court for the Central District of Illinois. Subject: Groundwater contamination from the disposal of 12.8 million tons of coarse coal refuse, slurry and gob. Witness for the Illinois EPA. This is an on-going case.

HOUSE BILL 171 METHYL TERTIARY BUTYL ETHER (MTBE) ELIMINATION ACT, House Environmental and Energy Committee.

Subject: Legislation to phase out MTBE within 3 years of enactment. I served as a principal Illinois EPA witness in support of the proposed legislation. The legislation was adopted as Public Act 92-0132 on July 24 2001. PA 92-132 required the ban of MTBE within three years.

TERESA LeCLERCO; AL LeCLERCO; JAN LeCLERCO; WALT LeCLERCO, individually; and on behalf of all persons similarly situated vs. THE LOCKFORMER COMPANY, a division of MET-COIL SYSTEMS CORPORATION, Case no. 00 C 7164, United States District Court, Northern District of Illinois. Subject: I was called as a witness by Lockformer Company to testify about a Well Site Survey prepared and published in 1989 by the Illinois EPA for Downers Grove community water supply.

TERESA LeCLERCO; AL LeCLERCO; JAN LeCLERCO; WALT LeCLERCO, individually; and on behalf of all persons similarly situated vs. THE LOCKFORMER COMPANY, a division of MET-COIL SYSTEMS CORPORATION, Case no. 00 C 7164, United States District Court, Northern District of Illinois. Subject: I was called as a witness by Lockformer Company to testify about groundwater contamination in the Lisle and Downers Grove area.

HOUSE BILL 4177 PRIVATE WELL TESTING PROPERTY TRANSFER and DISCLOSURE ACT, House Environmental and Energy Committee. Subject: Legislation to require volatile organic chemical contamination testing of private wells at the time of property transfer and reporting to the Illinois Department of Public Health and the Illinois EPA. I served as a principal Illinois EPA witness in support of the proposed legislation. The legislation was not supported due to the opposition from the realtors association.

MATTER OF PEOPLE vs. PEABODY COAL, PCB 99-134 (Enforcement). Subject: the State of Illinois developed an amended complaint against Peabody Coal Company (PCC) for violation of the groundwater quality standard for total dissolved solids, chloride, iron, manganese, and sulfate. I developed testimony to address PCC's affirmative defense of challenging the basis for the groundwater quality standards for these contaminants.

IN THE MATTER OF: MAXIMUM SETBACK ZONES FOR MARQUETTE HEIGHTS PUBLIC WATER SUPPLY (35 ILL. ADM. CODE 618), R05-09 (Rulemaking). Subject: Pursuant to request by the Village of Marquette Heights the Illinois EPA developed a maximum setback zone for the Marquette Heights community water supply wells. I developed and presented testimony to support the Illinois EPA's proposal.

XI. Honors

Sigma Xi 4/81

Superior Performance Award 1/86

Superior Performance Award 11/87

Certificate of Commendation for Groundwater Protection Programs 4/92

Certificate of Appreciation for work on the Agency's Cleanup Objectives Team 4/93

Certificate of Appreciation for participation as an Agency TQM facilitator 4/93

Certificate of Appreciation for participation on a total quality action team 4/93

Certificate of Appreciation for participation in the Governors Environmental Youth Corps Program 4/93

Director's Commendation Award for participation in the development of the City of Pekin, IL. Groundwater Protection Program and commitment to the protection of Illinois groundwater. 7/95

Certificate of Appreciation for outstanding contribution to the development of the Ground Water Guidelines for the National Water Quality Inventory 1996 Report to Congress from the United States Environmental Protection Agency Office of Ground Water and Drinking Water. 8/96

Groundwater Science Achievement Award from the Illinois Groundwater Association for outstanding leadership and service in the application of groundwater science to groundwater protection in Illinois and in the development of the wellhead protection program and pertinent land-use regulations. 11/97

Certificate of Appreciation from the Ground Water Protection Council for distinguished service, remarkable dedication, valuable wisdom and outstanding contribution as a GWPC member, division co-chair and special committee member. 9/99

Drinking Water Hero Recognition by United States Environmental Protection Agency Administrator Carol Browner at the 25th Anniversary of the Federal Safe Drinking Water Act Futures Forum in Washington D.C. 12/99.

Certificate of Recognition from United States Environmental Protection Agency Region V Administrator Fred Lyons for outstanding achievements in protecting Illinois' groundwater resources. 12/99

Nominated by the Governor's Office of Technology for an Exemplary Systems in Government (ESIG) Award from the Urban and Regional Information Systems Association (URISA) for the Illinois EPA's Source Water Assessment and Protection Internet Geographic Information System. 6/01

Certificate of Appreciation from the Illinois EPA for outstanding efforts toward the development of Clean Construction and Demolition Debris legislation. 10/05

XII. PUBLICATIONS

A. Illinois EPA Strategic Plans

Principal Author

Illinois Environmental Protection Agency's *Homeland Security Strategy*, March 2003, 20pp.

Co-Author

Illinois Environmental Protection Agency's *Strategic Plan, Bureau of Water Section*, September 2003, pp.

B. Enforcement

Principal Author

Opinions and Conclusions of Richard Cobb For the Matter of People v. Peabody Coal, PCB 99-134 (Enforcement), May 23, 2003. 60 pp.

C. Legislative Development Documents

Co-Author

A Plan for Protecting Illinois Groundwater, Illinois Environmental Protection Agency, January 1986. 65 p.

Groundwater in Illinois: A Threatened Resource, A Briefing Paper Regarding the Need for Groundwater Protection Legislation, Governors Office and Illinois Environmental Protection Agency, April 1987. 34 pp.

D. Participated in the Development of the Following Regulations and Legislation

Illinois Groundwater Protection Act, Public Act 85-0863, September 1987. 68 pp.

MTBE Elimination Act, Public Act 92-0132, July 24 2001.

Executive Order #5 - requires the ICCG to designate a subcommittee to develop an integrated groundwater and surface water resources agenda and assessment report. The report shall analyze the burden's on Illinois finite water resources, quantify Illinois' water resources, and prioritize an agenda to plan for the protection of these water resources. The Director of the Department of Natural Resources chaired this subcommittee. The ICCG and GAC shall use the subcommittee's agenda and report to establish a water-quantity planning procedure for the State. The Governor signed executive order #5 on Earth Day April 22, 2001.

Amendments to Sections 2, 3 and 4 of the Illinois Groundwater Protection Act 415 ILCS 55/2 to establish a Groundwater and Surface Water Quantity Protection Planning Program, January 2002, 3 pp. These amendments were never adopted due to opposition from the Illinois Farm Bureau.

Public Act 92 -652/Senate Bill 2072 - Amends the Illinois Groundwater Protection Act to require the Environmental Protection Agency to notify the Department of Public Health, unless notification is already provided, of the discovery of any volatile organic compound in excess of the Board's Groundwater Quality Standards or the Safe Drinking Water Act maximum contaminant level. Provides an exception to the restriction that the Act does not apply to a community water supply that is regulated under the Environmental Protection Act. Requires the Department to notify the public within 60 days of the receipt of the notice from the Agency that the owner of any private water system, semi-private water system, or non-community public water system needs to test his or her system for potential contamination. Provides guidelines for the publication of notice. Passed the Senate Environment and Public Works Committee February 2002. The Governor signed this into law as Public Act 29-652 (effective July 25, 2002).

House Bill 4177 - amends the Illinois Groundwater Protection Act. Provides that before property that has a well used for drinking water on it can be sold, the owner must have the well water tested for volatile organic chemical groundwater contaminants. Provides that if the well water does not meet the Illinois Pollution Control Board's Groundwater Quality Standards (35 Il Adm Code Part 620), the owner shall notify the Illinois Department of Public Health (IDPH) and the prospective buyer of the property. The realtors association July 2002 opposed House Bill 4177.

House Resolution 1010 - The resolution drafted by in cooperation with Senator Patrick Dunn' staff urge the Illinois Environmental Protection Agency to further strengthen its public outreach efforts by developing, after negotiations with individuals representing areas affected by contamination and other relevant State agencies, a procedure to notify property owners whenever the Agency has confirmed an exceedence of applicable health and safety standards, using scientifically credible

data and procedures under Illinois regulations. HR 1010 was adopted by voice vote on June 1, 2004.

Public Act 94-314 (Senate Bill 0214) – This is referred to as Right-to-Know (RTK) law. The law includes providing the Illinois EPA with administrative order authority (AO), information order authority, and established the requirements for providing notices to residents or business exposed or potentially exposed to contamination. The Illinois EPA had been seeking this type of AO authority for the past 35 years. Senate Bill 0214 was unanimously passed by both the Senate and the House May 2005. The legislation was signed into law by the Governor July 27, 2005.

E. Water Quantity Management and Protection

Principal Author

R.P., Cobb, August 2002, *Development of Water Quantity Planning and Protection in Illinois – A New Direction*, Proceedings of the Annual Ground Water Protection Council Technical Forum, San Francisco, California, 10pp.

F. Participated in the Development of the Following Regulations

Groundwater Quality Standards (35 Ill. Adm. Code 620), November, 1991. 79 pp.

Groundwater Protection: Regulations for Existing and New Activities within Setback Zones and Regulated Recharge Areas (35 Ill. Adm. Code 601, 615, 616 and 617), December 1991. 132 pp.

Maximum Setback Zone Rules For Community Water Supply Wells (35 Ill. Adm. Code 671), February 1988. 50 pp.

Minimal Hazard Certification Rules (35 Ill. Adm. Code 670), February, 1994. 21 pp.

Amendments to the Groundwater Quality Standards Regulation, (35 Ill. Adm. Code 620), February 1994.

Regulated Recharge Area Regulation for Pleasant Valley Public Water District, (35 Ill. Adm Code 617), September 1, 2001 Effective date.

Maximum Setback Zone Regulation for Illinois American Water Company-Peoria, (35 Ill. Adm. Code 618), under development.

Maximum Setback Zone Regulation for Marquette Heights, June 2004, under development.

G. Groundwater Quality and Hydrogeology

Principal Author

Cobb, R.P., and Sinnott, C.L., 1987. *Organic Contaminants In Illinois Groundwater*. Proceedings of the American Water Resources Association, Illinois Section, Annual Conference, Champaign, IL, April 28-29, p. 33-43.

Clarke, R.P., and Cobb, R.P., 1988. *Winnebago County Groundwater Study*. Illinois Environmental Protection Agency. 58 pp.

Cobb, R.P., et al, 1992. *Pilot Groundwater Protection Needs Assessment for the City of Pekin*. Illinois Environmental Protection Agency. 111 pp.

Cobb, R.P., December 2001. *Using An Internet Geographic Information System (GIS) to Provide Public Access to Hydrologic Data*, Association of Groundwater Scientists and Engineers, National Groundwater Association, National Conference Proceedings, Nashville, Tennessee.

Wilson, S., Cobb, R.P., and K. Runkle, January 2002. *Arsenic in Illinois Groundwater*. Illinois State Water Survey, Illinois Environmental Protection Agency, and Illinois Department of Public Health. <http://www.epa.state.il.us/water/groundwater/publications/arsenic/index.html>, 7 pp.

Cobb, R.P., Fuller, C., Neibergall, K., and M. Carson, February 2004. *Community Water Supply Well Shooting/Blasting near the Hillcrest Subdivision Lake County, Illinois Fact Sheet*. Illinois Environmental Protection Agency. 4 pp.

Co-author

P.C. Mills, K.J. Halford, R.P. Cobb, and D.J. Yeskis, 2002. *Delineation of the Troy Bedrock Valley and evaluation of ground-water flow by particle tracking, Belvidere, Illinois*, U.S. Geological Survey Water-Resources Investigations Report 02-4062, 46 pp.

H. Groundwater Protection Program Documents

Principal Author

Buscher, W.E., and Cobb, R.P., 1990. *Maximum Setback Zone Workbook*. Illinois Environmental Protection Agency. 62 pp.

Cobb, R.P., 1990. *Illinois Groundwater Protection Program: A Biennial Report*. Interagency Coordinating Committee on Groundwater. 53 pp.

Cobb, R.P., Buscher, W.E., and A. Dulka, 1991. *Illinois Approved Wellhead Protection Program* Submitted to the United States Environmental Protection Agency Pursuant to Section 1428 of the Safe Drinking Water Act. Illinois Environmental Protection Agency. 44 pp.

Cobb, R.P., 1992. *Illinois Groundwater Protection Program: A Biennial Report*. Interagency Coordinating Committee on Groundwater. 118 pp.

Cobb, R.P., 1994. *Illinois Groundwater Protection Program: A Biennial Report*. Interagency Coordinating Committee on Groundwater. 118 pp.

Cobb, R.P., 1994. *Briefing Paper and Executive Summary on the Illinois Groundwater Protection Act and Groundwater Protection Programs with Recommendations from the Illinois Environmental Protection Agency Regarding the Siting of a Low Level Radioactive Waste Site*. Presented to the Low Level Radioactive Waste Task Force on December 9, 1994 in Champaign-Urbana.

Cobb, R.P., 1994. *Measuring Groundwater Protection Program Success*. In the proceedings of a national conference on Protecting Ground Water: Promoting Understanding, Accepting Responsibility, and Taking Action. Sponsored by the Terrene Institute and the United States Environmental Protection Agency in Washington D.C., December 12-13, 1994.

Cobb, R.P., Wehrman, H.A., and R.C. Berg, 1994. *Groundwater Protection Needs Assessment Guidance Document*. Illinois Environmental Protection Agency. +94 pp.

Cobb, R.P., and Dulka, W.A., 1995. *Illinois Prevention Efforts: The Illinois Groundwater Protection Act Provides a Unified Prevention-Oriented Process to Protect Groundwater as a Natural and Public Resource*, The AQUIFER, Journal of the Groundwater Foundation, Volume 9, Number 4, March 1995. 3pp.

Cobb, R.P., 1995. *Integration of Source Water Protection into a Targeted Watershed Program*. In the proceedings of the GROUND WATER PROTECTION COUNCIL'S Annual Ground Water Protection Forum in Kansas City Missouri.

Cobb, R.P., 1996. *A Three Dimensional Watershed Approach: Illinois Source Water Protection Program*. In the proceedings of the GROUND WATER PROTECTION COUNCIL'S Annual Ground Water Protection Forum in Minneapolis Minnesota.

Cobb, R.P., and W.A. Dulka, 1996. *Discussion Document on the Development of a Regulated Recharge Area for the Pleasant Valley Public Water District*. Illinois Environmental Protection Agency. pp 28.

Cobb, R.P., 1996. *Illinois Source Water Protection Initiatives-Groundwater Perspective*. In the proceedings of the American Water Works Association's Annual Conference and Exposition in Toronto Canada. pp 585- 594.

Cobb, R.P., 1996. *Illinois' Groundwater Protection Program: A Biennial Report*. Interagency Coordinating Committee on Groundwater. 93 pp.

Cobb, R.P., and Dulka, W.A., 1996. *Illinois Community Examines Aquifer Protection Measures*. American Water Works Association Journal. p10.

Cobb, R.P., McMillan, W.D., and K.E. Cook. 1996. *Drinking and Groundwater Sections of Illinois Water Quality Report (Section 305(b) Report*.

Cobb, R.P., 1996. *Illinois' Core Comprehensive State Groundwater Protection Program Application*. Illinois Environmental Protection Agency. 159 pp.

Cobb, R.P., 1998. *Illinois Source Water Assessment and Protection Program Application*. 180 pp.

Cobb, R.P., etal. October 1999, *Ground Water Report to Congress*, United States Environmental Protection Agency.

Cobb, R.P., September 2001, *Regulated Recharge Area Proposal for the Pleasant Valley Public Water District*, Ground Water Protection Council Annual Forum Proceedings, Reno Nevada, 13 pp.

Cobb, R.P. April 2002, *Groundwater Contamination Response Strategy*, Interagency Coordinating Committee on Groundwater, 34 pp.

Co-Author

Clarke, R.P., Cobb, R.P. and C.L. Sinnott, 1988. *A Primer Regarding Certain Provisions of the Illinois Groundwater Protection Act*. Illinois Environmental Protection Agency. 48 pp.

Kanerva, R.A., Clarke, R.P. and R.P. Cobb 1988. *An Issues / Options Paper for Comprehensive Water Quality Standards for Groundwater*. Interagency Coordinating Committee on Groundwater. 25 pp.

Kanerva, R.A., Clarke, R.P. and R.P Cobb 1989. *Discussion Document for Comprehensive Groundwater Quality Standards*. Interagency Coordinating Committee on Groundwater. 25 pp.

Dulka, W.A., and R.P. Cobb, 1995. *Grassroots Group Forges Groundwater Protection Law*. American Water Works Association, Opflow, Vol. 21 No. 3. 2pp.

I. Geology

Principal Author

Cobb, R.P., 1980. *Petrography of the Houx Limestone in Missouri*. Transactions of the Illinois Academy of Science Annual Conference, Illinois Wesleyan, Bloomington, IL.

ATTACHMENT II

RTK Historical Background Chronology

- During the late summer and early fall of 2000, a number of residents with private wells in an eastern Lisle neighborhood south of Ogden Avenue had their wells sampled by a private environmental contractor. By mid-November, more than 35 residential wells had been sampled by various parties. **Trichloroethylene (TCE)** had been detected in at least 20 wells, and it had been found in excess of the U.S. Environmental Protection Agency (U.S. EPA) Drinking Water Standard for public water supplies (5 parts per billion) in six wells. The concentrations ranged from just above the detection limit to almost 20 parts per billion in one well
 - IEPA obtained the lab results from the various parties sampling the wells, and in November 2000, mounted a major effort to sample the remaining wells in the affected neighborhood. IEPA's initial sampling round took place in the week before Christmas. IEPA field staff sampled 48 residential wells
 - 34 of the homes (over 70% of those tested) had detectable TCE concentrations, and nine of these homes had levels exceeding the federal drinking water standard
 - An important characteristic noted in the test results of the well with TCE contamination was that the samples contained no detectable amounts of the usual chemical "breakdown products" that very often occur when TCE is found in groundwater.
 - In January 2001, the IEPA referred the matter to the Office of the Illinois Attorney General based on a demonstrated threat of TCE contamination in the drinking water of the sampled residential area in eastern Lisle.
- **Spring 2001-** Illinois EPA began investigating potential groundwater contamination in Downers Grove east of I-355 based on data collected during the investigation of the Lisle/Lockformer site. The Illinois Department of Public Health (IDPH) worked with Illinois EPA to take a small number of samples, and the sample results (May 2001) showed volatile organic chemical contamination. In June, Illinois EPA initiated a separate investigation in Downers Grove to identify contaminated wells and potential sources of groundwater contamination;
- **Summer 2001 -** Illinois EPA collected samples from more than 550 private wells over the course of six sampling events in July, September, October, November and December 2001 and in January 2002;
- **Public Availability Meetings** regarding site status (on the Downers Grove site) were held in October 2001, September 2002, February 2003 and April 2003;
- **December 12, 2001 –** Illinois EPA staff met with concerned citizens and Illinois Representative Patti Bellock ;
- **December 2001 –** Illinois EPA formed the Governor's Action Team on Groundwater Contamination issues in DuPage County. The group of local, state and federal officials met four times from January 2002 through July 2002 to find a way to bring a public drinking water supply to residents in the area of contamination;
- **January 29, 2002 –** Illinois EPA convened a meeting with the Interagency Coordinating Committee on Groundwater (ICCG) and the GAC to obtain concurrence for a subcommittee and to pursue notification legislation to respond to contaminated groundwater situations in the

state. The **Contaminant Response Subcommittee** met twice in February 2002. In March, 2002 the subcommittee finalized a written strategic plan, which became the basis for the SB2072 legislation;

- **February 4, 2002** – Illinois EPA began working with Representative Bellock on **House Bill (HB) 4177** proposing to require private well testing and disclosure prior to property transfer. (This bill did not make it out of committee);
- **February 2002** – Illinois EPA and U.S. EPA held an information meeting with citizens about how to form a **Citizens' Advisory Group**;
- **April 12, 2002**- *ICCG Groundwater Contamination Response Strategic Plan* was submitted to the Governor's Office by Illinois EPA;
- **May 2002** – Illinois EPA began drafting **Senate Bill 2072** legislation to notify potential private, semi-private and non-community water supply wells when contaminants are detected above standards in community water supply wells;
- **July 11, 2002** – **Public Act (PA) 92-652 (SB 2072)** was adopted;
- **Summer through winter 2002** – Illinois EPA began sending notices to the Illinois Department of Public Health (IDPH) and local county health departments regarding nine public water supplies about historical or known VOC contamination above standards. According to the newly passed legislation (SB 2072), the local health department would issue a news release for 3 weeks to notify any potential private well owners. Eight public water supplies (Freeport, Belvidere, Nokomis, New Lenox, South Chicago Heights, Morrison, Momence and Sandwich) were notified from June 2002 to February 2003;
- **Fact Sheets** – Illinois EPA developed and mailed out five fact sheets about the Downers Grove site status to a large contact list (approx. 700 households) during 2001 – 2003. Similar fact sheets were sent out regarding other sites with groundwater contamination;
- **Well Survey Guidance** – May 2003, Illinois EPA developed a **guidance fact sheet** for remedial programs to make available to potentially responsible parties about **how to perform a well survey to be protective of private wells** near a cleanup site. This was the product of an internal Illinois EPA group that met for approximately a year on how best to handle the issue (formed in July 2002);
- **March of 2004** - Director Cipriano directed staff within the Illinois EPA to establish an agency-wide **Contamination Evaluation Group (CEG)** that will evaluate the potential for contaminated sites to affect off-site private properties and require further steps by Potentially Responsible Parties regarding notification of the public;
- **May 2004** - Illinois EPA made a policy decision to implement a more stringent notification procedure than required under PA 92-652 (re: SB 2072). From May to December 2004, notices were sent to the IDPH and local county health department for 19 areas to issue a press release for 3 weeks potentially notifying 4,479 private well owners where VOC contaminants were detected above detection levels;
- **May of 2004** - The Illinois EPA issued a **statewide press release** to increase the awareness about **new online information** developed by Illinois EPA to provide citizens and local officials with quick access to useful information on the quality of the sources of public drinking water supplies and the quality of finished water coming out the tap;
- **June 1, 2004**- **Commend Representative Dunn for adoption of HR 1010**. This is a resolution that says that Illinois EPA will adopt procedures to better notify area private property owners whenever the Agency has confirmed an exceedance of an applicable health and safety standard;

- **June 2004** - The Illinois EPA began the development of **amendments to rules under the Site Remediation Program** strengthening community relations requirements identification of private water supplies near cleanup sites;
- **July 27, 2004** – Illinois EPA convened a joint meeting of the ICCG (all State agencies with groundwater authorities) and the Governor's Groundwater Advisory Council (Interest group representatives [Business, environmental, agricultural, water well drillers, regional planning, and local government]) to obtain input on how to proceed with developing and implementing a response to HR 1010;
- **July 2004** - Illinois EPA began brainstorming the elements of legislation that could be proposed to codify the CEG process; enhance the Agency's authority to improve our notice capabilities; and set forth future goals of improving information dissemination and public notice procedures;
- **August 2004** – A schedule and progress report provided to Illinois Representative Dunn;
- **December 9, 2004** – Illinois EPA convened the first Citizens RTK Subcommittee meeting in DuPage County. **ICCG RTK Subcommittee** is comprised of citizen representatives from: the Downers Grove Citizens Advisory Committee (CAG); a citizen from the Lisle CAG; citizen from Rockford; and a citizen dealing with residential well contamination in Lake County. In addition, there are representatives from; Illinois EPA; local, regional and state health departments; and the state scientific surveys;
- **December 2004** – The Illinois EPA CEG Strategy was finalized;
- **January 5, 2005** – CEG meeting: BOL recommended the Steger area as an outreach notification area;
- **January 13, 2005** - Illinois EPA convened the second Citizens RTK Subcommittee meeting in DuPage County;
- **January – May 2005** – Extensive negotiation sessions with interested parties on RTK legislation;
- **May 3, 2005** – Joint ICCG/GAC meeting to obtain input on the proposed outreach notification project recommendations from the RTK Subcommittee;
- **May 23, 2005** – Senate Bill 0241 was adopted by the House;
- **July 1, 2005** – Initial outreach notification was sent to 2,300 residents in the Steger South Chicago area;
- **July 24, 2005** – Governor signs into law SB 0241 as P.A. 94-314;
- **July 27, 2005** - Public Availability Session/Workshop held in Steger;
- **August 17, 2005** – GAC meeting held to request leading the stakeholder input process required on notification methods under the RTK Act;
- **August 18, 2005** - A follow-up survey to the Steger outreach session was mailed on to a subset of about 29 percent of the original total mailing, including all addresses in Steger where there are two areas of known private wells;
- **September 12, 2005** – A briefing package on the RTK notification process was sent to the GAC RTK Notification Process Committee; and
- **September 27, 2005** – A summary was compiled from the follow-up survey and was provided to the GAC Notification Process Committee;
- **November 2005** – The Agency developed an educational web site (<http://www.epa.state.il.us/well-water/>) for private well users with links to other helpful information on a variety of linked web sites. The water well educational outreach effort was

kicked of in November 2005 with a news release (November 10, 2005) that was coordinated with various county health departments.

ATTACHMENT III

217/785-4787

January 3, 2006

Groundwater Advisory Council (GAC) – Right-to-Know (RTK) Notification Committee

Dear Committee Members,

The first step to prevention is awareness and the RTK notice provisions create awareness of an otherwise hidden resource.

The purpose of this letter is to communicate completion of the committee's objectives established on August 17, 2005. I have attached the final resolution prepared by the GAC committee via a consensus-based process. This resolution provides input to the Illinois Environmental Protection Agency (Illinois EPA) on the methods of providing notice as required under Section 25d-3 of P.A. 94-314. Moreover, the resolution documents the results of the consultation process required pursuant to Subsection 25d-3 (c) of P.A. 94-314.

The Illinois EPA will post this resolution on our web site under the Environmental Facts Online feature on the homepage.

Thank you for your valued input and contribution to this important environmental program.

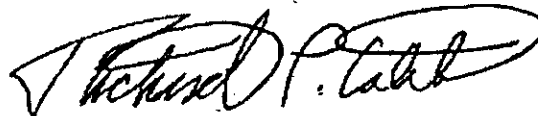
Sincerely,



Bill Compton
Chair
Groundwater Advisory Council

Encls.

Sincerely,



Richard P. Cobb, P.G.
Deputy Manager
Division of Public Water Supplies
Bureau of Water

**Groundwater Advisory Council
December 27, 2005**

**Resolution Providing Recommendations for Methods by which the
Illinois Environmental Protection Agency gives Notice
Pursuant to 415 ILCS 5 / 25d – 3 Notices**

WHEREAS, The State of Illinois has enacted Public Act 094-0314 including Title VI-D. RIGHT-TO- KNOW, whose Sec. 25d – 3 requires the Illinois Environmental Protection Agency (IEPA) to give notice of actions taken under Sec. 25d- 3(a) to owners of property with soil contamination and/or for any private, semi-private, or non-community water system, the owners of the properties served by the system threatened by groundwater contamination, and,

WHEREAS, under Sec. 25d – 3 requires the Illinois Environmental Protection Agency (IEPA) to give notice of actions taken under Sec. 25d- 3(a) to owners and operators of a community water system, threatened by groundwater contamination, and,

WHEREAS, under Sec. 25d – 3(b), on request of the Agency, the appropriate officials of the county in which the property is located must provide to the Agency the names and addresses of all property to the owners of all property within 2,500 feet or any closer or farther distance the Agency deems appropriate of subject contaminated soil and/or groundwater that appear on the authentic tax records of the county to whom the Agency is required to give notice, and,

WHEREAS, the Act provides for two mechanisms for notification, i.e. IEPA initiated notification, and IEPA-approved notifications procedures implemented as part of a responsible party community relations plan in lieu of IEPA notifications, and,

WHEREAS, Sec. 25d – 3 (c) requires that the methods by which the Agency gives the notices to property owners served by a private, semi-private, or non-community water system, and for any owners and operators of a community water system identified under Sec. 25d – 3(a)(A) and Sec. 25d – 3(a)(B); and notices to property owners identified under Sec. 25d – 3(b) shall be determined in consultation with members of the public and appropriate members of the regulated community, and,

WHEREAS, in response to Sec. 25d – 3 (c) the Groundwater Advisory Council (GAC) resolved to take the lead in facilitating and providing stakeholder input (in consultation with members of the public and appropriate members of the regulated community) to the IEPA on methods of notification, and.

WHEREAS, the GAC established an RTK Notification Committee (Committee) comprised of GAC members; IEPA representatives; the Illinois Environmental Regulatory Group (an affiliate of the Illinois Chamber of Commerce comprised of 57 major Illinois businesses) represented by Executive Director D.K. Hirner; Ann Muniz, RTK Subcommittee (Downers Grove Citizens Advisory Group); Bernadette Dinschel, RTK Subcommittee (Lisle Citizens Advisory Group); and

Gary Flentge, Director, Environmental Health Division, Illinois Department of Public Health (IDPH) to provide recommendations to the IEPA on methods of notification,

NOW, THEREFORE, after careful consideration of the provisions of Public Act (PA) 94-314, and the collective work experience of the IEPA, the IDPH, the GAC members, the Downers Grove and Lisle Citizens Advisory Groups, and members of the regulated community with community outreach and notification programs, the Committee offers the following recommendations to the IEPA:

The methods by which notice is given should apply to both IEPA-issued notices and responsible party-issued notices under an approved community relations plan. The notification methods may be applied singly or in combination to effectively and efficiently reach the target audience, taking site-specific considerations into account. The methods include:

- Personal notification
- Public meetings,
- Signs
- Electronic notification
- Print media
- Actions taken by local responsible governmental bodies and units
- Activities of Citizen Advisory Groups
- Communications through responsible party community outreach programs

Additional means identified that pertain to the specific target locations. Regardless of the specific method or combination of methods used in notification, the notices should contain the following information:

- The name and address of the site or facility where the release occurred or is suspected to have occurred
- The identification of the contaminant released or suspected to have been released
- The information as to whether the contaminant was released into the air, land, or water
- A brief description of the potential adverse health effects posed by the contaminant
- A recommendation that water systems with wells impacted or potentially impacted by the contaminant be appropriately tested
- The name, business address, and the phone number of persons at the IEPA from whom additional information about the release can be obtained.

The methods by which notification is given should be tailored to the stage of implementation of any site-specific remediation or corrective action activities taken under programs such as Voluntary Site Remediation, Leaking Underground Storage Tank (LUST), CERCLA or Superfund, among others.

The IEPA should involve the responsible party or parties to the extent they can be identified in the development of the community relations work plan for Agency-initiated notification projects and to the extent practicable given the impending situation for providing such notice in an expeditious manner.

The IEPA approach to community relations work plan development should provide for flexibility to chose only those methods of notification that are necessary to effectively and efficiently reach the target audience

The IEPA should use a similar differentiating approach in the approval process for responsible party community relations plan development

Bill Compton December 27, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAR 14 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
STANDARDS AND REQUIREMENTS)
FOR POTABLE WATER WELL)
SURVEYS AND FOR COMMUNITY)
RELATIONS ACTIVITIES PERFORMED)
IN CONJUNCTION WITH AGENCY)
NOTICES OF THREATS FROM)
CONTAMINATION UNDER P.A. 94-134)
)
NEW PART: 35 ILL. ADM. CODE 1505)

R06-023
(Rulemaking – Public Water)

TESTIMONY OF GARY P. KING ON PROPOSED SUBPART B

My name is Gary King. I am the manager of the Division of Remediation Management within the Bureau of Land (BOL) at the Illinois Environmental Protection Agency. In this position I am the senior manager responsible for the Site Remediation Program (SRP) and Leaking Underground Storage Tank (LUST) Program. I have had senior manager responsibility for these programs since the time they were established. In this proceeding I will testify with regards to the implementation of Subpart B: Standards and Requirements for Potable Water Supply Well Surveys within the Site Remediation, LUST and RCRA Closure Programs. Most sites using the well survey requirements will be in the Site Remediation or LUST Programs. BOL and Bureau of Water permitted facilities performing response actions pursuant to Board rules also will use the survey procedures of Subpart B as described here.

Following the Bureau of Land's discovery in 2001 of areas of groundwater contamination within DuPage County that had impacted, or threatened to impact, hundreds of private wells, the Bureau of Land began to revise its administrative

procedures for surveying water supply wells to identify the location of potable water wells in relation to cleanup sites. These procedures implemented more generic language in existing Board rules and were completed in February 2003. The Bureau of Land has used these procedures within the SRP, LUST and RCRA Closure Programs since 2003. These procedures were the template for amendments to 35 Ill. Adm. Code 732.300, 732.307, 732.404, and for Section 734.445 of the LUST rules adopted by the Board effective February 2006. Although many provisions of Parts 732 and 734 were vigorously debated in Board rulemaking proceedings, the new well survey procedures were accepted without comment or dispute.

Subpart B in this proceeding also follows the template of the 2003 BOL procedures. The enhanced procedures that BOL began administering in 2003 within the SRP, LUST and RCRA Closure Programs have been well accepted by persons cleaning up sites under these programs. I do not expect Subpart B to cause any significant burden for persons participating in these programs.

Subpart B consists of a short "purpose and scope" section, an applicability section, and a more extensive section containing the minimum procedures for performing and documenting well surveys as part of "response actions." Several changes have been proposed to this Subpart since the Agency submitted its original proposal to the Pollution Control Board (Board) on January 20, 2006. They are found in the Agency's Errata Sheet Number 1. Although some of the changes appear extensive, they are for clarification and do not change the intent of the original proposal.

Section 1505.200 sets forth the purpose and scope of the Subpart. It is to establish minimum standards and requirements for the performance of potable water well

surveys and for the reporting of the results of the surveys to the Agency. There are no all-inclusive databases containing all potable water wells in the state. However, by specifying the minimum contacts for performing the survey and authorizing the Agency to require further investigation when questions arise, consistently good results should be achieved. The documentation requirements are intended to provide the Agency project managers with information developed in the survey that is easily reviewed and interpreted.

Section 1505.205 is the applicability provision. Subsection (a) provides that initial applicability is based on whether or not a person is performing a response action pursuant to Board rules that govern how releases of contaminants are to be addressed. Subpart B is linked to Board rules because Section 25d-7(a) of the Environmental Protection Act (Act) (415 ILCS 5/25d-7(a)) links the well survey regulatory development authority to Board rules governing responses to releases of contaminants that have impacted or may impact potable water supply wells. Subpart B is linked to “persons performing response actions” because Board rules requiring response actions (or site-specific Agency interpretations of such Board rules) generally will require a well survey as part of a site investigation for characterizing the nature and extent of contamination from a release. If the applicable rules require the performance of well surveys, then Subpart B requires compliance with the Subpart B minimum standards and requirements for those surveys.

To help clarify this applicability, the Agency has defined “response action” and is proposing in Errata Sheet Number 1 an additional definition of the phrase “person performing a response action.” The principle outlined here is that the person responsible

for the cleanup under the applicable Board rule is subject to the well survey procedures if the applicable Board rule requires a site investigation, whether or not that person is legally liable for the contamination. For example, a Site Remediation Program (SRP) Remediation Applicant may be a developer who has contracted to acquire a property that previously was contaminated. While the developer may not be legally bound to clean up the contamination, the developer's entry of the site into the SRP makes the developer the person taking responsibility for addressing the release subject to the SRP rules at 35 Ill. Adm. Code 740. The developer thus has the responsibility to see that consultants and others hired to perform the response actions use the Subpart B procedures when performing well surveys pursuant to the SRP rules.

It is important to emphasize that Subpart B does not contain independent requirements to perform well surveys. The requirement to perform a well survey must be based on the applicable Board rules requiring the response action. In addition, the submission and review of well survey documentation and appeals of the Agency's final determinations concerning well survey procedures and the reporting of results are subject to the Board rules governing the response action.

Subsection 1505.205(a)(2) addresses an issue of particular importance to the SRP, the superseding of less stringent provisions. The Agency considers the procedures in Sections 732.300, 732.307, 732.404, and 734.445 of the LUST rules as equivalent to the procedures proposed in Subpart B. Therefore, the LUST rules will supersede the Subpart B requirements. The impact of this provision for the SRP will be discussed as part of the discussion of Section 1505.210 below.

Subsection 1505.205(b) addresses a problem that frequently arises when proposing new rules or amendments to existing rules -- how to treat persons already engaged as of the effective date of the proposal in the activities to be regulated by the proposal. The answer might be different for each regulatory structure affected by the proposal. Because this Subpart spans regulatory boundaries, the Agency proposes to phase in the well survey rules on a case-by-case basis. Brief criteria have been provided for making this judgment. Under subsection 1505.205(b), the Agency will determine whether a well survey has been performed as part of an ongoing response action and approved by the Agency as of the effective date of the Part. If the final determination has been made, then no additional actions will be required under the new rules. If the well survey has not been performed as of the effective date, then a survey that conforms to the proposed standards will be required. If the well survey has been performed but no Agency final determination has been made as to its adequacy, then the Agency may approve the well survey if it satisfies the new standards or require additional survey actions if it does not. In practice, the Agency anticipates that most sites that have performed a well survey as of the effective date of this Part will have satisfied the proposed new standards and requirements.

Subsection 1505.205(c) simply preserves the opportunity to use these procedures in other contexts, as appropriate.

Section 1505.210 sets forth the minimum requirements that must be satisfied when performing and documenting the results of the well survey. Section 1505.210(a) requires identification of wells, setback zones and regulated recharge areas in each of the four categories of potable water supply wells in Illinois: private, semi-private, non-

community, and community water system wells. For the first three categories, the survey distance specified is 200 feet. For the fourth category, community water systems, the distance is 2500 feet. These distances are based on setback zones for the various types of wells, although whether or not any portion of the property is within a regulated recharge area also must be factored in. For sites in the SRP governed by Part 740, the survey distances will be somewhat different because of the "less stringent" provision of Section 1505.205(a)(2). Currently under Part 740, (*see* 35 Ill. Adm. Code 740.210(a)(7), 740.425(b)(2)(D) and 740.435(b)(2)(C)), any potable water supply wells within at least 1000 feet must be identified. This is more stringent than the requirements of Subpart B. Therefore, under Section 1505.210(a) the distance for CWS wells would extend to 2500 feet, while the other three categories would remain at 1000 feet. Conversely, Part 740 does not specify the minimum required contacts for well surveys, so Subpart B would control who must be contacted when performing a well survey under Part 740. Subpart B documentation requirements also are more stringent than Part 740.

Section 1505.210(a) also specifies that the survey distances must be measured from the property where the release occurred. The property where the release occurred is the starting place for the well survey because it is likely that some level of contamination is present there, and it may pose a threat to an offsite well. Thus, as a first step of the well survey, it is important to know if contamination at the property where the release occurred is already within the setback zone or regulated recharge area of an offsite potable water supply well. The concept of using setback zones and regulated recharge areas as buffer zones around wells is borrowed from the TACO rules, among others, where it is well established. *See* 35 Ill. Adm. Code 742.320(c), (e); 742.805(a)(4), (a)(6).

Section 1505.210(b) specifies the sources of well information that must be consulted when performing a well survey. These are standard sources readily available in Illinois. They generally can be consulted using the Internet, telephone or letters although documentation requirements must be kept in mind.

Section 1505.210(c) requires that a well survey must be expanded in area if the site investigation shows that measured or modeled groundwater contamination extends or will extend beyond the boundary of the site where the release occurred in concentrations exceeding the applicable remediation objectives of the groundwater ingestion route as provided in the TACO rules (35 Ill. Adm. Code 742. Appendix B: Table E) or the applicable groundwater quality standard (35 Ill. Adm. Code 620). In that case, wells must be identified at setback zone or regulated recharge area distances from the measured or modeled plume. For example, a CWS well may have a setback zone of 2500 feet. Thus, all CWS wells within 2500 feet of the measured or modeled offsite contamination plume must be identified to determine whether contamination has encroached or may encroach on the CWS well or its setback zone.

After filing its original proposal, the Agency continued to engage in outreach with interested parties relative to the language of the proposal. The Agency received informal comments from members of the Site Remediation Advisory Committee raising concerns as to whether specific provisions in Section 1505.210(c) were consistent with the TACO rules. The Agency intended for Section 1505.210(c) to be consistent with the TACO rules, but upon further review we concluded that revisions were appropriate to clarify that intention. Therefore, in Errata Sheet Number 1 the Agency has proposed simplified language in subsection 1505.210(c) that expresses the well survey distance requirements.

in terms of measured and modeled groundwater contamination only. The soil component of the groundwater ingestion exposure route is already factored into the modeling. The models will account for the effects of the soil contamination as it migrates to groundwater and any subsequent effects on potable water supply wells. In addition, changes proposed in the Errata Sheet for subsection (c) generally reference TACO requirements or other approved models or methodologies rather than providing multiple references to TACO and Part 620 remediation objectives, groundwater quality standards, and modeling equations. This more general framework should be easier to follow, and the details will be worked out administratively on a site-specific basis as the rules are applied. This change is carried through to the documentation requirements at Section 1505.210(e)(2).

Subsection 1505.210(d) provides the Agency with discretionary authority to require additional investigation beyond the initial contacts specified in subsection 1505.210(b). This additional authority could be used to require a physical well survey involving some form of first-hand inspection or direct contact with the public in the area of the release. The authority generally would be used to resolve any uncertainties or discrepancies arising from the initial contacts and sources. For example, if a contact with a local public water supply under Section 1505.210(b)(3) does not show water service at certain properties and the sources of well information show no wells at those properties, the person performing the survey might be required to visit those properties to determine the source of their water supplies.

Subsection 1505.210(e) sets standards for documenting the information obtained by the well survey. The purpose is to receive complete, well-organized information about the conduct and results of the well survey in a form that shows compliance with

remediation requirements or a reason for concern about possible well contamination.

Generally, preparing maps showing the locations of all identified potable water wells, setback zones, and regulated recharge areas in relation to measured and modeled areas of contamination and their concentrations will satisfy this provision. It may be necessary to prepare more than one map to differing scales to show these relationships clearly and in context.

This concludes my testimony.

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

MAR 14 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
STANDARDS AND REQUIREMENTS)
FOR POTABLE WATER WELL)
SURVEYS AND FOR COMMUNITY)
RELATIONS ACTIVITIES PERFORMED)
IN CONJUNCTION WITH AGENCY)
NOTICES OF THREATS FROM)
CONTAMINATION UNDER P.A. 94-134)
)
NEW PART 35 ILL. ADM. CODE 1505)

R06-023
(Rulemaking – Public Water)

TESTIMONY OF KURT D. NEIBERGALL ON PROPOSED SUBPART C

My name is Kurt D. Neibergall, and I am the Manager of the Office of Community Relations (OCR), reporting to the Associate Director within the Illinois Environmental Protection Agency (Illinois EPA). I received a Bachelor of Science degree in agricultural engineering from the University of Illinois in 1980 and have worked for state government for the past 25 years in various capacities in the environmental field.

For the last five years, I have managed a staff of ten coordinators in the Illinois EPA's Office of Community Relations. This group works across all Agency programs and is involved in the conduct of the majority of Agency public participation activities, facilitating communications among involved Agency staff, other government organizations, public officials, and the interested public on site-specific and, often, program outreach matters. The Office of Community Relations fosters critical "two-way" communications with the public to provide those interested with the information they need to make informed decisions about a given environmental matter that potentially impacts them, their families or their communities. (See Attachment 1: Office of

Community Relations Guidance, September 2005) My testimony will focus on the purpose, scope and reasoning behind the proposed Subpart C: Standards and Requirements for Community Relations Activities of the proposed 35 Ill. Adm. Code 1505 rules.

Section 1505.300 Purpose and Scope:

Subpart C contains the minimum standards and requirements for community relations activities to be developed and implemented when a responsible party is offered the opportunity and voluntarily agrees to take on the Agency's notice obligations as part of Agency-approved community relations activities.

Title VI-D of the Environmental Protection Act (Act) places the responsibility to give notice of off-site contamination threats on the Agency. Section 25d-3(c) of the Act allows the Agency to offer the responsible party the opportunity to assume the Agency's notice obligations under appropriate circumstances: "for sites at which the responsible party has implemented a community relations plan, the Agency may allow the responsible party to provide Agency-approved notices in lieu of the notices required to be given by the Agency."

Critical communications with individuals and communities about off-site contamination impacts or potential impacts must be done in a timely, complete and accurate manner. The exchange of information to allow a family to make informed decisions about protection of their health and/or property is not usually accomplished through "notice" in one piece of written correspondence. Office of Community Relations staff spend untold hours in phone conversations, attending "living room" or public meetings, and in researching and providing information to follow-up questions raised by

citizens, groups and local officials about a given situation with potential off-site impacts. There are numerous methods to gather and convey information to the public about such a situation.

The basic approach, and minimum requirements laid out in Subpart C for sites affecting five or more off-site properties, involves first assessing the needs of the community through development of a Community Relations Plan (CRP). (See Attachment 2: Community Relations in the Site Remediation Program Guidance, June 1996) Once you have a “pulse” on who is potentially affected or interested in the situation and what concerns and questions they have, you are in a position to develop and distribute a fact sheet covering what is known at the time about that situation. Providing written answers to key questions in non-technical, lay terms helps to ensure that everyone gets the same information and also documents the facts, which can be supplemented in future communications as new information becomes available. Finally, establishing and maintaining a document repository, provides a citizen seeking more information about a situation a single source to look to for supplemental materials or contact information as the situation develops over time. The Office of Community Relations, working with technical, legal and toxicological staff, has employed this basic approach -- assessment of community needs and issues (CRP), development of a fact sheet (or series of fact sheets, as needed), and establishment of a document repository to provide site-specific information to communities throughout the state -- over the past 25 years.

The Agency strongly believes the public has a “Right-to-Know” about environmental contamination that affects or may affect citizens’ lives and/or their livelihood. If the responsible party accepts the Agency’s offer in good faith to undertake

the notice work, then compliance with the requirements of Subpart C becomes mandatory. At this point, the responsible party has assumed the Agency's obligation to provide complete, accurate and timely notice to the public and any necessary follow-up, with the stipulation that it must be done with Agency oversight of the community relations process.

Section 1505.300(b)(1) states that the rule is not to be considered a limitation on other community relations activities occurring outside the Section 25d-3 notification process. Parties still are free to go beyond the minimum requirements set forth in Subpart C or to conduct independent community relations activities in circumstances unrelated to the Section 25d-3 notification requirements. Section 1505.300(b)(2) clarifies that the Agency reserves the right to provide independent notice under any other applicable authority, most likely in the case that the responsible party's notification was not satisfactory or timely, or that it was necessary to convey new information or other details regarding a given situation to the public.

Section 1505.305 Applicability:

Title VI-D places the responsibility with the Agency to evaluate off-site releases of contaminants and determine if notice of a threat is warranted. The Agency has established an internal Contaminant Evaluation Group (CEG) to review sites screened by technical staff and make notification recommendations. Section 1505.305 lays out the process by which the Agency may offer a responsible party the opportunity to voluntarily perform notification work under Agency oversight in place of the Agency's notice obligations under Section 25d-3 of the Act.

In drafting this provision, it was recognized that the terms and conditions of the transfer of responsibility for this critical task must be laid out in written documentation so that expectations and timelines are clearly established and agreed to. The responsible party has a minimum of seven days to decide if it wishes to provide the notice as part of community relations activities developed, approved and implemented pursuant to Subpart C. It must be emphasized that once the responsible party notifies the Agency in writing that it wishes to proceed, compliance with the requirements of Subpart C become mandatory. The level of involvement of Agency staff in the development and issuance of a notification package and community relations activities prescribed further in Subpart C is intended to ensure that the public receives at least the same amount and quality of information that would be contained in an Agency issued notification package.

Section 1505.305(c) recognizes that the proposed Subpart C standards and requirements may have applicability to communications with the public apart from Right-to-Know notification work, and the use of all or some of these standards and requirements in appropriate circumstances is not prohibited by these rules if other supporting authority exists.

Section 1505.310 Contact Lists and Fact Sheets:

Section 1505.310 provides a limited community relations requirement for releases with soil or groundwater contamination that have impacted or may impact five or fewer off-site private, semi-private, or non-community water well systems. The more limited requirements also apply where off-site soil contamination exceeds Tier 1 concentrations suitable for the current uses at five or fewer properties. In these cases, the persons

performing the community relations activities must develop a fact sheet and distribute it to a specified group (contact list) of affected, potentially affected or interested persons.

In development of Title VI-D of the Act, it was recognized that the method(s) of notification and the “message” delivered to the affected, potentially affected or interested public are key for people’s understanding of the environmental conditions and consequences of a given situation. The Agency was directed by Section 25d-3(c) of the Act to consult with members of the public and appropriate members of the regulated community to evaluate and determine notice methods, including but not limited to personal notification, public meetings, signs, electronic notification and print media. Because of the primary focus on groundwater threats to private wells, the Agency asked the Groundwater Advisory Council (GAC) in late summer 2005, to form a subcommittee to work on this task. The GAC notice committee provided recommendations for notice methods to the Agency in the form of a resolution dated December 27, 2005. (See Testimony of Richard P. Cobb, Attachment Three)

The GAC notice committee recommendations reaffirmed the inclusion of the elements of a notice as laid out in Section 25d-3(c) of the Act, adding, “the methods by which notification is given should be tailored to the stage of any site-specific remediation or corrective action activities taken under [Agency] programs...” and also, “the IEPA approach to community relations work plan development should provide for flexibility to choose only those methods of notification that are necessary to effectively and efficiently reach the target audience.”

In crafting an effective and efficient “notice” that people can understand (and refer back to), the Agency has traditionally relied on a written fact sheet format. While a

notice package may also include a cover letter outlining environmental conditions and actions that should be considered by a citizen, the fact sheet provides the foundation for explaining that situation given the “credible, scientific information” known at the time. The Agency often uses a question and answer format to directly and efficiently respond to the key questions that have been raised by the impacted community. The fact sheet format also lends itself to following the evolving story of a situation as new data are collected or response actions are implemented, and fact sheet updates are developed to address relevant questions by the public. The Agency therefore views the use of a fact sheet, with accompanying maps, as an essential tool in explaining groundwater or soil contamination problems to the public and is proposing their use in important notification communications done under the Act.

With the fact sheet being the recommended tool for personal notification, it is recognized that other notification methods may be needed to respond to larger, more complex groundwater (or soil) contamination situations with wider off-site impacts or potential impacts. In these instances a Community Relations Plan (CRP) will need to be developed to identify the interested public and outline other methods to be employed (such as public meetings or citizen advisory groups) for on-going communications about site conditions and response activities. The Agency is sensitive to resource commitments in the notification process and therefore is proposing two levels of community relations activities, reflecting our view that not every off-site impact justifies a full Community Relations Plan effort. The CRP requirements are set forth in Section 1505.315.

For the reduced level of community relations activities in Section 1505.310, the selection of five or fewer affected or potentially affected properties is admittedly

somewhat arbitrary, but it reflects the notion that if a site has limited impacts or potential impacts off of that site, fewer people in the surrounding community at-large may be concerned or interested in that site. In other words, full notification would be given to those owning or residing on impacted or potentially impacted properties, as well as local officials; however, the need to engage in an on-going, community-wide communications program would not be necessary. An example of the use of this line of reasoning would be the leaking underground petroleum tank scenario, which typically involves a limited source of contamination and produces localized environmental impacts. Even so, there may be some underground storage tank sites that require a full CRP pursuant to Section 1505.315.

Section 1505.310(b) outlines the minimum requirements, in the Agency's opinion, for a contact list and fact sheet to provide notice in situations with limited off-site impacts or potential impacts. It is the Agency's view, with respect to those "contacted" pursuant to notification in these situations, that other people or families have a "Right-to-Know" about potential threats to public health beyond what was specified in Section 25d-3 of the Act. While these may go beyond the express requirements of Section 25d-3 of the Act requiring the Agency to notify property owners, they are consistent with the "community relations" concept as set forth in Section 25d-7 of the Act, which is inherently more broad than simple notice. Occupants of affected properties are one group of people that will benefit from such notice.

The "spirit" of the Right-to-Know legislation is to put good information in the hands of those people who need it in a timely manner so that they can make informed decisions about their family's health and well being. The Agency sees the need to make

a reasonable effort to identify and directly notify those living on impacted/potentially-impacted property to ensure they receive the notification message without delay or possible alteration of the message by a property owner. Little extra effort is required to find contact information for occupants in order to directly mail a notification package to them. If the occupant name cannot be found, the address is known and notification can be mailed to "Resident." The alternative, to make sure occupants receive critical communications, would be to place the burden on the property owner and then audit compliance with passing on a notice to any occupants. This alternative was viewed as overly burdensome and resource intensive by the Agency.

The Agency proposes a change in Errata Sheet Number 1 regarding the notification of occupants of affected properties. Sections 1505.310(b)(1)(A) and (B) originally proposed that occupants of properties (if different from the owner of the property) should also be notified in a situation where a water well or yard they are using is impacted or may be impacted by groundwater or soil contamination, respectively. This requirement was absolute. The revision in Errata Sheet Number 1 at Section 1505.310(b)(1)(C) introduces some flexibility into this notice requirement so that the Agency can work with the responsible party on the best way to identify and notify occupants, who, in some circumstances, may be more difficult to identify and more transient than owners.

The Agency also believes it is appropriate to expand the statutory notice requirement to include owners of properties without water wells but with impacted or potentially impacted groundwater resources as part of the contact list group (Section 1505.310(b)(1)(D)), in the event they are contemplating putting in a water well on that

property. While it is a given there is no potential health hazard if, at the time, they are not using the groundwater, the Agency believes they should be fully informed about the groundwater situation before they or someone else makes improvements to the property when the use of that groundwater might be precluded.

Finally, in developing a comprehensive list of contacts for situations with limited off-site impacts or potential impacts, it is the Agency's opinion that officials of units of government that serve the site area should be included in a notice so that they are knowledgeable about the existing situation, can answer (and ask) questions from the community as they arise, and are in a position to discuss and contribute to response actions as they proceed. Again, the Agency believes that these expansions of the Agency's statutory notice requirement are consistent with the concept of "community relations" activities.

Section 1505.310(b)(2) outlines the elements of a fact sheet necessary, in the Agency's opinion, to give the reader a complete "snapshot" of the environmental release and planned/actual response action. It is acknowledged that all of the outlined elements may not be known at the time of the development of a given fact sheet. Sections 1505.310(c) and (d) make allowances for these situations and require fact sheet updates as necessary and appropriate. The fact sheet provides communication with the public in a written format to raise awareness and understanding about the situation and how it will be addressed. It should be written in non-technical and non-legal terms as much as possible, and translations in an appropriate language should be made available if a significant portion of the target audience is non-English speaking.

The fact sheet, therefore, serves as an essential piece of the notification package under the Title VI-D provisions. It is a stand-alone document that is not as easily misinterpreted as with verbal communications, and it can be placed in a document repository for reference. As updated, fact sheets provide one way “of maintaining dialogue with the community” as envisioned in this Section 25d-7 rulemaking effort.

Section 25d-3(c) of the Act defines six (6) specific elements that may be contained in a “notice” determined to be necessary under the statute. The Agency’s recommended approach to notice under the Act, if personal notification is deemed necessary, is to issue a cover letter addressed to a specific person, which includes and draws attention to the informational elements outlined in Section 25d-3(c) along with the detailed fact sheet covering elements in Section 1505.310(b)(2) of the proposed rules (or Section 1505.315(b)(2) as appropriate) and any other informational attachments that the party performing the notice work thinks are necessary for this critical communication.

This model was followed in the summer of 2005 when the Agency performed a pilot notification project for low-level groundwater contamination observed in the Chicago Heights/South Chicago Heights/Steger area. (See Attachment 3: South Chicago Area; Outreach Initiative Regarding Testing of Private Wells). The cover letter was personally directed to residents and contained the essential elements of the “notice;” what the recipient should know about the situation. The fact sheet and the rest of the mailing provided additional detail should the recipient have more questions about the environmental conditions and/or want to proceed with sampling of their private well. In this way, the varying needs of recipients were accommodated and follow-up phone conversations to address a range and depth of questions were minimized. The Agency

followed-up the notification effort with a written survey. The responses from this survey indicated that the notification package was well received, understandable, and accomplished the intended purpose.

The concept of a personalized notice in letterform, accompanied by a more detailed fact sheet about site conditions and actions, grew out of Agency workgroup discussions, which involved several property owners whose private wells had recently been affected by groundwater contamination from actual sites. These affected families and their neighbors wanted to know and understand as much as they could about the environmental situation they were facing. It is the Agency's position, consistent with the Right-to-Know legislation, to make available to citizens in a timely manner all credible, scientific information in the Agency's possession. While much of the information in a one-time letter notice under the Act may also be contained in the fact sheet, the package of the two (with other attachments as deemed necessary) is intended to give the recipient a complete understanding of current conditions and recommendations.

Section 25d-3(c) of the Act lays out basic information that "may" be contained in a notice to the public about off-site contamination threats. Elements include: the name and address of the facility/site where the release is known or suspected to have occurred, the contaminants of concern and the media affected, a brief summary of potential adverse health effects, well testing recommendations, and Agency contact information. Section 1505.310(b)(2) of the proposed rules lists elements for a fact sheet that address notice provisions under the Act but go further to cover details about response actions, to the extent information is available at the time the fact sheet is developed. In other words, it gives the recipient an understanding of the nature and extent of the environmental

problem, potential adverse health impacts and precautionary measures, and what is going to be done to correct the situation. The fact sheet requirements also include contact information for the responsible party who would be preparing this material under Agency oversight. One could view the requirements for a fact sheet under the proposed rules as going beyond the elements of a notice specified in the Act. However, this approach again is consistent with the concept of “community relations” as envisioned in Section 25d-7 of the Act, and it is important in communications with the public to convey the “bigger picture” and include next steps, if known, to instill confidence that the situation is being handled properly and in a timely manner.

Sections 1505.310(c) and (d) provide for fact sheet updates, which are an efficient method to “maintain dialogue with the community” as envisioned in these rulemaking requirements of the Act. While smaller, less complex sites that are quickly remediated may be covered adequately by one fact sheet, others with more complex groundwater contamination problems often require a series of fact sheets as investigations are done and groundwater response actions are implemented. Fact sheet updates are appropriate when site conditions significantly change and new and/or additional information needs to be conveyed to the public. The decision to do a fact sheet update is based on site-specific circumstances and is left to the responsible party and the Agency community relations coordinator to work out.

Section 1505.315 Community Relations Plans

Section 1505.315 provides for a more comprehensive level of community relations activities when sites are determined to have a broader impact/potential impact on the surrounding community. A community relations plan (CRP) and fact sheet must

be developed for releases that have impacted or may impact more than five off-site private, semi-private, or non-community water system wells or one or more community water supply wells. This provision also covers situations where off-site soil contamination exceeds Tier 1 contaminant concentrations suitable for current use at more than five properties. The CRP is, in essence, a planning document that lays out a public outreach program to identify and inform affected, potentially affected and interested individuals and groups about site-related contamination and response actions. It goes beyond the basic fact sheet requirements of Section 1505.310 and typically would include periodic public meetings or availability sessions to give people the opportunity to discuss their questions and concerns with the responsible party conducting the work and staff from federal, state and local governments, as applicable, who are involved in response actions.

General requirements for CRPs (including a comprehensive contact list) and fact sheets are outlined in Section 1505.315(b). The development of the CRP involves: compiling a summary of site conditions, investigations and response actions; researching community issues and concerns about the site release(s); designing an outreach program to address those issues and concerns and open a two-way dialogue with the community; and developing a process to identify affected, potentially affected and interested parties and update that contact list accordingly.

It is recognized that many responsible parties have community relations plans in place for operating facilities or sites with on-going activities. As revised in Errata Sheet Number 1, the intent of Section 1505.315(b) is not to be prescriptive but rather to outline key CRP elements that need to be contained in a "stand-alone" plan, focusing on

activities to address the off-site release(s) or potential release(s) of contamination that are of concern to the public. For some responsible parties, this may involve re-formulations of an existing plan to meet the needs of the given situation; for others it may involve starting from scratch. In the latter case, Section 1505.Appendix A has been added in Errata Sheet Number 1. It contains additional guidance on each element of a model CRP, factors that were included in the Agency's January 20th proposal under the elements for CRP's in Section 1505.315(b)(1). Removing these factors from Section 1505.315(b)(1) and placing them in the Appendix gives the Agency and the responsible party more flexibility to develop CRPs based on site-specific factors. U.S. EPA's Superfund Community Involvement Handbook (2002) and the Public Involvement Policy of the U.S. EPA (2003) also can be consulted as references for further guidance on CRPs and outreach activities for more complex sites.

The CRP, as the guiding communications document for outreach activities, should be reviewed regularly and updated as necessary. The most current version of the CRP will be made available to the public by including it in the document repository detailed in Section 1505.320 of these proposed rules. Much of the information gathered in the CRP development process provides the content for the fact sheet outlined in Section 1505.315(b)(2). The requirements outlined for the contact list [1505.315(b)(1)(D)] and fact sheet [1505.315(b)(2)] for CRP type situations are the same outlined in Section 1505.310 with the following notable exceptions.

Section 1505.315(b)(1)(D)(vii) of the revised proposal requires that a reasonable effort be made to include interested citizens, identified groups, organizations or businesses within a minimum of 1,000 feet from the site where the release occurred on

the contact list. This radius of outreach can be adjusted based on site-specific data as response actions proceed. A distance, or boundary, has been set to address concerns about over-notification of interested parties beyond those affected or potentially affected by an off-site contamination threat. The intent of this provision is to include the neighborhood around a site and others who express an interest in communications. While people near the release might not be directly affected or threatened, they do have questions about the situation and deserve to get accurate, timely information to allay their concerns and fears. Often by including interested individuals and groups in the vicinity of the area of concern in outreach activities, problems with miscommunication, rumors and panic can be avoided.

Section 1505.315(b)(2) outlines the minimum requirements for a fact sheet under a CRP caliber situation. The differences from the fact sheet required under Section 1505.310 lie in subsections (G) and (H). Subsection (G) calls for inclusion of responses to key community concerns as expressed by affected, potentially affected and interested parties in the CRP. The Agency often addresses this element through the use of a question and answer format. An example of use of this technique is included in the series of fact sheets on the Downers Grove Groundwater Investigation. (See Attachment 4: Fact Sheet No. 3: Downers Grove Groundwater Investigation (December 2001)) The key community questions or concerns at the time of fact sheet development are derived from research efforts performed for the CRP, which may have included discussions, interviews or surveys with local officials and citizens near the site. As investigations and response actions proceed at the site, on-going community relations outreach will identify

additional key questions and concerns to be addressed in fact sheet updates as covered in 1505.315(d).

Subsection 1505.315(b)(2)(H) calls for the worldwide web address of the document repository and logistical information about the physical location of the document repository, if required, to be put in the fact sheet. This notation will allow the fact sheet recipient to access the evolving collection of site documents, maps and previous fact sheets, if any, to further their knowledge and understanding of site conditions, potential health impacts and response actions.

Section 1505.320 Establishment of Document Repository

Section 1505.320 provides for establishment of a document repository for off-site releases requiring a community relations plan effort under Section 1505.315. The document repository chronicles and catalogs site-related communications and planned activities. It includes the current approved CRP, issued fact sheets and updates, plus news releases, public notices, final work plans, reports, maps or correspondence to help the public understand site conditions and the extent and sequence of response actions undertaken.

The document repository shall be established at a World Wide Web site. As revised in Errata Sheet Number 1, a physical repository must also be established if a request for such is made to the responsible party or the Agency by multiple citizens, an organized group, or a public official. If a physical repository is warranted, it should be set up at a public location near the site for convenient access by citizens wishing to review the materials. If there is little public interest in establishing a physical repository, the responsible party can satisfy an individual's request for site information by providing

a complete set of the documents to the party making the request. The web repository and the physical repository, if required, must be maintained and regularly updated as final work products are generated throughout the process. It is also important that information to be added to the repository is properly screened to ensure that personal information identifying citizen/resident names or their exact property locations are not disclosed. Repositories may be discontinued after 180 days from the date of the Agency's issuance of documentation signifying the completion of the response action.

Section 1505.325 Submissions of Fact Sheets and Community Relations Plans for Review

Section 1505.325 requires the submission of fact sheets and community relations plans to the Agency for review and approval prior to distribution of a fact sheet or implementation of the CRP. The responsible party must submit the initial fact sheet, CRP, or both to the Agency within 30 days of accepting the Agency's offer to provide notice. Updates to such documents must be provided to the Agency within ten days of their preparation. If the CRP is required, the web site document repository also must be established within 30 days of acceptance of the Agency's offer. These time periods are aggressive, but community relations activities under a notice situation must be timely to be effective.

Section 1505.330 Agency Reviews of Fact Sheets and Community Relations Plans

Once fact sheets and CRPs are submitted to the Agency, it will conduct a review under Section 1505.330. The Agency will have 30 days from the date of receipt to complete the review and notify the submitter whether the fact sheet or CRP has been approved, approved with conditions or modifications, or disapproved. Standards for reviews are provided at subsection (b). If the fact sheet or CRP is disapproved or

approved with conditions or modifications, a revised fact sheet or CRP must be resubmitted to the Agency within ten days of receiving the Agency's determination. If the revised documents are not re-submitted within ten days, subsection (d) states the Agency may provide public notice and seek cost recovery pursuant to Title VI-D, pursue an enforcement action, or both. If the Agency seeks cost recovery or pursues enforcement, the person performing the response actions may assert as a defense that the Agency's decision on the document(s) was erroneous and that the documents should have been approved as submitted.

The Agency has proposed this approach to appeals because allowing direct appeals of community relations determinations may delay indefinitely the development and implementation of community relations activities. As proposed, the responsible party is not significantly disadvantaged by a potentially adverse Agency determination unless the Agency decides to seek cost recovery for providing notice or to pursue an enforcement action. If the Agency does neither, any purported adverse impact to the responsible party must be balanced against the loss of the opportunity to provide timely information to the public.

If the Agency does pursue one or both of its options, the person then may challenge the Agency's original determination on the documents. This approach thus reduces delays while preserving due process. Effective community relations activities must precede or parallel the response actions and not lag behind them. If community relations activities are delayed while the response actions move forward, the purpose of providing complete and timely information to the public largely will be defeated. Information about the nature, extent, and actual or potential effects of the release and the

steps proposed to address the contamination will lose much of its value if presented after the fact. The only other alternative to prevent delays during direct appeals would be to halt the response actions while the community relations appeal proceeds to a conclusion. This alternative would not serve the public interest because it would delay the elimination or control of the contamination. In addition, it would be inefficient and result in costlier response actions. Under the circumstances, the Agency believes its proposed solution for appeals is a very reasonable compromise. It is similar to the issuance of "4(q) notices" pursuant to Section 4(q) of the Act (415 ILCS 5/4(q)) where the Agency may provide notice of an opportunity to perform a response action. The basis for the notice may not be appealed. If the person receiving the "4(q) notice" fails to perform and the Agency undertakes the response action, the Agency may seek to recover its costs from the non-compliant party, and the party may raise statutory defenses at that time.

Section 1505.330(f) provides for default approvals of documents in the event the Agency fails to meet its 30-day review deadline. Again, the short time periods for Agency reviews and the re-submission of disapproved documents, the indirect appeals procedure, and default approvals if the Agency fails to meet its review deadlines are because of the time-sensitive nature of community relations activities in notice situations.

Section 1505.335 Implementation of Community Relations Plans and Distribution of Fact Sheets; Compliance Monitoring and Records Retention

Section 1505.335(a) requires persons accepting notice obligations to begin implementation of the CRP and distribution of fact sheets within five days of receiving an Agency approval of the documents. Subsection (b) provides for compliance monitoring by the Agency as the implementation of the CRP and the distribution of the fact sheets proceeds. Copies of documents distributed to the public must be provided to the Agency,

and the Agency must be notified in advance of public meetings and press conferences. In addition, the Agency is authorized to conduct its own compliance checks. A record retention requirement for documenting compliance also is included.

Section 1505.340 Compliance

Section 1505.340 requires compliance with the requirements of Subpart C and any approved community relations activities. Acceptance of the Agency's notice obligation and the related community relations activities initially is voluntary, but once the obligation is accepted, the responsible party is acting to fulfill the Agency's statutory duty and must fully comply with the requirements of Subpart C.

This concludes my testimony.

THIS DOCUMENT FILED ON RECYCLED PAPER

Office of Community Relations Guidance
September 2005

About the Office of Community Relations:

Formed in the mid-1970s, the Office of Community Relations supports public participation and outreach activities throughout the Agency. The Office of Community Relations establishes and maintains a dialogue with citizens and communities in an effort to understand their environmental interests and concerns, inform them of Illinois EPA activities and findings and involve the public in Agency decision-making. The Office of Community Relations is located in the Agency's Associate Director's office.

Community Relations staff possess educational backgrounds in technical, communication and social science fields. In addition, the staff have advanced training in public participation techniques and risk communication and participate in continued technical training in the environmental field. Community relations coordinators have an average of 15 years of experience within the Illinois EPA, providing them with a solid understanding of Agency programs and environmental issues. This background, experience and training contribute to a record of successful response to community concerns.

This document was developed by the Office of Community Relations to inform others about the services we offer and to guide our efforts in carrying out our mission.

Mission Statement:

To facilitate the Agency's goal of open communication and informed public participation in the decisions and programs of the Illinois EPA.

Vision Statement:

To be a trusted liaison between the Illinois EPA and the public, integrating meaningful public participation into Illinois EPA decisions and activities.

Areas of Expertise:

To support the Agency's programs, the Office of Community Relations offers the following skills and services:

- identifying people and groups that may be affected by or are interested in Agency actions;
- identifying and using effective tools and methods for public participation;
- actively listening to community perspectives and concerns, clarifying issues and identifying resources for response;
- conveying community concerns to Agency staff, governmental entities and regulated parties, and helping the Agency develop appropriate responses;
- facilitating communication and information sharing among Agency staff and programs;
- reviewing technical documents in order to:
 - a) clearly communicate (written and verbal) information to the public in non-technical terms
 - b) identify for Agency staff the possible effects of technical decisions on the public, and
 - c) improve readability of Agency documents;
- maintaining an on-going dialogue with communities regarding Agency activities;
- conducting on-going risk communication, in support of public health professionals, regarding known or perceived environmental conditions;
- assisting with integrating geographical, social, political and economic factors into Agency decisions and
- producing formal planning, briefing and reporting documents.

Guiding Principles:

The Office of Community Relations staff is guided by the following principles:

- The public has a right to provide information and comments for consideration in Agency decisions;
- The public's perspectives, values and cultural traditions should be considered in the Agency's decisions/activities;
- The public's knowledge of environmental issues should be considered in the Agency's decisions/activities;
- The public has a right to accurate and timely information from the Agency;
- The public has the right to expect that sensitive information, (e.g., citizen complaints, environmental sampling data or personal information) will be held in confidence. However, legal proceedings may require disclosure;
- Community Relations' staff have a personal commitment to:
 - respect for the individual,
 - respect for shared expertise of staff and colleagues,
 - listening with an open mind,
 - honesty, openness and "straight talk",
 - courtesy and personal accessibility,
 - flexibility and creativity in problem solving,
 - cooperation and collaboration and
 - continuous improvement and professional growth.

OCR Roles and Responsibilities:

Conduct research and analysis

- Research background of communities where Agency projects are located, identifying public environmental concerns
- Research, study and understand technical aspects of Agency projects.
- Analyze technical documents for possible impacts of Agency projects on individuals and communities
- Research resources available to communities for addressing environmental concerns

Develop and implement public participation and outreach strategies

- Design effective and cost-efficient public participation strategies to meet legal requirements, project needs and Agency goals
- Participate in Agency work groups developing Agency outreach strategies and responses to environmental concerns
- Communicate Agency actions, responsibilities, regulations and policies in non-technical terms through the use of fact sheets, the Agency website, face-to-face discussions with residents and local officials, availability sessions, public meetings and other appropriate methods
- Solicit public comments and concerns about Agency decisions/projects, using both formal methods such as public hearings and less formal methods such as face-to-face conversations and availability sessions
- Participate in community advisory groups/panels
- Work with IDPH and Agency toxicologists to develop and implement risk communication strategies
- Evaluate effectiveness of public participation and outreach activities and make project/program improvements as necessary

Participate on Agency project teams

- Beginning early in the project, bring community concerns, issues and comments to internal technical and enforcement discussions and decision-making
- Help Agency staff identify actions responsive to community concerns (including the development of investigation plans, remedial action plans and draft permits.)
- With Agency technical staff, work with regulated parties and other groups to identify and respond to community concerns
- Coordinate and prepare pre-meetings of technical staff for Agency hearings and public meetings
- Provide suggestions and feedback on technical presentations and assist in preparing responses to potential questions

Participate in field activities

- Coordinate and conduct surveys of residents in connection with possible residential sampling
- Assist in obtaining permission to access property for environmental investigation and response actions
- Assist in responding to community concerns during environmental emergencies
- Act as community/media liaison during field activities
- Confer with IDPH and Agency toxicologists regarding the interpretation of sample results and evaluation of environmental hazards; communicate information to the public as needed

Respond to public concerns

- Coordinate Agency responses to public concerns and comments, working with other agencies as needed
- Respond to citizen complaints by researching information or directing complaints to the appropriate Agency program or other governmental body. Maintain citizen complaint database and track follow-up
- Coordinate the development and editing of responsiveness summaries so they are understandable and responsive to public comments and concerns

Assist Illinois Office of Communication and Information (IOCI) with media activities

- Organize, conduct and prepare briefing materials about news media events
- Respond to news media inquiries as requested and follow up with appropriate staff
- Inform management, technical staff and IOCI Communication Manager of sensitive issues and anticipated media interest

Education/Training

- Improve knowledge, skills and abilities through formal and informal educational opportunities
- Assist Agency staff in improving communication and presentation skills
- Conduct/assist in presentations and activities to educate the public about environmental issues and Agency programs

Keys to Success:

The success of Agency programs/projects depends on Agency staff working together as a team.

To fulfill our responsibilities as an integral part of that team, Community Relations requires:

- Management and staff support of the OCR role in the project team
- Advance notice on upcoming projects
- Early involvement in projects and discussion of project schedules and expectations
- Opportunity to review and comment on draft documents
- Copies of key technical documents
- Inclusion in discussions with responsible parties/applicants
- Regular project updates and timely notification of changes to project schedules
- Open two-way communication among team members
- Adequate time to plan for public meetings, hearings and other events
- Prompt notification of "red flags" (media contacts, public interest, or significant issues)
- Timely responses to OCR requests for information/data
- Timely review of OCR documents

For additional information or if you have any questions about Illinois EPA's Office of Community Relations, contact Kurt Neibergall at 217/785-3819.

June 1996

COMMUNITY RELATIONS IN THE SITE REMEDIATION PROGRAM

Guidance for fulfilling 415ILCS5/58.7(h): Community Relations in Site Remediation

Although community relations is not required in the Illinois Site Remediation program, years of experience have proven that some form of communication between the remediation applicant and the community will improve the investigation and remediation process. Large, complicated sites may need a formal Community Relations Plan (CRP) and a considerable amount of effort to conduct community relations activities; however, at many sites, the only community relations activity may be to notify adjacent property owners that an investigation or cleanup is to occur. We suspect that for a majority of the sites, little, if any, community relations will be needed.

The Illinois EPA will assist applicants in determining when community relations is necessary and will provide oversight to those applicants who are developing and conducting CRP's. In many areas of Illinois, the Illinois EPA has local contacts and working relationships with neighborhood groups. The Illinois EPA can share information and other resources with remedial applicants.

What is Community Relations?

Community relations facilitates two way communication between the remediation applicant and interested and affected individuals. Community relations activities promote public participation by sharing timely and accurate information between all concerned parties, and when possible, by incorporating community concerns into investigation and response plans. What is planned? Why are certain actions being taken? How will these actions be conducted in a way that is safe for the community? These are some of the key questions to answer during the dialogue with the community. In the context of environmental remediation, a community relations program that begins at or before the start of an investigation is more likely to succeed.

Why should I conduct a Community Relations Program?

Remediation applicants who distance themselves from the public create mistrust and often encounter resentment in their community. Initiating a community relations program will:

Smooth the way for property access agreements and negotiations with adjacent land owners and local governments, and

Alert the remediation applicant to community concerns and problems with the site, and may even provide factual information about the site not readily available.

Delaying the CRP until later in the investigative process can allow community concerns to grow, and can even be costly in terms of misplaced investigative efforts that could have been prevented based on community knowledge. Liability and litigation from third party lawsuits may be prevented when steps in the remediation process are discussed with the community.

How will I know if a CRP is needed for my site?

Any of the following conditions indicate a probable need for a CRP:

An actual or imminent health threat,

Nearby residential areas, schools, parks, fairgrounds, day care facilities, senior citizen centers, churches, or other areas where there are community functions,

A release into a forest preserve, park, river, or lake,

Attachment 2
Kurt Neibergall
R06-23

A history of accidental spills, fire, explosion, complaints from the community, or regulatory violations.

What are the components of a CRP?

The type of CRP needed for your site will depend upon site conditions and other factors. Two types of CRPs are included with this guidance. In addition, you may want to review Community Relations in Superfund: A handbook (EPA/540/R-92/009). Every CRP should include at least these four components:

I. Site Description

Purpose: Provide a brief overview of the site including information about previous land uses, the type and extent of contamination, and potential or known threat to public health and the environment. A map of the site and surrounding area showing streets, homes, businesses, and geographic features should also be provided on a separate page or fold-out of this section. The information summarized in this section will be useful when responding to inquiries, particularly from the news media, and will provide concise background information needed when preparing fact sheets and news releases.

Suggested Length: One to three pages.

II. Community Issues and Concerns

Purpose: Profile the community including: demographics of the neighborhood and how the community has reacted to activities at this site. Key community concerns should be described in detail and can be organized by population segment (nearby residents, elected officials, environmental groups) or topic (property value, odors, health threat).

Example: Residents living near the facility have observed children playing inside the building. These residents know that drums and vats containing flammable liquids are still inside this building.

How used: The Remediation Applicant can alleviate this fear by securing the building to prevent access by children or vagrants.

Suggested Length: One to two pages.

III. Community Relations Program

Purpose: Describe the community relations program objectives and provide a schedule of activities to meet these objectives. Identify a contact person for the remediation applicant who will handle community calls; specify the location of convenient information repositories; and explain how the public will be notified of meetings and issued fact sheets and news releases. A matrix format to illustrate the schedule of activities is acceptable.

Example: The Environmental Defense Network, a local environmental group, has repeatedly contacted newspapers and local elected officials about threats to the environment posed by this abandoned site. One objective in the CRP might be, Provide updates to EDN on project status. Activities to fulfill this objective could include:

1. small group meeting to discuss the investigation and listen to EDN concerns,
2. telephone contacts with group leaders,
3. fact sheets and letters to EDN on investigation milestones with copies mailed to news media and others on the mailing list.

Suggested Length: Two to three pages.

IV. Contact List

Purpose: Provide name, title, mailing address and telephone/fax numbers of elected

officials, adjacent property owners, news media (print and electronic), government organizations, and concerned citizens. The publicly available CRP may not necessarily include the names and addresses of adjacent property owners and concerned citizens. The contact list provides a handy compilation that saves time when calling or mailing. Having this list documented reduces the chance of key groups or individuals being inadvertently ignored. The CRP is a living document. It will need to be adjusted in anticipation of, and in response to, changing events.

Who prepares the CRP?

The CRP may be prepared by the remediation applicant, their environmental contractor, a community relations contractor experienced in environmental issues, or Illinois EPA.

Where can I get more information?

You are encouraged to contact:

Illinois Environmental Protection Agency
Office of Community Relations
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Tel: 217/782-5562 Fax: 217/785-7725
email: Kurt.Neibergall@epa.state.il.us

II. Short Form Sample Plan

Most sites in the Illinois Site Remediation program will not need an extensive Community Relations Plan similar to the previous example. This short form plan may be used as a template to document essential information for sites with a low need for community relations.

February, 199_

ABC Warehouse

Huntsville, Illinois

I. Site Description

The ABC Warehouse is located at the intersection of 1100 First Avenue and Perkins Road in Huntsville. The brick, two story structure is bordered by farm fields on the north and west, and south. A residential area begins on the adjacent property east of the building and continues along Perkins Road into town. The building is structurally sound and secured from easy access to strangers by metal shuttered windows and padlocked metal doors. Drinking water and wastewater services are provided by Huntsville. The Washington Grade School is three blocks southeast of the site on First Avenue. The Johnston County Senior Citizens Center is one block east of the site on Perkins Road.

This building still contains approximately 200 fifty-five gallons drums that need to be sampled, and one closed vat containing an unidentified sludge-like material. About half of the drums are corroded and some of these drums will need overpacking before removal.

Contaminants of Concern

Five fifty-five gallon drums are labeled Trichloroethylene.

Waste oil and other suspected unknown contaminants are in the remaining drums.

II. Community Issues

A. Children's Safety. There are two safety issues involving children. First, during the sampling and remediation, some of the security barriers will be removed. Consequently, curious children may seek entry to the building. Second, children frequently bicycle or walk to the Washington Grade School. Truck traffic to the site should be routed away from the school as much as possible.

B. Drinking Water. Four private drinking water wells are located within an 800 feet radius of the site. One of the city's three public water supply wells is located within one-half mile of the site.

III. Community Relations Activities

All questions about community relations activities and news media inquiries should be directed to **Robert Johnson, Manager, Environmental Affairs, CDX Industries, 123 Corporate Way, Harrisburg, Pennsylvania 80214 (Tel: 207/488-9977).**

Before remediation, we will:

1. Contact Mayor's Office, Alderman, and the Police Department to discuss our remediation plans, building security, and answer questions.
2. Contact adjacent property owners, and if sufficient interest exists, contact local news media.
3. Obtain past public drinking water analyses to anticipate any perceived link between activities at this site and Huntsville drinking water quality.

When remediation commences, we will:

1. Provide schedule to Mayor's Office, Alderman, Police Department, adjacent property owners, and any other interested citizens.

IV. Contact List

A. Government Officials

Mayor, Huntsville
Aldermen
Police Department
County Board Members
School Principal, Huntsville
Illinois EPA
County Health Department
Illinois Department of Public Health
Representatives

B. Interested and Affected Citizens

All adjacent property owners
Senior Citizen Home Director
Chamber of Commerce or Economic Development Director
Civic Groups
Environmental Groups

C. News Media

Print
Electronic

Cook County Department of Public Health

1010 Lake Street, Suite 300, Oak Park, Illinois 60301
708.492.2000 • TDD 708.492.2002



Cook County Bureau of Health Services

John H. Stroger, Jr.

President
Board of Cook County Commissioners

Daniel H. Winship, M.D.

Chief
Bureau of Health Services

Stephen A. Martin, Jr., Ph.D., M.P.H.

Chief Operating Officer

June 30, 2005

Carol Fuller
Illinois Epa, Office Of Community Relati
PO Box 19276
Springfield, IL 62794-9276

Dear Ms. Fuller:

Note: If you use public water (i.e., if you receive a water bill from your local municipality) and are not presently using a private well for your source of water, this notification does not apply to you.

If you do use a well for your source of water, the Cook County Department of Public Health (CCDPH), the Illinois Department of Public Health (IDPH) and the Illinois Environmental Protection Agency (IEPA) want to give notice that low levels of chemical contamination have been detected in the groundwater in the general area where you live.

The IEPA has been investigating two landfills in the Chicago Heights/South Chicago Heights area (please see the enclosed fact sheet). Information collected from sampling monitoring wells on the two sites and from two nearby private wells showed traces of chemicals known as volatile organic compounds (VOCs). These are common, man-made chemicals found in such products as cleaning solvents or fuels and can cause a variety of harmful health effects at high levels of exposure. VOCs tend to evaporate easily into the air. However, in groundwater, they tend to break down very slowly. They can persist for long periods and can travel long distances from where the chemical was spilled or dumped.

In the data collected by IEPA from the private wells, the levels of specific VOCs detected do not represent a public health hazard; however, it is still important that you are made aware of this situation. Because multiple industrial sources and underground storage tanks in the area also have the potential to impact the groundwater quality, we recommend that private well owners have their wells tested for VOCs as a precautionary measure.

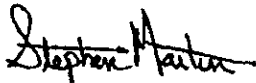
Attachment 3
Kurt Neibergall
R06-23

A list of private laboratories approved for testing is provided in this mailing. Once samples have been analyzed at a laboratory, residents may contact the IDPH's West Chicago Region at 630/293-6800 and speak to toxicologist Tom Baughman for an explanation of the test results.

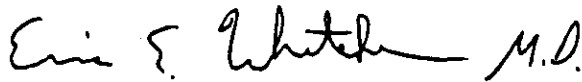
To further assist you, the IEPA, in conjunction with CCDPH and IDPH, will sponsor a workshop at the Steger Village Hall on Tuesday, July 26 at 6:00 PM. IEPA staff, along with representatives from the two public health agencies and area laboratories, will be available to answer any questions you may have about this matter.

If any of our departments can be of assistance in this matter, please feel free to contact us.

Sincerely,



Stephen Martin, Jr., PhD, MPH
Chief Operating Officer
Cook County Department of Public Health



Eric E. Whitaker, MD, MPH
Director
Illinois Department of Public Health



Renee Cipriano
Director
Illinois Environmental Protection Agency

The Cook County Department of Public Health recommends annual testing of wells for coliform bacteria and nitrates. Bottles for testing can be obtained by calling the Department at 708-492-2035.

Cook County Department of Public Health

1010 Lake Street, Suite 300, Oak Park, Illinois 60301
708.492.2000 • TDD 708.492.2002



Cook County Bureau of Health Services

John H. Stroger, Jr.

President

Board of Cook County Commissioners

Daniel H. Winship, M.D.

Chief

Bureau of Health Services

Stephen A. Martin, Jr., Ph.D., M.P.H.

Chief Operating Officer

30 Junio, 2005

Estimado ciudadano:

Nota: Si usted recibe agua potable del acueducto (es decir, si la ciudad le cobra por el uso del agua) y no está usando un pozo privado para suministrar agua potable, la siguiente notificación no es para usted.

Si usted usa un pozo para suministrar su agua potable, el Departamento de Salud Pública del Condado Cook, el Departamento de Salud Pública de Illinois (IDPH, por sus siglas en inglés) y la Agencia de Protección Ambiental de Illinois (IEPA, por sus siglas en inglés) le notifica que bajos niveles de contaminación química se han detectado en el agua subterránea en el área donde usted vive.

La IEPA ha investigado dos rellenos en el área de Chicago Heights y South Chicago Heights (por favor lea el informe adjunto). La información que se recogió durante la toma de muestras de unos pozos en los dos rellenos y de dos pozos privados cercanos demostraron indicios de unos químicos llamados químicos orgánicos volátiles (VOC, por sus siglas en inglés). Estos químicos comunes, manufacturados por la industria, se encuentran en productos como los solventes para limpieza o los combustibles, y pueden causar una variedad de efectos dañinos a la salud cuando uno está expuesto a concentraciones altas. Los VOC se evaporan fácilmente al aire. Sin embargo, en el agua subterránea se descomponen lentamente; también pueden persistir por mucho tiempo y ser transportados a distancias lejanas del sitio donde se depositaron.

De acuerdo a los datos recogidos por la IEPA en los pozos privados, los niveles de ciertos VOC detectados no presentan un riesgo a la salud pública; sin embargo, es importante que usted esté informado de la situación. Debido a que hay múltiples lugares industriales y tanques de almacenamiento subterráneos en el área que podrían afectar la calidad del agua subterránea, nosotros recomendamos, como una medida de precaución, que se tomen muestras de sus pozos privados y se analicen para ver si tienen los VOC.

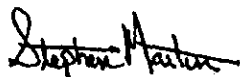
La IEPA, junto con el IDPH y el Departamento de Salud Pública del Condado Cook, llevará a cabo una reunión en Steger el 26 de Julio a las 6 p.m. Personal de la IEPA y representantes de los dos departamentos estarán presentes para responder a las preguntas sobre la calidad del agua subterránea y la toma de muestras de agua. También estarán

presentes representantes de dos laboratorios que hablarán sobre el procedimiento de análisis de las muestras.

Adjunta a esta carta se encuentra una lista de laboratorios privados que están aprobados para hacer este tipo de análisis. Una vez que usted reciba los resultados del laboratorio, llame a la oficina del IDPH, sector occidental, en Chicago, teléfono 630-293-6800, y hable con el toxicólogo Tom Baughman para que le explique los resultados.

Si usted desea asistencia de uno de nuestros departamentos, por favor comuníquese con nosotros.

Atentamente,



Stephen Martin, Jr., PhD, MPH
Chief Operating Officer
Departamento de Salud Pública del Condado Cook



Eric E. Whitaker, MD, MPH
Director
Departamento de Salud Pública de Illinois



Renee Cipriano
Director
Agencia de Protección Ambiental de Illinois

El Departamento de Salud Pública del Condado Cook recomienda la toma de muestras de pozos privados y un análisis anualmente para ver si el agua tiene materia fecal y nitratos. El Departamento provee las botellas para las muestras; por favor llame al 708-492-2035.



Fact Sheet

South Chicago Area Outreach Initiative Regarding Testing of Private Wells Includes Chicago Heights, South Chicago Heights and Steger areas

Background

Illinois EPA, Illinois Department of Public Health (IDPH) and the Cook County Department of Public Health are encouraging owners of private wells in developed areas (where there is a potential for chemical contamination) to have their wells tested.

House Resolution (HR) 1010, adopted June, 2004 by the Illinois General Assembly, encourages the Illinois EPA to establish a Right-to-Know Committee and to get citizens' input on the best way to notify residents who may be exposed to contamination from air, land or water. In keeping with the spirit of the resolution, Illinois EPA and the state and local health departments met with citizens to develop this educational outreach project to notify private well owners about potential contamination.

Please note: If you use a public water supply for your source of drinking water, your water should not be affected. Public water supplies come from both Lake Michigan water and groundwater. However, a public water supply must treat the source water to get rid of contaminants that are found at levels greater than levels for safe drinking water that are set by federal regulations. Water supplies used for Chicago Heights, South Chicago Heights and Steger routinely test for contamination, and they meet these federal standards at which water is considered safe to drink and no adverse health effects are expected.

Areas of Concern

This notification is based on information Illinois EPA has found while investigating, monitoring and working on two landfill sites in the Chicago Heights/South Chicago Heights area. Tests from groundwater and surface water at one landfill site showed levels of vinyl chloride greater than state Class I groundwater standards - the state standards that are designed to protect groundwater for use as drinking water.

Vinyl chloride is from a family of chemicals known as volatile organic compounds (VOCs), which are common man-made chemicals found in cleaning solvents, gasoline and oil. These chemicals can travel in groundwater long distances from where they were spilled or dumped.

Public Availability Session Private Wells and Groundwater Quality

***Tuesday, July 26, 2005
6:00 p.m. to 8:00 p.m.***

***at Steger Village Hall
35 W. 34th Street***

Steger, Illinois



Vinyl chloride was also found in South Chicago Heights' municipal well #3 in the late 1980s at a level greater than the Class I Groundwater Standard - which is 2 parts per billion. An example of a part per billion concentration is a teaspoon of a chemical in a volume of water the size of a city water tower. South Chicago Heights stopped using well #3 after this event. The city stopped using groundwater wells and began buying lake water from Chicago Heights in 2000.

Since then, Illinois EPA tested five private wells in the area during the work that was done to close the two problem landfill sites. Two well results showed low levels of VOCs. The VOC levels found were less than the federal standards for safe public drinking water supplies and also within the state groundwater standards. No adverse health effects are expected at those low levels. However, the Agency wants to fully inform area citizens about possible threats to groundwater quality.

If you have a private well, you may want to consider having the well tested for volatile organic compounds. Enclosed is a list of laboratories that are approved for testing your water for this group of chemicals. Also enclosed are directions for taking a sample of your well water to have it tested for VOCs, if you choose to do take the sample on your own.

Public Meeting/Workshop - Illinois EPA, the Illinois Department of Public Health and the Cook County Department of Public Health will hold an educational workshop in Steger on Tuesday, July 26, from 6:00 to 8:00 p.m. Illinois EPA staff, along with representatives from the state and county health agencies, will answer questions about the quality of well water and about having sampling done. In addition, representatives from area labs will be on hand to answer questions about water testing procedures. The meeting will be at the Steger Village Hall at 35 W. 34th Street.

For further information, you may contact:

Carol Fuller
Community Relations Coordinator
Office of Community Relations
217/524-8807
carol.fuller@epa.state.il.us

Public Notice Region In The South Chicago Area, Cook County



Legend

- Private Wells
- CWS Wells
- ▲ Cleanups
- LUST Sites
- Railroads
- Streets
- Water
- Municipal Boundary

- Public Notice Boundary
- 1 Landfill
- 2 Landfill

0 0.15 0.3 0.6 0.9 1.2 Miles

Illinois EPA
Groundwater Section
June 2005





Informe

Área Sur de Chicago

Un Iniciativo de Alcanze para Pruebas de Pozos Privados

Incluye las áreas de Chicago Heights, South Chicago Heights y Steger

Antecedentes

La EPA de Illinois, el Departamento de Salud Pública de Illinois y el Departamento de Salud Pública del Condado Cook le piden a los ciudadanos del área que tienen pozos de agua potable propios (donde existe la posibilidad de contaminación de químicos) que le hagan pruebas al agua de sus pozos.

La Resolución de la Cámara de Representantes #1010, adoptada en junio de 2004 por la Asamblea de Illinois, impulsa a la EPA de Illinois a que establezca un Comité del Derecho a Saber y obtenga la opinión de los ciudadanos sobre la mejor forma de notificar a los residentes de que tal vez estén expuestos a contaminación en el aire, tierra o agua. De acuerdo con el espíritu de la resolución, la EPA Illinois y los dos departamentos de salud se reunieron con ciudadanos para desarrollar este proyecto piloto para notificación de contaminación posible de pozos privados.

Nota: Si actualmente usted recibe su agua potable del acueducto, el agua que toma no deberá estar afectada. Los acueductos usan agua del Lago Michigan y agua subterránea. Sin embargo, el acueducto debe de tratar el agua que usa para quitarle los contaminantes que existan en niveles más altos que los niveles permitidos para el agua potable, los cuales son establecidos por los reglamentos federales. El agua que usan los acueductos de Chicago Heights, South Chicago Heights y Steger se analiza con regularidad para determinar si está contaminada, y estos acueductos cumplen con las normas federales que establecen que el agua se puede tomar y se cree que no producen efectos a la salud.

Áreas de Interés

La notificación actual trata de la información que la EPA de Illinois ha reunido en el transcurso de la investigación, monitoreo y ejecución de trabajos en dos rellenos en el área de Chicago Heights/South Chicago Heights. Los resultados de unas pruebas hechas a unas muestras de agua subterránea y agua superficial indican que existen niveles de cloruro de vinilo más altos que la norma para agua subterránea "Clase I"—la norma estatal establecida para proteger el agua subterránea y así mantenerla potable.

El cloruro de vinilo pertenece al grupo de químicos llamados químicos orgánicos volátiles (VOC, por sus siglas en inglés), los cuales son químicos comunes manufacturados por la industria, puede encontrar en los solventes de limpieza y en la gasolina y el aceite. Estos químicos pueden desplazarse a distancias largas en el agua subterránea desde el punto de origen.

Sesión Pública

Pozos Privados y Calidad del Agua Subterránea

Martes 26 de Julio de 2005
6:00 p.m. a 8:00 p.m.

Steger Village Hall
35 W. 34th Street

Steger, Illinois



Cloruro de vinilo también fue detectado en el pozo municipal #3 de South Chicago Heights a finales de la década de 1980 en un nivel más alto que la norma para agua subterránea Clase I, ó 2 partes por millón. El equivalente de una parte por millón es una cucharadita de un químico en un tanque de agua potable de la ciudad. South Chicago Heights dejó de usar el pozo #3 después de haber detectado el químico. En el 2000, la ciudad dejó de usar todos sus pozos municipales y empezó a obtener su agua potable de Chicago Heights.

Desde entonces, la EPA de Illinois le hizo pruebas a cinco pozos privados durante el trabajo que se ejecutó para el cierre de los dos rellenos. Las pruebas de dos pozos indicaron que existen los VOC en concentraciones bajas. Las concentraciones detectadas estaban por debajo de las normas federales para los acueductos y también cumplieron con las normas estatales para agua subterránea. Se cree que dichas concentraciones no causan efectos adversos a la salud. Sin embargo, la EPA de Illinois desea informarle a los ciudadanos de la posibilidad de contaminación del agua subterránea.

Si usted usa un pozo para su agua potable, usted puede necesitar que se le haga una prueba al agua para ver si tiene químicos orgánicos volátiles. Una lista de laboratorios que están aprobados para analizar ese tipo de químicos está adjunta a este informe. Adjunto también se encuentran las instrucciones para recoger una muestra del agua de su pozo para hacerle la prueba, si usted mismo desee tomar la muestra.

Reunión Pública/Taller – La EPA de Illinois, el Departamento de Salud Pública de Illinois y el Departamento de Salud Pública del Condado Cook llevarán a cabo un taller educational en Steger el martes 26 de julio, de 6:00 p.m. a 8:00 p.m. Personal de la IEPA y representantes de los dos departamentos estarán presentes para responder a las preguntas sobre la calidad del agua subterránea y la toma de muestras de agua. También estarán presentes representantes de dos laboratorios que hablarán sobre el procedimiento de análisis de las muestras. La reunión será en el Village Hall de Steger, 35 West 34th Street.

Para obtener mayor información, comuníquese con:

Carol Fuller
Coordinadora de Relaciones con la Comunidad
Oficina de Relaciones con la Comunidad
217/524-8807
carol.fuller@epa.state.il.us

Región de Notificación Pública en el Área Sur de Chicago, Condado Cook



Leyenda

- Pozos privados
- Pozos de acueductos
- ▲ Proyectos remediadores
- Sitios con tanques subterráneos
- Ferrocarril
- Calle
- Tubería de agua
- Límite político
- Límite político para notificación pública
- 1 Relleno
- 2 Relleno

0 0.15 0.3 0.6 0.9 1.2 Millas

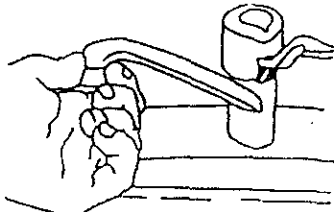
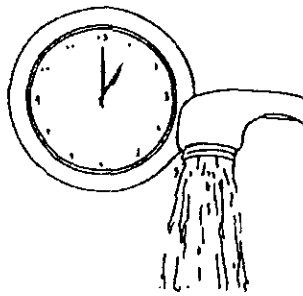
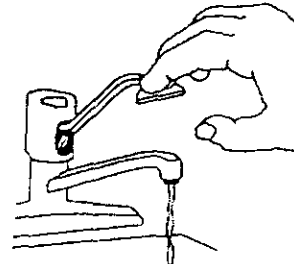
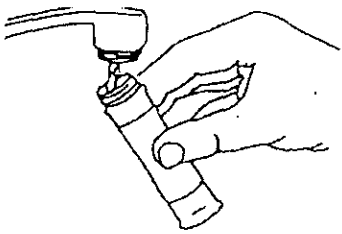
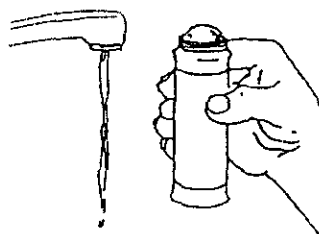
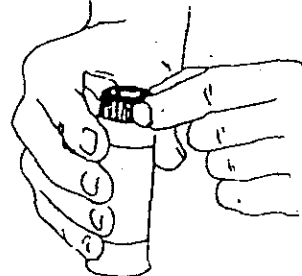
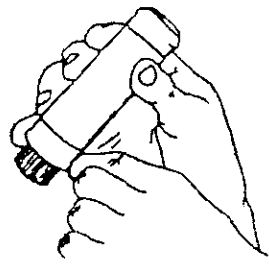
EPA de Illinois
Sección Aguas Subterráneas
Junio 2005



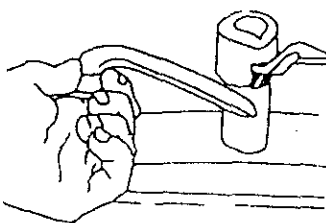
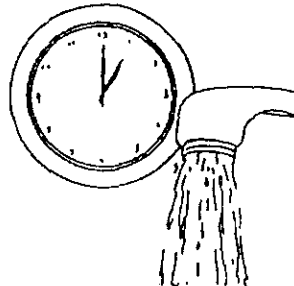
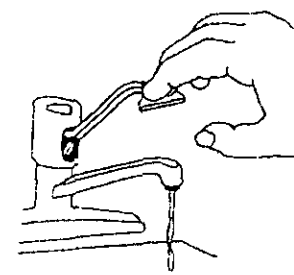
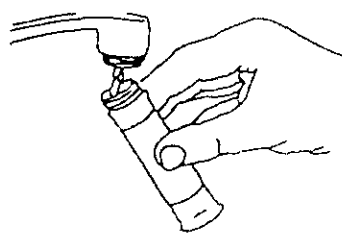
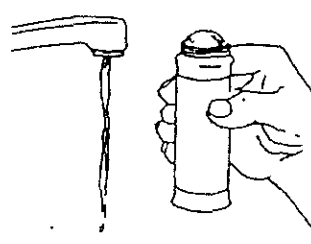
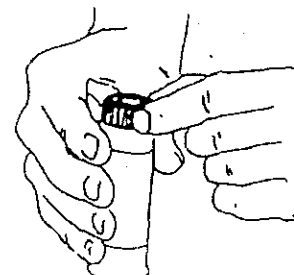
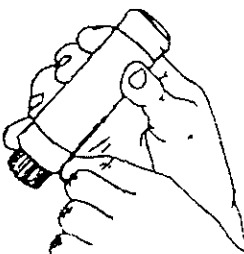
Accredited Laboratories for Analysis of Environmental Samples (including Volatile Organic Compounds)

Abbott Corporate Environmental Health and Safety Laboratories	North Chicago	IL	(847) 935-6337
Accutest Laboratories of New England	Marlborough	MA	(508) 481-6200
Accutest Laboratories of New Jersey	Dayton	NJ	(732) 329-0200
American Water - Belleville Laboratory	Belleville	IL	(618) 239-0516
ARDL, Inc.	Mt. Vernon	IL	(618) 244-3235
Environmental Monitoring and Technologies, Inc.	Morton Grove	IL	847/967-6666
Environmental Science Corp.	Mt. Juliet	TN	(615) 758-5858
Environmetrics	St. Louis	MO	314/432-0550
Gabriel Laboratories, Ltd.	Chicago	IL	773/486-2123
General Engineering Laboratories, LLC	Charleston	SC	(843) 556-8171
Heritage Environmental Services, LLC	Indianapolis	IN	(317) 390-3182
Illinois-American Water, Corporate Laboratory	East St. Louis	IL	(618) 874-2467
McCoy & McCoy Laboratories, Inc.	Madisonville	KY	(270) 821-7375
MWH Laboratories, A Div. of MWH Americas, Inc.	Monrovia	CA	(626) 386-1170
Pace Analytical Services - MN	Minneapolis	MN	(612) 607-1700
PDC Laboratories, Inc.	Peoria	IL	309/692-9688
Prairie Analytical Systems, Incorporated	Springfield	IL	217/753-1148
STL Buffalo	Amherst	NY	(716) 691-2600
STL Savannah	Savannah	GA	(912) 354-7858
Suburban Laboratories, Inc.	Hillside	IL	708/544-3260
TestAmerica Analytical Testing Corp, Dayton OH	Dayton	OH	(937) 294-6856
TestAmerica Analytical Testing Corp, Nashville TN	Nashville	TN	(615) 726-0177
Underwriters Laboratories, Inc	South Bend	IN	(574) 233-4777
USFilter Enviroscan Services	Rothschild	WI	(800) 338-7226

General procedure for collecting water samples if testing for volatile organic chemicals

 <p># 1: Remove the aerator from the indoor leak-free cold water faucet</p>	 <p># 2: Let water run for 15 minutes to assure that you are getting water from the ground-water source (where your well is screened below ground).</p>	 <p>#3 Reduce the water flow until the stream is about ¼ inch in diameter.</p>
 <p>#4 Fill a prepared laboratory container as instructed by the lab. Hold the container at an angle to reduce aeration.</p>	 <p>#5 Fill the container until there is a curved surface to the water on top.</p>	 <p>#6 Replace the cap. Avoid trapping air between the sample and the cap.</p>
 <p>#7 Turn the vial upside down and tap. <u>If bubbles appear</u>, take another sample in a new container. If <u>no bubbles</u> appear, transport the sample as instructed by the laboratory.</p>	<p>Notes:</p> <ul style="list-style-type: none"> • Samples should be kept in a cooler with ice for transport to the lab. • Do not keep samples longer than 24 hours before taking them to a lab. • If you use a water softener or filter, take the sample from an outside spigot not affected by those. Be 	<p>sure to disconnect the hose before taking the sample.</p> <ul style="list-style-type: none"> • Containers have a special preservative for the volatile chemicals. Do not rinse or reuse lab containers or fill to overflowing. • Always follow the lab directions.

Procedimiento general para recoger muestras de agua para hacerles la prueba de químicos orgánicos volátiles

 <p># 1: Quite el aparato que ventila la llave del agua fría.</p>	 <p># 2: Deje correr el agua 15 minutos para asegurarse de que el agua viene del depósito subterráneo (de donde su pozo extrae el agua).</p>	 <p>#3 Reduzca el flujo agua hasta que tenga un diámetro de ¼ de pulgada.</p>
 <p>#4 Llene el recipiente preparado por el laboratorio de acuerdo a sus instrucciones. Sostenga el recipiente inclinado para reducir la aireación.</p>	 <p>#5 Llene el recipiente hasta que el agua tenga una curva cerca a la boca del recipiente.</p>	 <p>#6 Coloque la tapa. Evite que quede aire atrapado entre el agua y la tapa.</p>
 <p>#7 Voltee el recipiente al revés y déle un golpecito. <u>Si hay burbujas</u>, recoja otra muestra en otro recipiente. Si <u>no hay burbujas</u>, lleve la muestra de acuerdo a las intrucciones del laboratorio.</p>	<p>Apuntes:</p> <ul style="list-style-type: none"> • Mantenga las muestras en una heladera con hielo para llevarlas al laboratorio. • No guarde las muestras más de 24 horas antes de llevarlas al laboratorio. • Si usted usa ablandador para el agua o un filtro, recoja la muestra de una llave afuera que no esté afectada por éstos. 	<p>Asegúrese de desconectar la manguera antes de tomar la muestra.</p> <ul style="list-style-type: none"> • Los recipientes contienen un preservativo especial para químicos volátiles. No enjuague o vuelva usar el recipiente, ni permita que se derrame agua. • Siga las instrucciones del laboratorio.

Las ilustraciones y el texto que se encuentran en esta pagina fueron tomadas con el permiso de Home A Syst: An Environmental Risk-Assessment Guide for the Home que se desarrollo por el progama National Farm*A*Syst con cooperación de NRAES, Natural Resource, Agriculture, y Engineering Service, (607) 255-7654, www.nraes.org. El permiso que se dio para usar estos materiales fue dado y basado en el acuerdo que existe entre NRAES y la Universidad de Wisconsin (la que obtiene la propiedad literaria).



Fact Sheet #3

Downers Grove Groundwater Investigation

Downers Grove, Illinois
Results of Round 3 Well Testing

Background

Illinois EPA continues to investigate groundwater contamination in the areas of unincorporated Downers Grove. During October 16-18 and October 23-24, Illinois EPA sampling teams collected 159 private well samples. Nine more samples were collected on November 14. The samples were taken primarily in an area south of Maple Street and east of Belmont. See Area 4 (the expanded sampling area) on the attached map.

During the spring of 2001, the Illinois EPA and the Illinois Department of Public Health (IDPH) took a small number of well samples in unincorporated areas of Downers Grove in response to citizen concerns related to recent private well sampling in neighboring Lisle. Results of a few samples in Downers Grove in May showed some solvent contamination in scattered wells. Consequently, Illinois EPA decided to initiate a separate investigation in unincorporated Downers Grove to identify contaminated wells and potential sources for the contamination.

Illinois EPA collected samples from private water wells in unincorporated Downers Grove during the weeks of July 16 and September 11, 2001. The results from these samples constituted the first and second phases of the Downers Grove Groundwater Investigation. In the first two rounds of sampling, approximately 320 wells, in three areas, were analyzed for levels of solvent-type chemicals, known as volatile organic chemicals (VOCs).

What did the test results for the most recent (October and November) sampling show?

Can you explain the defined areas of contamination based on the well testing done between July and November?

What steps are the Illinois EPA taking to find sources of the contamination?

Attachment 4
Kurt Neibergall
R06-23

The large area Area (4) shows that many wells contain perchloroethylene (PCE), trichloroethylene (TCE) and other related VOCs. Thirty percent of the most recent well tests in this area show PCE or TCE contamination above the federal drinking water standards. To date, 189 wells out of 471 total sampled have contamination above the drinking water standard for public water supplies and another 200 had detectable levels of contamination.

Evaluation of current data show the plume of contamination of PCE, TCE and related chemicals extends from an area of higher concentrations along a portion of Maple Avenue from Belmont to the west to Belmont on the east, south to Belmont Street. Concentrations drop off to very low levels at Belmont on the west and east and Belmont on the east. Illinois EPA does not know where the plume of contamination extends. The commercial/residential area south of Belmont Street is an area of public water supply. The VOCs were detected in two wells that have been tested on Belmont and Belmont Road.

Illinois EPA is gathering information from several different areas to help identify potential sources of the solvent contamination. The data from the well tests show where elevated levels of contamination exist in the groundwater. Illinois EPA then concentrates efforts upgradient (opposite the flow of

- groundwater for source areas.
- 2) Historical research of known spills and releases of solvents in the area provides information about potential source areas.
- 3) Illinois EPA sent information requests to area businesses in and near the Ellsworth Industrial Park (north of Maple Ave.) to learn about previous and current solvent use and disposal.
- 4) The general public is encouraged to provide information to Illinois EPA about solvent use or spills/releases of solvents in the area.

In addition, U.S. EPA has offered technical assistance and will work with the Illinois EPA to identify the source(s) of contamination.

Will the investigation target a source or sources soon, or does that usually take a long time?

Finding a potentially responsible party to past, non-reported environmental contamination usually takes a long time. In some cases, it is not possible to know with certainty the source of an old spill or release.

Can the contamination be removed from the groundwater, or will it degrade to non-toxic products over time?

When a large area of an aquifer, as is the case in the incorporated Downers Grove, is contaminated with solvents, it is generally thought to be infeasible to attempt to pump out millions of gallons of water, treat it and return it to the aquifer. Consequently, the remedy for the groundwater contamination, assuming no significant source area remains, is natural attenuation over time. That means that the contamination is allowed to disperse or breakdown over time over a large area until it no longer poses a threat to any particular well. This type of contamination does not degrade much when it is deep in the aquifer, because the degradation requires oxygen and sunlight.

What about the original source material where the spill occurred? Can it be cleaned up?

Yes. In the case where a source area is defined, the stained soils can be cleaned up by a number of proven remedies. Original source areas can be dug up and disposed as hazardous waste and the highly contaminated groundwater can be immediately cleaned up.

Should well owners drink the water?

IDPR recommends homeowners whose wells contain TCE and PCE not to drink the water. IDPR will monitor contaminant levels in public water supplies to make sure they do not use an alternative source of drinking water or install a water treatment unit designed to remove TCEs.

If contamination is found in my well, will the state force me to change over to a public water supply?

Neither IDPR nor EPA can force anyone to change to a different private well. IDPR will advise residents of any well contamination and make recommendations about changing water use. Private wells are not subject to public water regulations.

What adverse health effects are related to exposure to TCE or PCE?

According to IDPR, exposure to TCE and PCE at levels much greater than those found in public water supplies in Downers Grove area wells can cause cancer, kidney, liver and other effects.

The health effects of drinking the water from a well with TCE or PCE have not been fully understood. In some cases, there may be a slightly increased risk of cancer. IDPR may lead to increased health effects if the water is not treated properly.

How can I reduce my exposure to TCE or PCE?

Could I solve the problem of exposure to the contamination by installing a filtration system?

How did Illinois EPA obtain names and addresses to contact potential well owners to sample? My neighbor has never been contacted.

There is an updated "Trichloroethylene Health Risk Assessment" by U.S. EPA that is now out for public comment. This draft assessment is available on the Internet at <http://www.epa.gov/ncea>. You may also telephone the National Center for Environmental Assessment (NCEA's) Technical Information Staff at 202/564-3261 or fax a request for the assessment to 202/565-0050.

If your water contains TCE or PCE, you can greatly reduce your exposure by using another source of drinking water or by using a water treatment unit designed to remove VOCs. Since VOCs evaporate into the air, you can reduce your inhalation exposure by running the bathroom exhaust fan during baths and showers. Exposure to TCE or PCE from other water uses should be very small.

Yes. You may install a whole-house carbon filtration system that will effectively remove the solvent contamination. A homeowner should look for systems that are ANSI-approved or NSF (National Sanitation Foundation)-approved. A source of information about water filtration systems is Water Quality Association of U.S. 630/505-0160 at www.wqa.org. Keep in mind that the activated carbon needs to be exchanged per the manufacturer's recommendations so that it is effective at filtering the solvent contamination, but also to prevent bacterial growth in the system.

Since there is no one source of information for all private wells in the state, Illinois EPA depends on numerous sources and efforts. During June and July this year, the Village of Downers Grove provided a list of nearly 850 potential well owners, and DuPage County Public Health provided some additional information that was then cross-referenced. Illinois EPA attempted to contact by telephone the homeowners in the first sampling area (west of Belmont). During August, Illinois EPA on two occasions, walked the areas of concern both west and east of Belmont and placed door-hangers asking whether residents had a well and wanted it tested for volatile organic compounds. In September, Illinois EPA made a follow-up mailing to homeowners in the area of concern on the east side of Belmont asking them to contact us if they wanted their wells tested in October.

If you or someone you know has a well but has not been contacted by Illinois EPA and wish to have your well tested or to be added to the mailing list for updates about the investigation, feel free to contact Carol Fuller at 217/524-8807.

For more information, please contact:

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Joe Dombrowski
Remedial Project Mgr.
Illinois EPA, State Sites Unit
217/558-2564
joseph.dombrowski@epa.state.il.us

Other Fact Sheets by the Office of Community Relations, including Fact Sheets #1 and #2 for this site, are available on the Illinois EPA web site www.epa.state.il.us

Ogden Ave.

Downers Grove Groundwater Investigation

Round 3 Sampling

AREA 2

DOWNERS GROVE

Maple
Grove F.P.

55th St.

Maple Ave.

AREA 1

AREA 4

Belmont Rd.

63rd St.

Maid St.

AREA 3

Downers Grove Township and Lisle Township Map



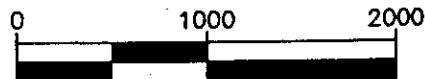
LEGEND

PARSONS ENGINEERING SCIENCE, INC.

Boundary containing 95+ percent of sampled wells in Downers Grove exhibiting a sum of TCE and PCE concentrations between 2 and 5 ppb

Boundary containing 95+ percent of sampled wells in Downers Grove exhibiting a sum of TCE and PCE concentrations between 5 and 10 ppb

Boundary containing 95+ percent of sampled wells in Downers Grove exhibiting a sum of TCE and PCE concentrations above 10 ppb



SCALE: 1"=1000'

DATE: 12/12/01
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NOTES:

Aerial photo obtained from USGS, April 1998

Data Sources:

- 1) Prairie Analytical Laboratories, collected from May 2001 through October 2001.
- 2) Illinois Department of Public Health, collected in May 2001

**TCE AND PCE ANALYTICAL RESULTS
PRIVATE WELL SAMPLING PROGRAM
DOWNERS GROVE, ILLINOIS
DATE PREPARED: December 12, 2001**

PARSONS ENGINEERING SCIENCE, INC

DESIGN • RESEARCH • PLANNING
999 OAKMONT PLAZA DRIVE • WESTMONT, ILLINOIS • 630.371.1800

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 14 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
STANDARDS AND REQUIREMENTS)
FOR POTABLE WATER WELL)
SURVEYS AND FOR COMMUNITY)
RELATIONS ACTIVITIES PERFORMED)
IN CONJUNCTION WITH AGENCY)
NOTICES OF THREATS FROM)
CONTAMINATION UNDER P.A. 94-134)
)
NEW PART 35 ILL. ADM. CODE 1505)

R06-023
(Rulemaking -- Public Water)

AGENCY'S ERRATA SHEET NUMBER 1

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Agency)
submits this ERRATA SHEET NUMBER 1 for the above-titled matter to the Illinois
Pollution Control Board (Board). The revisions proposed below are to the Agency's
original proposal filed with the Board on January 20, 2006. They have been developed as
a result of the Agency's continuing efforts to refine its original proposal and in response
to additional outreach meetings with interested and affected persons. The proposed
revisions are as follows:

Section 1505.110:

"Community relations plan ~~Relations Plan~~" or "CRP" means a plan containing goals, milestones, and specific tasks that will accomplish two-way communications between a party performing a response action and community members who may be interested in or affected by site contamination or activities at the remediation site.

"Person performing a response action" means the person(s) 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

~~3.1.1~~ where the person taking responsibility for the release has contracted or subcontracted to perform the response action.

Section 1505.200:

The purpose of this Subpart B is to establish minimum standards and requirements for performing potable water supply well surveys to ensure that these wells are accurately identified and located so that impacts and potential impacts to such wells from soil 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 shall use to perform potable water supply well surveys and for the documentation of the results of well surveys in reports to the Agency.

Section 1505.205(a):

- a) Except as provided in subsection (b) of this Section, this Subpart B applies to persons performing response actions 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 shall comply with the standards and requirements of this Subpart B when a well survey is required to determine ~~determining~~ the existence and location of potable water supply wells. When determining the existence and location of these wells, the person also shall identify and locate setback zones and regulated recharge areas associated with the wells.
 - 1) This Subpart B does not contain an independent requirement to perform a potable water supply well survey. If the Board rules governing on which the response action is based (or Agency interpretations of those rules) require the performance of a well survey as part of the response action, this Subpart B sets forth the minimum standards and requirements that must be satisfied when performing that well survey and preparing the documentation for submission to the Agency. In addition, the submission and review of well survey documentation and appeals of Agency final determinations concerning well survey procedures and reporting are subject to the rules governing requiring the response action.
 - 2) Applicable Board rules requiring potable water supply well surveys as part of response actions may supersede the requirements of this Subpart B only to the extent their express provisions are equivalent to or more stringent than the standards and requirements of this Subpart B.

Section 1505.210(a):

- a) When applicable Board rules require a well survey to determine determining the existence and location of potable water supply wells, persons subject to this Subpart B shall identify all 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, all 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 all setback zones and regulated recharge areas in which all or any portion of the property where the release occurred is located.

Section 1505.210(c):

- 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 shall expand the area of the potable water supply well survey if ~~measured soil contamination or~~ measured or modeled groundwater contamination extends ~~extend~~ 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 ~~Tables A, B or E~~ for the groundwater ingestion route or the ~~applicable~~ Class-I groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III). ~~410. The extent of modeled groundwater contamination shall be determined using Equation R26 as set forth in 35 Ill. Adm. Code 742. Appendix C: Table C where appropriate or another model or methodology approved by the Agency. If there is no Table E objective or Part 620 Class-I standard, the objective shall be determined or approved by the Agency in accordance with 35 Ill. Adm. Code 620. Subpart F. If there is no Table A or B objective, the objective shall be determined or approved by the Agency using Equation S17, as set forth in 35 Ill. Admin. Code 742. Appendix C: Table A, and using the procedures of 35 Ill. Admin. Code 620. Subpart F to determine the Groundwater Remediation Objective (GW_{obj}) concentration required in 35 Ill. Admin. Code 742. Appendix C: Table A, Equation S18. At a minimum, the expanded well survey shall identify the following:~~

- 1) The extent of modeled groundwater contamination shall 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 shall include the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route.

- 1) ~~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 extent of soil contamination and the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion route; and~~
- 2) At a minimum, the expanded well survey shall 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 and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion exposure route; and
 - B) All setback zones and regulated recharge areas in which any portion of the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion exposure route is located.
- 2) ~~All setback zones and regulated recharge areas in which any portion of the measured extent of soil contamination or the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion route is located.~~

Section 1505.210(e)(2):

- e) 2) The maps showing the well locations, setback zones and regulated recharge areas pursuant to subsection (e)(1) of this Section shall show those areas in relation to the measured and modeled extent of groundwater contamination exceeding the remediation objectives of Part 742 or Part 620 for the groundwater ingestion exposure route. ÷
 - A) ~~The measured extent of soil contamination exceeding the remediation objectives of 35 Ill. Adm. Code 742. Appendix B: Tables A or B for the soil component of the groundwater ingestion route, or, if there is no Table A or B objective, the objective determined or approved by the Agency using Equation S17, as set forth in 35 Ill. Admin. Code 742. Appendix C: Table A, and using the procedures of 35 Ill. Admin. Code 620. Subpart F to determine the~~

~~Groundwater Remediation Objective (GW_{obj}) concentration required in 35 Ill. Admin. Code 742. Appendix C: Table A, Equation S18; and~~

~~B) The measured and modeled extent of groundwater contamination exceeding the remediation objectives of Part 742 or Part 620 for the groundwater ingestion route.~~

Section 1505.300(a):

- a) The purpose of this Subpart C is to establish the minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Act ~~when the Agency has authorized the responsible party 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 relations activities fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil or groundwater contamination or both and the responses to such impacts. This Subpart C contains requirements for the content, submission for review, distribution and implementation of fact sheets and community relations plans. ~~Community Relations Plans~~, and the establishment and maintenance of document repositories.

Section 1505.310(a)(1):

- a) 1) Measured or modeled Soil or groundwater contamination or both 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 pose a threat above the Class I groundwater quality standards at 35 Ill. Adm. Code 620 at five or fewer offsite private, semi-private or non-community water system wells; or

Sections 1505.310(b) and (b)(1):

- b) The person authorized to provide notice as part of community relations activities and within the limits set forth in satisfying the requirements of subsection (a) of this Section shall develop a contact list and develop and distribute a fact sheet in accordance with this subsection (b).
 - 1) The person shall prepare a contact list including, but not limited to, the following affected, potentially affected or interested persons, as applicable:

- A) Owners and occupants of 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 and occupants of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
- C) Occupants of the properties identified in subsections (b)(1)(A) and (b)(1)(B) of this Section to the extent reasonably practicable. The contact list shall include the methods by which the responsible party has attempted to identify the occupants;
- DE) Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release; and
- ED) Officials of each unit of government serving the affected properties, including state and federal legislators, county board chairs and county clerks, township supervisors, and mayor or village presidents and city or village clerks. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(1)(A) through (b)(1)(D), ~~(b)(1)(B) or (b)(1)(C)~~ of this Section.

Section 1505.310(d):

- d) Fact sheets and contact lists developed in accordance with this Section shall 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., ~~new data,~~ 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).

Section 1505.315(a)(1):

- a) 1) Measured or modeled Soil or groundwater contamination or both 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 pose a threat above the Class I groundwater quality standards at 35 Ill. Adm. Code 620 at more than five offsite private, semi-private or non-community water system wells or one or more community water system wells; or

Sections 1505.315(b) and (b)(1):

- b) The person authorized to provide notice as part of community relations activities and exceeding the limits set forth in satisfying the requirements of subsection (a) of this Section shall develop and implement a community relations plan ~~Community Relations Plan~~ and fact sheet in accordance with this subsection (b). Section 1505. Appendix A of this Part contains the outline of a model community relations plan that would be appropriate for a complex site.

- 1) The CRP shall include, but not be limited to, the following elements to the extent related to the contaminants being addressed in the response action:

- A) A description of the site or facility and details of the release and any related soil or groundwater contamination;

~~Site/Facility Description: The CRP shall provide for the development 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 shall 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.~~

- B) A list of community issues and concerns collected from affected, potentially affected, and interested parties identified though the process outlined in subsection (b)(1)(D) of this Section;

~~Community Issues and Concerns: The CRP shall provide for the development of 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 parties and their preferred language, 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 parties identified through the process outlined in subsection (b)(1)(D) of this Section.~~

C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested parties, and a schedule for activities and objectives; and Community Relations Program: ~~The CRP shall describe the community relations program objectives, action plan and schedule to keep affected, potentially affected and interested parties apprised of conditions at the site, response actions, and actual or potential public health impacts. This section also shall explain how the public will be notified of mailings or meetings. The contact person(s) and contact information for public inquiries shall be clearly defined. Additionally, details about the location of, and access to, the document repository shall be outlined in this section of the CRP.~~

D) The process for identifying and updating the contact list, which shall consist of Contact List: ~~The CRP shall outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested parties including, but not limited to:~~

- i) ~~Owners and occupants of 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 properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;~~
- iv) ~~Owners and occupants of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);~~

- v) Occupants of the properties identified in subsections (b)(1)(D)(i) and (b)(1)(D)(iv) of this Section to the extent reasonably practicable. The community relations plan shall include the methods by which the responsible party will attempt to identify the occupants;
- vi) Local, state and federal officials whose jurisdiction covers the affected and potentially affected properties including: mayor or village president, city or village clerk, township supervisors, county board chair and county clerk, city and county health department administrator; state and federal legislators; and
- vii) Citizens, identified groups, organizations or businesses within a minimum of 1000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrator(s), Parent-Teacher Association (PTA) leader(s); day care center, senior center and nursing home management; neighborhood or homeowner association or other community leader(s) as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

Section 1505.315(b)(2)(H):

- b) 2) H) The World Wide Web address of the Document Repository established pursuant to Section 1505.320 ~~1505.315~~ of this Part and the address and hours of the document repository established at a physical location, if also required pursuant to Section 1505.320 ~~1505.315~~ of this Part;

Section 1505.315(d):

- d) Updates:
 - 1) Fact sheets developed in accordance with subsection (b)(2) of this Section shall 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., ~~new data~~, 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 shall 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 parties and communities about releases of contaminants with actual or potential impacts to offsite wells, offsite property uses, or both. A current version of the publicly available CRP shall be kept in the document repository described in Section 1505.320.

Section 1505.320:

Persons developing a CRP pursuant to Section 1505.315 of this Part also shall establish a document repository for the purpose of displaying documents and providing copies of those documents. The document repository shall be established at a World Wide Web site unless the person authorized to provide the notice as part of community relations activities performing the response action or the Agency receives a request for a document repository at a physical location. If an individual requests a document repository at a physical location, the person authorized to provide the notice may satisfy the request by providing a complete set of copies of the documents to the party making the request. If two or more individuals, one or more groups of individuals (e.g., citizen or neighborhood groups, civic organizations), or a local government official or administrator requests a document repository at a physical location, the person authorized to provide the notice shall establish and maintain the document repository at both a World Wide Web site and at a physical location as described under subsection (c) of this Section. ~~from an affected, potentially affected, or interested party or organization (e.g., citizen, neighborhood group or civic organization) or from a local government official or administrator. If such a request is received, the document repository shall be established at both a World Wide Web site and a physical location.~~

Section 1505.320(a):

- a) The document repository shall include the community relations plan, ~~Community Relations Plan~~, 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 a No Further Remediation Letter, permit modification, or other project completion documentation.

Section 1505.325(a):

- a) Except as provided in subsection ~~subsections~~ (b) ~~or (d)~~ of this Section ~~or subsection (d) of Section 1505.330 of this Part~~, persons accepting the Agency's offer to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall, within 30 days of the date of their acceptance:

Section 1505.330(d):

- d) If the Agency disapproves of a fact sheet or CRP or approves of a fact sheet or CRP with conditions or modifications, the submitter shall submit a revised fact sheet, CRP, or both to the Agency within ten days of receiving the Agency's denial. If the revised fact sheet, CRP, or both are not received by the Agency within ten days, or if a revised fact sheet or CRP are 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 submitter pursuant to Title VI-D of the Act, pursue an enforcement action against the submitter for failure to develop and implement an Agency-approved fact sheet, ~~or~~ CRP, or both. In addition to any other defenses that may be available to the submitter, it 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 fact sheet or CRP that the fact sheet or CRP submitted to the Agency and rejected satisfies the requirements for such documents as set forth in Sections 1505.310 and 1505.315 of this Part. This provision does not limit the use of this defense in other circumstances where appropriate.

Section 1505.Appendix A (new):

Section 1505.APPENDIX A

Contents of A Model Community Relations Plan

This Appendix A lists the key elements of a community relations plan and several factors that should be included with each element in a community relations plan prepared for a complex site. Unless otherwise required by rule, all the factors listed with each element may not be necessary for each site developing and implementing a community relations plan pursuant to this Part 1505, but each factor should be considered when developing any community relations plan.

1. Site/Facility Description: The CRP should provide for the development 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 for the development of 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 parties and their preferred language, 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 parties 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 parties apprised of 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(s) 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 parties including, but not limited to:
 - * Owners and occupants of properties served by private, semi-private or non-community water systems that have been or may be impacted by groundwater contamination from the release;
 - * Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
 - * Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - * Owners and occupants of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - * Local, state and federal officials whose jurisdiction covers the affected and potentially affected properties including: mayor or village president, city or village clerk, township supervisors, county board chair and county

clerk, city and county health department administrator; state and federal legislators; and

- * Citizens, identified groups, organizations or businesses within a minimum of 1000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrator(s), Parent-Teacher Association (PTA) leader(s); day care center, senior center and nursing home management; neighborhood or homeowner association or other community leader(s) as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

THIS FILING SUBMITTED ON RECYCLED PAPER.

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Testimony of Gary P. King, Testimony of Richard P. Cobb, Testimony of Kurt D. Neibergall, and Agency's Errata Sheet No. 1, upon the persons to whom they are directed, by placing a copy of each in an envelope addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(UPS – Next Day)

Bill Richardson
General Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(First Class Mail)

Matt Dunn
Environmental Bureau Chief
Office of the Attorney General
James R. Thompson Center
100 W. Randolph, 12th Floor
Chicago, Illinois 60601
(First Class Mail)

Amy Antonioli, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(UPS - Next Day)

(Attached Service List – **First Class Mail**)

and mailing them from Springfield, Illinois on March 13, 2006, with sufficient postage affixed as indicated above.

Cynthia Lewis

SUBSCRIBED AND SWORN TO BEFORE ME

This 13th day of March, 2006.
Brenda Boehner
Notary Public



THIS FILING SUBMITTED ON RECYCLED PAPER

Illinois Pollution Control Board

Service List Service list for case R2006-023

Party Name	Party Role	Address 1	Address 2	City	State	Zip	Phone	Fax	Person Name	Title
Andrews Environmental Engineering, Inc.	Interested Party	3535 Mayflower Blvd		Springfield	IL	62707	217-787-2334		Kennoth W. Liss L.P.G.	
IEPA	Petitioner	1021 North Grand Avenue East	P.O. Box 19276	Springfield	IL	62794-9276	217-782-5544	217-782-9807	Kimberly A. Geving	Assistant Counsel
IEPA	Petitioner	1021 North Grand Avenue East	P.O. Box 19276	Springfield	IL	62794-9276	217-782-5544	217-782-9807	Mark Wright	Assistant Counsel
IEPA	Petitioner	1021 North Grand Avenue East	P.O. Box 19276	Springfield	IL	62794-9276	217-782-5544	217-782-9807	Stefanie N. Diers	Assistant Counsel
Illinois Department of Public Health, Division of Environmental Health	Interested Party	525 West Jefferson Street		Springfield	IL	62761			Brian Portz	
Illinois Department of Public Health, Division of Environmental Health	Interested Party	525 West Jefferson Street		Springfield	IL	62761			Jerry Dalsin	
Illinois Environmental Regulatory Group	Interested Party	3150 Roland Avenue		Springfield	IL	62703	217-523-4942	217-523-4948	Katherine D. Hodges	Executive Director