

ILLINOIS POLLUTION CONTROL BOARD

July 24, 2014

IN THE MATTER OF:)
)
STANDARDS AND REQUIREMENTS FOR) R 14-23
POTABLE WATER WELL SURVEYS AND) (Rulemaking – Land)
COMMUNITY RELATIONS ACTIVITIES)
PERFORMED IN CONJUNCTION WITH)
AGENCY NOTICES OF THREATS FROM)
CONTAMINATION: PROPOSED)
AMENDMENTS TO 35 ILL. ADM. CODE)
1600)

ORDER OF THE BOARD (by J.D. O’Leary):

On June 17, 2014, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend Part 1600 of the Board’s Subtitle O Right to Know regulations. Accompanying the proposal was a Statement of Reasons (SR). *See* 35 Ill. Adm. Code 102.202 (Proposal Contents for Regulations of General Applicability).

The Agency states that on September 7, 2006, the Board adopted Right to Know rules. Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under PA 94-314: New 35 Ill. Adm. Code Part 1600, R6-23; see 30 Ill. Reg. 15756 (Sept. 29, 2006). The Agency added that these rules implement Section 25d of the Environmental Protection Act, which requires public notification “when contamination poses a threat of exposure above the appropriate remediation objectives on one or more offsite properties.” SR at 1, citing 35 Ill. Adm. Code 1600; *see* 415 ILCS 5/25d (2012).


The Agency states that subsequent legislative and rulemaking actions “have created a gap between the environmental media of concern that require notice in accordance with Title VI-D of the Act, the exposure routes identified in the Board’s Tiered Approach to Corrective Action Objectives rules (“the TACO rules”), and the Right to Know rules.” SR at 1-2; *see* Public Act 96-903, eff. Aug. 24, 2009 (adding soil gas as medium of concern); Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, R11-9 (May 16, 2013) (adding indoor inhalation exposure route). The Agency proposes to amend the Right to Know rules to conform to these recent statutory and regulatory amendments. Specifically, the Agency proposes to require notice to specified members of the public if “measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier I remediation objectives; or measured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier I remediation objectives.” SR at 2, 5.

The Board finds that the Agency has satisfied the content requirements at Section 102.202 of its procedural rules (35 Ill. Adm. Code 102.202) and accepts the Agency’s proposal

for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Act and the Board's procedural rules. 415 ILCS 5/27, 28 (2012); 35 Ill. Adm. Code 102. After conducting hearings on this proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 24, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board