

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
STANDARDS AND REQUIREMENTS)	
FOR POTABLE WATER WELL)	R14-23
SURVEYS AND COMMUNITY)	(Rulemaking – Land)
RELATIONS ACTIVITIES PERFORMED)	
IN CONJUNCTION WITH AGENCY)	
NOTICES OF THREATS FROM)	
CONTAMINATION: PROPOSED)	
AMENDMENTS TO)	
35 ILL. ADM. CODE 1600)	


NOTICE OF FILING

TO: ALL PARTIES ON THE 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 Post Hearing Comments a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
 James Jennings
 Assistant Counsel
 Division of Legal Counsel

DATED: October 30, 2014

James Jennings
 Illinois Environmental Protection Agency
 Division of Legal Counsel
 1021 N. Grand Ave. East
 P.O. Box 19276
 Springfield, IL 62794-9276
 (217) 782-5544

SERVICE LIST

Division of Legal Counsel
Office of the Attorney General
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

Timothy J. Fox
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Office of Legal Services
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

William G. Dickett
Sidley Austin, LLP
One South Dearborn, Suite 900
Chicago, Illinois 60603

Robert A. Messina
General Counsel
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701

Keith I. Harley
Chicago Legal Clinic
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606

Kenneth W. Liss
Andrews Environmental Engineering
3300 Ginger Creek Drive
Springfield, Illinois 62711

Jason Boltz
Chief Legal Counsel
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761

Jack Norman
Groundwater Advisory Council
906 N. Metter
Columbia, Illinois 62236

Greg Lawler
Growmark, Inc.
1701 Towanda Avenue
Bloomington, Illinois 61701

Bill Bodine
Laura Harmon
Illinois Farm Bureau
1701 Towanda Avenue
Bloomington, Illinois 61701

Mark Denman
Superintendent
Danville School District No. 118
516 North Jackson Street
Danville, Illinois 61832

Melinda Selbee
General Counsel
Illinois Association of School Boards
2921 Baker Drive
Springfield, Il 62703

Sara G. Boucek
Legal Counsel
Illinois Association of School Administrators
2648 Beechler Court
Springfield, Illinois 62703

John W. Wason
Drinker Biddle & Reath
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606

Robert Kohlhase
Engineering Manager
Farnsworth Group
2709 McGraw Drive
Bloomington, IL 61704

Dennis Duffield
City of Joliet
150 W. Jefferson Street
Joliet, Illinois 60432

David Rieser
Much Shelist, PC
191 North Wacker Drive, Suite 1800
Chicago, Illinois 60606

Averil M. Edwards
Winston & Strawn, LLP
35 West Wacker, Suite 4200
Chicago, IL 60601

Chris Paluch
Environmental Defenders of McHenry County
110 South Johnston Street, Suite 106
Woodstock, Illinois 60698

Brian Urbaszewski
Respiratory Health Association
1440 West Washington
Chicago, IL 60607

Dave Pfiefer
USEPA- Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Kenneth Alderson
Illinois Municipal League
500 East Capitol
Springfield, IL 62705

Mark Biel
Executive Director
Chemical Industry Council of Illinois
400 West Monroe, Suite 205
Springfield, IL 62704

Brian Martin
Consulting Environmental Scientist
Ameren Energy Company
1901 Chouteau Avenue
St. Louis, Missouri 63103

Tracy Elzemeyer
General Counsel
American Water Company
727 Craig Road
St. Louis, Missouri 63141

Susan McVety
Environmental Professional
Dynergy Midwest Generations, Inc.
133 South Fourth Street, Suite 306
Springfield, Illinois 62701

John Liberg
Illinois Association of Groundwater
Professionals
5101 West Blanding Road
Hanover, Illinois 61041

Jim Monk
Patrick Evans
Illinois Energy Association
1 West Old State Capitol
Springfield, Illinois 62701

Jack Darin
Sierra Club
70 East Lake Street, Suite 1500
Chicago, Illinois 60601

Jonathon Goldman
Illinois Environmental Council
107 West Cook Street, Suite 15
Springfield, Illinois 62704

Ron Dye
CORE Geological Services, Inc.
2621 Monetga, Suite C
Springfield, Illinois 62704

Chris Wieneke
Illinois Manufacturers Association
220 East Adams Street
Springfield, Illinois 62701

Albert Ettinger
Law Firm of Albert Ettinger
53 West Jackson Street, Suite 1664
Chicago, Illinois 60604

Matt Lasecki
Illinois American Water
1000 Internationale Parkway
Woodridge, Illinois 60517

Bruce Niles
Sierra Club
122 West Washington Avenue, Suite 830
Madison, Wisconsin 53703

Don Keefer
Illinois State Geological Survey
615 East Peabody Drive
Champaign, Illinois 61801

Allen Wehrmann
Illinois State Water Survey
2204 Griffith Drive
Champaign, Illinois 61820

Joyce O'Keefe
Openlands Project
25 East Washington Street, Suite 1650
Chicago, Illinois 60602

Glynnis Collins
Tracy Barkley
Prairie Rivers Network
1902 Fox Drive, Suite G
Champaign, Illinois 61820

William D. Seith
Total Environmental Solutions
635 Butterfield Road, Suite 240
Oak Brook Terrace, Illinois 60181

Andrew Rath sack
Andrews Environmental Engineering
3535 Mayflower Boulevard
Springfield, Illinois 62711

Olivia Dorothy
Office of Lt. Governor Sheila Simon
Room 414 State House
Springfield, Illinois 62706

Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, Illinois 60025

John Henriksen
Illinois Association of Aggregate Producers
1115 South Second Street
Springfield, Illinois 62704

George Czapar
University of Illinois Extension
Illinois State Fairgrounds
P.O. Box 8199
Springfield, Illinois 62791

Cindy Skrukru
Sierra Club
4209 West Solon Road
Richmond, Illinois 60071

Mark Pfister
Lake County Health Department
3010 Grand Avenue
Waukegan, Illinois 60085

Ellen Rundulich
Carol Stark
Citizens Against Ruining the Environment
P.O. Box 536
Lockport, Illinois 60441

Doug Dobmeyer
Clean Water Illinois
P.O. Box 268617
Chicago, Illinois 60626

F. Edward Glatfelter
Illinois Section AWWA
535 Yorkshire Drive
DeKalb, Illinois 60115

Cameron Davis
Alliance for the Great Lakes
150 North Michigan Avenue, Suite 700
Chicago, Illinois 60601

Aaron Rosinski
Southeast Environmental Task Force
13300 S. Baltimore Avenue
Chicago, Illinois 60633

Illinois PIRG
328 South Jefferson Street, Suite 620
Chicago, Illinois 60601

Scott Goldstein
Metropolitan Planning Council
140 South Dearborn Street, Suite 1400
Chicago, Illinois 60603

Shannon Duncan
Western Illinois Regional Commission
223 South Randolph Street
Macomb, Illinois 61455

Greater Egypt Regional Planning &
Development Commission
3000 West DeYoung Street, Suite 800 B-3
Marion, Illinois 62959

Kelly Murray
Illinois Association of Regional Councils
413 West Monroe
Springfield, Illinois 62701

Ron Thomas
Northeastern Illinois Planning Commission
233 South Wacker Drive, Suite 800
Chicago, Illinois 60606

Mark Richardson
Homebuilders Association of Illinois
112 West Edwards Street
Springfield, Illinois 62704

Julie Sullivan
Illinois Association of Realtors
P.O. Box 19451
Springfield, Illinois 62794

Paul McNamara
Southwestern Illinois Planning Commission
2511 Vandalia Street
Collinsville, Illinois 62234

Robert Miller
5412 Rickswood Lane
Rockford, Illinois 61107

Bonnie Thompson Carter
Lake County Board
25846 West Highway 134
Ingleside, Illinois 60041

Bernadette Dinschel
Lisle Citizens Advisory Group
4713 Elm Street
Lisle, Illinois 60532

Anne Muniz
Downers Grove Citizens Advisory Group
5617 Pershing Avenue
Downers Grove, Illinois 60516

Chuck Roberts
Friends of Fox River
Box 1314
Crystal Lake, Illinois 60039

Janice M. McLain
BP America, Inc.
150 West Warrenville Road
Naperville, Illinois 60563

Jeff Ferry
Dynegy
230 Broadway, Suite 150
Springfield, Illinois 62701

Randy Michelson
Ameren
607 East Adams
Springfield, Illinois 62739

Greg Michael
ADM
1001 Brush College Road
Decatur, Illinois 62526

Schy Willmore
Sue Corcoran
CWLP
201 East Lake Shore Drive
Springfield, Illinois 62712

Naren Prasad
SWANA/CDM
125 South Wacker Drive, Suite 600
Chicago, Illinois 60606

George Jamison
Goodpaster-Jamison, Inc.
913 W. Spesser Street
Taylorville, Illinois 62568

National Solid Wastes Management
Association
115 East Ogden Avenue, Suite 117-313
Naperville, Illinois 60563

Dan Eichholz
Ron Carooni
Dave Sykuta
Illinois Petroleum Council
400 West Monroe
Springfield, Illinois 62704

Kathleen Flaherty
Scott Humbard
Exelon
4300 Winfield Road
Warrenville, Illinois 60555

Mike McElroy
Life Safety Commission
7301 West 114 Place
Worth, Illinois 60482

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
STANDARDS AND REQUIREMENTS)	
FOR POTABLE WATER WELL)	R14-23
SURVEYS AND COMMUNITY)	(Rulemaking – Land)
RELATIONS ACTIVITIES PERFORMED)	
IN CONJUNCTION WITH AGENCY)	
NOTICES OF THREATS FROM)	
CONTAMINATION: PROPOSED)	
AMENDMENTS TO)	
35 ILL. ADM. CODE 1600)	

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S POST HEARING
COMMENTS**

NOW COMES the Illinois Environmental Protection Agency (“Agency”), by and through its counsel, and hereby submits its Post Hearing Comments as directed by the Hearing Officer Order entered on October 17, 2014, in the above captioned rulemaking.

I. PROCEDURAL BACKGROUND

On June 17, 2014, the Agency filed its proposal to amend Part 1600 of Title 35 of the Illinois Administrative Code (“Right to Know rules”) with the Illinois Pollution Control Board (“Board”). Legislative and Board actions since the adoption of the Right to Know rules in 2006 created a gap between the environmental media of concern that require notice in accordance with Title VI-D of the Illinois Environmental Protection Act (“Act”),¹ the exposure routes identified in the Board’s Tiered Approach to Corrective Action Objectives rules (“the TACO rules”),² and the Right to Know rules. Specifically, in 2009, the General Assembly amended Title VI-D of the Act to include “soil gas” as an

¹ 415 ILCS 5, *et seq.*

² 35 Ill. Adm. Code 742, *et seq.*

environmental medium of concern that could require public notification.³ In 2013, the Board adopted amendments to the TACO rules that added (1) an inhalation exposure route to protect against vapor intrusion and (2) Tier 1 remediation objectives for environmental media of concern based on the indoor inhalation exposure route.⁴ The Agency's proposed amendments address the regulatory gap created by these amendments.

On August 21, 2014, the Agency prefiled testimony for one witness, Bradley Frost. On August 28, 2014, the Board prefiled questions regarding Mr. Frost's testimony and the Agency's proposal. The first hearing in this matter was held on September 4, 2014, in Springfield, Illinois. The Agency presented four witnesses: Mr. Frost, Tracey Hurley, Joyce Munie, and Heather Nifong. At the hearing, the Agency provided written responses to the Board's prefiled questions. The second hearing in this matter was held on October 16, 2014, in Chicago, Illinois. The Agency presented one witness, Mr. Frost, at that hearing.

II. COMMENTS

The Agency's proposed amendments include three categories of changes: (1) revisions that address the amendments to the Act and the TACO rules; (2) revisions that address issues raised during the Agency's implementation of the Right to Know rules; and (3) revisions for consistency within the rules, such as the addition of acronyms, revised cross-references, and renumbered subsections. Attachment A to these Post Hearing Comments is the Agency's proposed amendments to the Right to Know rules. Attachment A incorporates amendments included in the Agency's responses to the Board's prefiled questions and the amendments contained in the Agency's initial

³ 415 ILCS 5/25d-2 and 25d-3(a)(1), *as added by* P.A. 96-903 (*eff.* August 24, 2009).

⁴ 35 Ill. Adm. Code 742.115 and 742.515, *as adopted by* 37 Ill. Reg. 7506 (*eff.* May 31, 2013).

proposal. The Agency's proposed amendments are specifically discussed further below.

A. Section 1600.110 - Definitions

This Section sets forth a series of defined terms used in the Right to Know rules. The Agency proposes revising this Section (1) to address changes to the Act and TACO rules and (2) for internal consistency. The Agency proposes adding the terms "building control technology," "soil gas," and "volatile chemicals" to account for specific issues relating to the addition of soil gas as an environmental medium of concern that may require public notice and indoor inhalation exposure to groundwater contamination as an exposure route that may require public notice. The Agency proposes adding the terms "Class I groundwater quality standards," "CRP," and "Tier 1 remediation objectives" for consistency within the rules.

B. Section 1600.300 - Purpose and Scope

This Section sets forth the breadth of the Right to Know rules. The Agency proposes revising this Section to include soil gas as an environmental medium of concern that requires public notification under certain circumstances. This revision will account for relevant changes to the Act.

C. Section 1600.310 - Notices and Community Relations Plans for Limited Community Relations Activities

This Section sets forth: (1) the circumstances under which notice is required if there is a threat of exposure from a release to five or fewer offsite properties; (2) the affected, potentially affected, or interested parties to whom notice should be provided; and (3) the minimum contents of a fact sheet issued to those parties.

i. Section 1600.310(a)

Subsection (a) of this Section identifies the environmental media of concern that may require public notice. The Agency proposes revising this subsection to require public notice if:

- measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s) at five or fewer offsite properties; or
- measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s) at five or fewer offsite properties.

These proposed revisions account for relevant changes to the Act and TACO rules. The Agency proposes limiting public notification of threats of exposure to measured offsite soil gas contamination because the TACO rules do not contain a model to predict horizontal transport of soil gas, which would be necessary to model offsite soil gas contamination. Indeed, the Agency is unaware of any such model, let alone a model that has been field tested and accepted by U.S. EPA or any other environmental regulatory authority. Because the Agency is not aware of any appropriate model that may be used to accurately determine the extent of horizontal transport of soil gas contamination and the Agency may only require an authorized party to provide such notice based on credible, scientific information,⁵ the Agency does not believe requiring notice based on modeled soil gas contamination would be appropriate.

⁵ See 415 ILCS 5/25d(a)(2).

ii. Section 1600.310(b)

Subsection (b) sets forth the parties that should be notified of a threat of exposure to contamination and the minimum requirements of any notifications sent. The Agency proposes revising this subsection for several reasons.

a. Amendments to Address Changes to the Act and TACO Rules

The Agency proposes several amendments to subsection (b) to address changes to the Act and the TACO rules. First, the Agency proposes revising this subsection to require notice to certain members of the public affected by, potentially affected by, or interested in (1) offsite measured soil gas contamination above the appropriate Tier 1 remediation objectives or (2) offsite measured groundwater contamination that poses a threat of exposure above the appropriate Tier 1 remediation objectives via the indoor inhalation exposure route.

Second, the Agency proposes revising subsection (b)(3) of this Section, which contains the minimum required contents of fact sheets authored by responsible parties who give notice under this Part, to include soil gas sampling as a possible action necessary to determine the potential threats to human health.

Third, the Agency proposes revising subsections (b)(3)(D) and (F) to include the use of “building control technologies” as a mechanism that may be used to address offsite contamination.

Finally, the Agency also proposes revising subsection (b)(3)(F), which requires a responsible party who provides notice to describe in its fact sheet the closure documentation it anticipates receiving from the Agency, to reflect the possibility that the responsible party may rely on building control technologies when obtaining that closure documentation.

b. Amendments to Address Issues Raised in Implementation

The Agency proposes several revisions to subsection (b) to address issues raised in its implementation of the Right to Know rules. Subsection (b)(2) identifies the affected, potentially affected, and interested parties that must be notified of a threat of contamination. The Agency proposes revising subsection (b)(2)(G), which identifies the government officials that must be notified under the Right to Know rules, by removing the requirement that township supervisors be among the necessary local government officials notified in accordance with this Part. The Agency's experience indicates that township supervisors do not, in every instance, provide services necessary to properly effectuate the intent of the notice.

In addition, the Agency proposes deleting the text in subsection (b)(3)(C) that requires responsible parties giving notice to take actions to “. . . avoid or reduce the potential public health impacts. . .” The Agency believes this revision will clarify that water well sampling and soil gas sampling do not, in isolation, avoid or reduce the potential public health impacts. Rather, such testing enables the owner or occupant to determine if a threat to human health exists and, thereafter, take any steps he or she feels are needed to address those concerns. Importantly, this revision would not alter the obligation to describe all actions that property owners should take to evaluate the potential for threats to human health.

Finally, the Agency proposes revising subsection (b)(3)(I), which requires the responsible party to include in its fact sheet the contact information for the Agency's designated staff person to whom requests for information may be made, by deleting the words “appropriate” and “bureau.” This revision reflects a change in the Agency's Freedom of Information Act procedures.

c. Amendments for Consistency

The Agency proposes several revisions to subsection (b) to ensure consistency within the Right to Know rules. First, the Agency proposes revising subsection (b)(2)(G), which identifies the government officials that require notice under these rules, to include environmental health administrators from State and local health departments. This proposed revision is consistent with the existing requirements relating to contamination affecting five or more offsite properties.

Second, the Agency proposes replacing the word “parties” with “persons” in several areas in subsection (b). This revision avoids the possibility of confusing the meaning of the two terms by using the word “party” to only identify the entity providing public notice under the Right to Know rules and by using the word “person” to only identify the individual or entity receiving notice under the Right to Know rules.

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

Section 1600.315 applies to notices required when contamination from a release poses a threat of exposure above the appropriate Tier 1 remediation objectives on more than five offsite properties. The Agency proposes numerous revisions to this Section, all of which mirror those in Section 1600.310.

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

Appendix A contains the model Community Relations Plan for Agency-authorized parties who are addressing contamination from a release that poses a threat of exposure above the appropriate Tier 1 remediation objectives on more than five offsite properties. The Agency proposes numerous

revisions to the Appendix, all of which mirror those in Section 1600.315.

III. CONCLUSION

WHEREFORE, the Agency respectfully submits these comments and requests the Board proceed expeditiously to First Notice on its proposal.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



James Jennings
Assistant Counsel
Division of Legal Counsel

DATED: October 30, 2014

James Jennings #6300112
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE O: RIGHT TO KNOW
CHAPTER I: POLLUTION CONTROL BOARD

PART 1600

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

SUBPART A: GENERAL

Section

- 1600.100 Purpose and Scope
- 1600.105 Applicability
- 1600.110 Definitions
- 1600.115 Severability

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

Section

- 1600.200 Purpose and Scope
- 1600.205 Applicability
- 1600.210 Procedures for Potable Water Supply Well Surveys

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS
ACTIVITIES

Section

- 1600.300 Purpose and Scope
- 1600.305 Applicability
- 1600.310 Notices and Community Relations Plans for Limited Community Relations Activities
- 1600.315 Notices, Fact Sheets and Community Relations Plans for Expanded Community Relations Activities
- 1600.320 Establishment of Document Repository
- 1600.325 Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans for Review
- 1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans
- 1600.335 Implementation of Community Relations Plans and Distribution of Notices and Fact Sheets; Records Retention
- 1600.340 Compliance

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

APPENDIX A Contents of a Model Community Relations Plan

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

SOURCE: Adopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended at Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.110 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as that applied to the same words or terms in Title I or Title VI-D of the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

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

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

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

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

"Class I groundwater quality standards" means the Class I groundwater quality standards located at 35 Ill. Adm. Code 620.410.

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

~~*"Contamination" or "contaminate", when used in connection with groundwater, means water pollution of such groundwater. [415 ILCS 5/3.170]*~~

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

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

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

"Person performing a response action" means the person(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 whom the person taking responsibility for the release has contracted or subcontracted to perform the response action.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS 5/3.395]

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

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

"Tier 1 remediation objectives" means the Tier 1 remediation objectives located at 35 Ill. Adm. Code 742.

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

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

**SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS
ACTIVITIES**

Section 1600.300 Purpose and Scope

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- 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 a person to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of the Agency-approved community relations activities. In addition, it is the purpose of this Part to ensure that these community relations activities fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil, soil gas, or groundwater contamination, or any combination thereof both and the responses to such impacts. This Subpart C contains the minimum requirements for the content, submission for review, distribution and implementation of notices, contact lists, fact sheets and community relations plans CRPs, and the establishment and maintenance of document repositories.
- b) Subpart C Not a Limitation:
- 1) This Subpart C establishes minimum requirements for community relations activities when such activities are to be performed in place of a notice by the Agency in accordance with subsection (a) of Section 25d-3 of the Act. Nothing in this Subpart C is intended to prohibit or prevent a person from implementing other community relations activities sooner than required by this Subpart or under circumstances in addition to those described in this Subpart. The Agency may recommend that community relations activities be performed at other times and under other circumstances and may offer assistance with development and implementation of such activities where resources permit.
- 2) Nothing in this Subpart C is intended to limit in any way the Agency's authority to provide independent notice of threats of exposure to the public from soil, soil gas, or groundwater contamination, or any combination thereof both, in accordance with Title VI-D of the Act [415 ILCS 5/25d-1 through 25d-10] and implementing rules or under any other authority.

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

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

- a) Authorized parties must comply with community relations requirements in this Section if:
- 1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards at ~~35 Ill. Adm. Code 620~~

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

at five or fewer offsite private, semi-private, or non-community water system wells; or

- 2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s) at five or fewer offsite properties;
 - 23) Offsite soil contamination from the site where the release occurred poses a threat of exposure to the public above the appropriate Tier 1 remediation objectives for the current use(s) at five or fewer offsite properties; or :
 - 4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s) at five or fewer offsite properties.
- b) An authorized party within the limits set forth in subsection (a) of this Section must develop a notice and ~~community relations plan (CRP)~~ consisting of a contact list and fact sheet in accordance with this subsection (b).
- 1) Notices issued under subsection (c) of Section 25d-3 of the Act and this Part must be distributed in accordance with Section 1600.335355 of this Part to the contact list as derived from subsection (b)(2) of this Section and may contain the following information:
 - A) *The name and address of the site or facility where the release occurred or is suspected to have occurred;*
 - B) *The identification of the contaminant released or suspected to have been released;*
 - C) *Information as to whether the contaminant was released or suspected to have been released into the air, land, or water;*
 - D) *A brief description of the potential adverse health effects posed by the contaminant;*
 - E) *A recommendation that water systems with wells impacted or potentially impacted by the contamination be appropriately tested; and*
 - F) *The name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained. [415 ILCS 5/25d-3(c)]*

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- 2) The authorized party must prepare a contact list ~~including, but not limited to, the following which must consist of affected, potentially affected, and or interested persons, as applicable~~ including, but not limited to:
- A) Owners of offsite properties served by private, semi-private, or non-community water system wells that have been or may be impacted by groundwater contamination from the release;
 - B) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - C) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - ~~B~~D) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - ~~D~~) ~~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~~
 - E) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - ~~E~~F) Occupants of the properties identified in subsections (b)(2)(A) and (b)(2)(B), (b)(2)(C), (b)(2)(D), and (b)(2)(E) of this Section to the extent reasonably practicable. The contact list must include the methods by which the authorized party has attempted to identify the occupants; and
 - ~~G~~E) Officials of each units of government serving the affected or potentially affected properties, including but not limited to State and federal legislators, county board chairs and county clerks, township supervisors, and mayors or village presidents, and city or village clerks, and environmental health administrators for state and local health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(2)(A) through (b)(2)(D) (b)(2)(F) of this Section.

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- 3) The authorized party must develop a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2) of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates must contain, at a minimum, the following information to the extent available:
 - A) The nature and extent of the contaminant(s) identified on and off the site where the release occurred;
 - B) A brief description of the pathway(s) of potential exposure and the potential adverse public health effects posed by the contaminant(s);
 - C) A description of the appropriate actions that any precautionary measures affected or potentially affected parties persons should take to evaluate the potential for threats to human health via a completed exposure pathway avoid or reduce potential public health impacts, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if and analysis recommendations, as appropriate;
 - D) A non-technical description of the steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;
 - E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
 - F) ~~The nature of the~~ closure documentation expected from the Agency (e.g., focused or comprehensive No Further Remediation (NFR) Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, or institutional controls, or building control technologies);
 - G) Responses to key community concerns as expressed by affected, potentially affected, and interested ~~parties persons;~~
 - H) The date of preparation of the fact sheet, the name of the representative(s) of the business, site or facility from whom

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

information and site-related documents may be obtained, and e-mail address, postal address, and telephone number where the representative(s) can be reached; and

- I) The name, e-mail address, postal address, and telephone number of the Agency's designated staff person and a statement that additional information and site-related documents may be available by contacting the Agency's designated staff person or by filing a request for site-specific information with the appropriate Agency ~~bureau~~ in accordance with the Freedom of Information Act [5 ILCS 140].
- c) For information that is not available when a fact sheet is prepared pursuant to subsection (b)(3) of this Section, the submission of the fact sheet to the Agency for review must be accompanied by an explanation of why the information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet.
- d) Fact sheets and contact lists developed in accordance with this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

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

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

- a) Authorized parties must comply with the community relations requirements in this Section if:
 - 1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards at ~~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
 - 2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

exposure above the appropriate Tier 1 remediation objectives for the current use(s) at more than five offsite properties;

- 23) Offsite soil contamination from the site where the release occurred poses a threat of exposure ~~to the public~~ above the appropriate Tier 1 remediation objectives for the current use(s) at more than five offsite properties; or :
 - 4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s) at more than five offsite properties.
- b) An authorized party exceeding the limits set forth in subsection (a) of this Section must develop a notice and a CRP community relations plan and fact sheet in accordance with this subsection (b). Appendix A of this Part contains the outline of a model CRP community relations plan that may be appropriate for a site subject to this Section.
- 1) Notices must be developed in accordance with subsection (b)(1) of Section 1600.310 of this Part and distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)(D) of this Section.
 - 2) The CRP must be implemented in accordance with Section 1600.335 of this Part and must include, but is not limited to, the following elements to the extent related to the contaminant(s) being addressed in the response action:
 - A) A description of the site or facility and details of the release and any related soil, soil gas, or groundwater contamination;
 - B) A list of community issues and concerns collected from affected, potentially affected, and interested ~~parties~~ persons identified through the process outlined in subsection (b)(2)(D) of this Section;
 - C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested ~~parties~~ persons, and a schedule for activities and objectives; and
 - D) The process for identifying and updating the contact list, which must consist of affected, potentially affected, and interested ~~parties~~ persons, including, but not limited to:
 - i) Owners of offsite properties served by private, semi-private, or non-community water systems that have been or

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- may be impacted by groundwater contamination from the release;
- ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
 - iii) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - iv) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - ~~iv~~v) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - vi) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - ~~vii~~v) Occupants of the properties identified in subsections (b)(2)(D)(i), ~~and (b)(2)(D)(iv), (b)(2)(D)(v), and (b)(2)(D)(vi)~~ of this Section to the extent reasonably practicable. The ~~community relations plan~~ CRP must include the methods by which the authorized party will attempt to identify the occupants;
 - ~~viii~~vi) Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and state legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for state and county health departments. Officials of specialized districts (e.g. school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) of this Section. 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,

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

~~county board chair and county clerk, city and county health department administrator, State and federal legislators; and~~

~~ix-vii)~~ Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrators, Parent-Teacher Association (PTA)-organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

- 3) Along with the development of a notice and CRP in accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection ~~(b)(2)(D)~~ ~~(b)(1)(D)~~ of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any update(s) to the fact sheet must be produced and distributed in ~~both English and another~~ any other predominant language(s) spoken in the affected area. The fact sheet and any required updates must contain, at a minimum, the following information to the extent available:
- A) The nature and extent of the contaminant(s) identified on-site and off-site of the site where the release occurred;
 - B) A brief description of the pathway(s) of potential exposure and the potential adverse public health effects posed by the contaminant(s);
 - C) A description of the appropriate actions that any precautionary measures affected or potentially affected parties persons should take to evaluate the potential for threats to human health via a completed exposure pathway avoid or reduce potential public health impacts, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if and analysis recommendations, as appropriate;

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- D) A non-technical description of the steps that are proposed to address the contamination including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;
 - E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
 - F) ~~The nature of the~~ closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, ~~or~~ institutional controls, or building control technologies);
 - G) Responses to key community concerns as expressed by affected, potentially affected, and interested ~~parties~~ persons;
 - H) The World Wide Web address of the Document Repository established pursuant to Section 1600.320 of this Part and the address and hours of the document repository established at a physical location, if also required pursuant to Section 1600.320 of this Part;
 - I) The date of preparation of the fact sheet, the name of the representative(s) of the business, site or facility from whom information and copies of repository and other site-related documents may be obtained, and e-mail address, postal address, and telephone number where the representative(s) can be reached; and
 - J) The name, e-mail address, postal address, and telephone number of the Agency's designated staff person and a statement that additional information and site-related documents may be available by contacting the Agency's designated staff person or by filing a request for site-specific information with the ~~appropriate~~ Agency ~~bureau~~ in accordance with the Freedom of Information Act [5 ILCS 140].
- c) For information that is not available when a fact sheet is prepared pursuant to subsection (b)~~(2)~~(3) of this Section, the submission of the fact sheet to the Agency for review shall be accompanied by an explanation of why the

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet.

- d) Updates
 - 1) Fact sheets developed in accordance with subsection (b)(~~2~~)-(3) of this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).
 - 2) The CRP including, but not limited to, the contact list must be reviewed on a regular basis and updated, as necessary, to ensure that timely and accurate information is provided to affected, potentially affected, and interested ~~parties~~ persons 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 must be kept in the document repository described in Section 1600.320.

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

Section 1600.320 Establishment of Document Repository

Authorized parties developing a CRP pursuant to Section 1600.315 of this Part also must establish a document repository for the purpose of displaying documents and providing copies of those documents. The document repository must be established at a World Wide Web site. A document repository at a physical location as described under subsection (c) of this Section also must be established if a request for a repository at a physical location is made to the authorized party or to the Agency.

- a) The document repository must include the notice, ~~community relations plan~~ CRP, all public notices (e.g., proof of publication for newspaper or other published notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as a ~~No Further Remediation~~ NFR Letter, permit modification, or other project completion documentation.
 - 1) The authorized party must update the repository promptly and continuously as notices, fact sheets, plans, reports, comment packages, and Agency decisions are generated throughout the process.

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- 2) The documents must be created, organized and indexed so that affected, potentially affected, or interested persons can identify, locate, and download documents of interest.
 - 3) The repository must include the business, site or facility representative's e-mail, postal address, and telephone number where inquiries can be directed and persons can request copies of repository documents and other site-related documents by mail.
- b) Repositories at World Wide Web Sites:
- 1) The documents must be in a readily available format for downloading and printing (e.g, portable document format (.pdf), graphic interchange format (.gif), tagged image file format (.tiff), joint photographic group format (.jpg)) with links to web sites where software to view and print the documents may be downloaded.
 - 2) Documents that cannot be converted to a readily available format for downloading and printing must be described in the document index, identified as available upon request, and made available in accordance with subsection (a)(3) of this Section.
 - 3) System capacity must be sufficient to support the viewing and downloading of the documents in the repository and to accommodate the anticipated number of viewers.
- c) Repositories at Physical Locations:
- 1) Repositories established at physical locations must be established no later than ten business days after receipt of a request for a repository at a physical location or receipt of the Agency's notification that a request has been made to the Agency, whichever is earlier.
 - 2) Repositories established at a physical location must be at a public location (e.g., public library, city hall) and open to the public at times convenient to affected, potentially affected, or interested persons.
- d) Information deemed trade secrets or non-disclosable in accordance with Board procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code 1828 may be redacted or excluded from the repository consistent with the requirement for providing the public all documents that have not been deemed confidential. Information to be added to the document repository also must be screened to ensure that personal information identifying affected, potentially affected, or interested persons or their exact property locations is not disclosed.

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- e) The document repository may be discontinued no less than 180 days after the recording of the NFR Letter or the issuance of other project completion documentation by the Agency (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))).

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

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

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

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

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

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

- 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

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- 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~~ persons and their preferred language(s), 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~~ persons identified through the process outlined in the fourth element below.
 3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested ~~parties~~ persons 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~~ persons including, but not limited to:
 - A. Owners ~~and occupants~~ of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;
 - B. Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
 - C. Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - D. Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - DE. Owners ~~and occupants~~ of ~~off-site~~ offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);

ATTACHMENT A: Illinois EPA's Proposed Revisions to 35 Ill. Admin. Code 1600

- F. Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s):
- ~~GE.~~ Occupants of properties identified in paragraphs A, D, E, and F to the extent reasonably practicable. The ~~community relations plan~~ CRP must include the methods by which the authorized party will attempt to identify the occupants;
- ~~HF.~~ Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and state legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for state and county health departments. Officials of specialized districts (e.g. school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) of Section 1600.315. ~~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~~
- ~~IG.~~ Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrators, ~~Parent-Teacher Association~~ organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

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

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached REGULATORY PROPOSAL containing the Illinois Environmental Protection Agency's Notice of Filing and Post Hearing Comments upon persons listed on the Service List, by mailing a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on October 30, 2014.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

James Jennings
Assistant Counsel
Division of Legal Counsel

THIS FILING IS SUBMITTED ON RECYCLED PAPER