

ILLINOIS POLLUTION CONTROL BOARD
November 20, 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)

Proposed Rule. First Notice.

OPINION AND 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 stated that the Board adopted Right to Know rules on September 7, 2006. 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 (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* PC 1 at 1; *see also* 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 proposed to amend the Right to Know rules to conform Part 1600 to these recent statutory and regulatory amendments. *See* PC 1 at 1-2. 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.

After conducting two hearings on the Agency's proposal and considering the entire record, the Board today proposes amendments to the Right to Know rules for first-notice publication in the *Illinois Register*. See 5 ILCS 100/5-40(b) (2012).

Below, the first provides the procedural background of this proceeding and the statutory and regulatory background of the Agency's proposal. Next, the Board summarizes the Agency's proposal on a section-by-section basis. The Board then reviews the record on the issues of the technical feasibility and economic reasonableness of the proposal. Finally, the Board reaches its conclusion and issues its order submitting the proposed amendments to first-notice publication.

PROCEDURAL BACKGROUND

Procedural History

On June 17, 2014, the Agency filed a proposal to amend Part 1600 of the Board's Right-to-Know rules. The Agency's filing included a Statement of Reasons (SR) and the proposed amendments (Prop.). On July 24, 2014, the Board accepted the proposal for hearing. Also on July 24, 2014, the hearing officer issued an order scheduling two hearings: the first on September 4, 2014, in Springfield; and the second on October 16, 2014, in Chicago.

In a letter dated August 4, 2014, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the Agency's rulemaking proposal as required by Section 27(b) of the Act (415 ILCS 5/27(b) (2012)). The Board asked that DCEO determine by September 19, 2014, whether it would conduct such a study. The Board received no response from DCEO.

On August 21, 2014, the Agency pre-filed the testimony of Mr. Bradley Frost for the first hearing (Frost Test.). On August 28, 2014, the hearing officer issued an order including an Attachment A listing Board questions on the Agency's proposal and pre-filed testimony (Board Questions).

The first hearing took place as scheduled on September 4, 2014, and the Board received the transcript (Tr.1) on September 9, 2014. During the hearing, the hearing officer admitted into the record two exhibits, Mr. Frost's pre-filed testimony (Exh. 1), and the Agency's responses to the Board's pre-filed questions (Exh. 2). Tr.1 at 10-11.

The second hearing took place as scheduled on October 16, 2014, and the Board received the transcript (Tr.2) on October 16, 2014. On October 17, 2014, the hearing officer issued an order setting a deadline of October 31, 2014, for the filing of post-hearing comments.

On October 30, 2014, the Board received post-hearing comments from the Agency (PC1).

Filing Comments on the Board's First-Notice Proposal

First-notice publication of the Board's proposal in the *Illinois Register* will start a period of at least 45 days during which any person may file a public comment with the Board, regardless of whether the person has already filed a public comment. 5 ILCS 100/5-40(b) (2012). The Board encourages persons to file public comments on the proposed amendments. The docket number for this rulemaking, R14-23, should be indicated on the public comment.

Public comments may be filed with the Clerk of the Board at the following address:

Pollution Control Board
John Therriault, Clerk
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's Web site at www.ipcb.state.il.us. Questions about electronic filing should be directed to the Clerk's Office at (312) 814-3629. Public comments and all other filings with the Clerk must be served on the hearing officer and on those persons on the Service List for this rulemaking. The current version of the Service List for R14-23 is available on COOL.

STATUTORY AND REGULATORY BACKGROUND OF PROPOSAL

Title 25d of Act

The General Assembly adopted Title VI-D of the Act, Right-to-Know, in Public Act 94-314, effective July 25, 2005. *See* 415 ILCS 5/25d-1 – 25d-10 (2012). Section 25d-2 of the Act provides in part that “[t]he Agency shall evaluate releases of contaminants whenever it determines that the extent of soil, soil gas, or groundwater contamination may extend beyond the boundary of the site where the release occurred.” 415 ILCS 5/25d-2 (2012); *see* SR at 2. In response to such a release, the Agency is required to respond with appropriate actions including public notice, investigation, administrative order, or referral for enforcement. *Id.* In specified circumstances, the Agency may determine that no additional action is necessary. *Id.*

As enacted by Public Act 94-314, Section 25d(a)(1) provided that the Agency must give notice to owners of contaminated offsite properties if the offsite soil contamination “[s]oil 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 off-site property. . . .” 415 ILCS 5/25d-3(a)(1) (2006); Public Act 94-314, eff. July 25, 2005; *see* SR at 2. Section 25d(a)(2) provided that the Agency must give notice to owners of contaminated offsite properties if the offsite soil contamination “[g]roundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board. . . .” 415 ILCS 5/25d-3(a)(2) (2006); Public Act 94-314, eff. July 25, 2005; *see* SR at 2.

Section 25d(3)(a) requires that the Agency’s determination that these threats exist “must be based on the credible, scientific information available to it. . . .” 415 ILCS 5/25d-3(a) (2012); *see* SR at 2-3. Section 25d-3(c) provides in part that, “[f]or 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.” 415 ILCS 25d-3(c) (2012); *see* SR at 3.

Section 25d-7 provides in part that the Agency must “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.” 415 ILCS 5/25d-7 (2012); *see* SR at 3. After receiving the Agency’s proposed amendments, the Board adopted Part 1600 in 2006. Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notice of Threats from Contamination under P.A. 94-314: New 35 Ill. Adm. Code 1600, R06-23 (Sept. 7, 2006); *see* 30 Ill. Reg. 15756 (Sept. 29, 2006).

Part 742 TACO Rules

The Board’s Part 742 Tiered Approach to Corrective Action Objectives (TACO) regulations establish “procedures for evaluating the risk to human health posed by environmental conditions and developing remediation objectives that achieve acceptable risk levels.” 35 Ill. Adm. Code 742.100(a); *see* SR at 3. These objectives include “the Tier 1 remediation objectives with which a remediating party may comply in order to obtain a no further remediation determination from the Agency.” SR at 3-4. Under the TACO rules, “[a] Tier 1 evaluation compares the concentration of contaminants detected at a site to the corresponding remediation objectives” for the current use of the property. *Id.* at 4; *see* 35 Ill. Adm. Code 742.110(b). The evaluation analyzes exposure routes, contaminants of concern, land use, and environmental media of concern. 35 Ill. Adm. Code 742.115; *see* SR at 4. The Agency noted that the Board’s regulations define “exposure route” as “the transport mechanism by which a contaminant of concern reaches a receptor.” 35 Ill. Adm. Code 742.200; *see* SR at 4, n.19.

The Agency states that, when the Board adopted Right to Know rules in 2006, “the TACO rules included Tier 1 remediation objectives for two environmental media of concern: soil and groundwater.” SR at 4. The Agency further states that there were at that time “four exposure routes applicable to soil and groundwater: outdoor inhalation, soil ingestion, groundwater ingestion, and dermal contact with soil. Soil contamination was evaluated based on the outdoor inhalation, soil ingestion, and groundwater ingestion exposure routes. Groundwater contamination was only evaluated based on the groundwater ingestion exposure route.” *Id.*

Public Act 96-603 and Revision of TACO Rules

With Public Act 96-603, effective August 24, 2009, the General Assembly amended Title VI-D “to include ‘soil gas’ as an environmental medium of concern that could require public notification.” SR at 4, citing 415 ILCS 5/25d-2, 25d-3(a)(1) (2012); P.A. 96-603; *see* Frost Test. at 2. The Board then revised its TACO rules by establishing “Tier 1 remediation objectives for

threats of exposure from soil gas contamination.” SR at 4-5, citing 35 Ill. Adm. Code 742.505(b). The Board also “added an indoor inhalation exposure route to protect against vapor intrusion, which is the migration of volatile chemicals from soil gas and groundwater into buildings.” SR at 5, citing 35 Ill. Adm. Code 742.115(a)(5). The Board’s amendments “established Tier 1 remediation objectives for soil gas and groundwater via the indoor inhalation exposure route.” Frost Test. at 2; *see* SR at 5, citing 35 Ill. Adm. Code 742.115.

Agency Proposal

The Agency states that “[l]egislative and Board actions since the adoption of the Right to Know rules have created a gap between the environmental media of concern that require notice in accordance with Title VI-D of the Act,” exposure routes identified in the TACO rules, and Part 1600. SR at 1-2. The Agency’s proposal intends to revise Part 1600 to reflect both Public Act 96-603 and the Board’s revision of the TACO rules. SR at 5; *see* Frost Test. at 2; PC1 at 2. The Agency states that “the current Right to Know rules do not require public notification for offsite threats of exposure to soil gas contamination above the appropriate Tier 1 remediation objectives, as the Act requires.” SR at 5. The Agency further states that the rules also “do not address the addition of indoor inhalation as an exposure route for groundwater contamination that requires evaluation.” *Id.* The Agency proposed to amend Part 1600 by extending

the existing notice requirements and procedures for offsite soil or groundwater contamination to include circumstances in which: [m]easured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives; or [m]easured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives.” SR at 5; *see* Frost Test. at 2.

SECTION-BY-SECTION SUMMARY OF AGENCY PROPOSAL

Section 1600.110: Definitions

Building Control Technology

The Agency proposes to define “building control technology” as “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.” Prop. at 2. Mr. Frost testified that the Agency sought to define this term because it “relates to the detection or remediation of soil gas contamination or the threat of exposure to vapors from groundwater contamination.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

Class I Groundwater Quality Standards

The Agency proposes to define “Class I groundwater quality standards” as the standards codified at 35 Ill. Adm. Code 620.210. Prop. at 2. The Agency states that it sought to add this definition “for consistency within the rule.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

In a question pre-filed for the first hearing, the Board asked the Agency to “clarify whether the proposed definition should refer to 35 Ill. Adm. Code 620.410 (Groundwater Quality Standards for Class I: Potable Resource Groundwater).” Board Questions at 1. In its response submitted at the first hearing, the Agency stated that the proposed definition “should refer to 35 Ill. Adm. Code 620.410.” Exh. 2 at 1. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

Contamination or Contaminate

The Right to Know rules now define “contamination” or “contaminate,” when used in connection with groundwater, as “water pollution of such groundwater.” 35 Ill. Adm. Code 1600.100, citing 415 ILCS 5/3.170 (2012). The Agency proposes to strike this definition. Prop. at 2; *see* SR at 6.

CRP

The Agency proposes to define “CRP” as “the community relations plan required under Title VI-D of the Act and Subpart C of this Part.” Prop. at 2. The Agency states that it seeks to add this definition “for consistency within the rule.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

Soil Gas

The Agency proposes to define “soil gas” as “the air existing in void spaces in the soil between the groundwater table and the ground surface [415 ILCS 5/25-d-1].” Prop. at 3. Mr. Frost testified that the Agency sought to define this term because it “relates to the detection or remediation of soil gas contamination or the threat of exposure to vapors from groundwater contamination.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

Tier I Remediation Objectives

The Agency proposes to define “Tier 1 remediation objectives” as “the Tier 1 remediation objectives located at 35 Ill. Adm. Code 742.” Prop. at 3. The Agency states that it sought to add this definition “for consistency within the rule.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

Volatile Chemicals

The Agency proposes to define “volatile chemicals” as “chemicals with a Dimensionless Henry’s Law Constant of greater than 1.0×10^{-2} or a vapor pressure greater than 0.1 Torr (mmHg) at 25°C. For purpose of the indoor inhalation exposure route, elemental mercury is included in the definition.” Prop. at 3. Mr. Frost testified that the Agency sought to define this term because it “relates to the detection or remediation of soil gas contamination or the threat of exposure to vapors from groundwater contamination.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

In a question pre-filed for the first hearing, the Board asked the Agency to “explain the rationale for using Henry’s Law Constant of greater than 1.0×10^{-2} instead of 1.9×10^{-2} as used in the TACO regulations at 35 Ill. Adm. Code 742.200.” Board Questions at 1. In its response submitted at the first hearing, the Agency stated that the proposed definition “should use Henry’s Law Constant of greater than 1.9×10^{-2} .” Exh. 2 at 1. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

Section 1600.300: Purpose and Scope

Subsection (a)

Section 1600.300(a) now provides in part that

it is the purpose of the 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 response to such impacts. This Subpart C contains requirements for the content, submission for review, distribution and implementation of notices, contact lists, facts sheets and community relations plans, and the establishment and maintenance of document repositories. 35 Ill. Adm. Code 1600.300(a); *see* SR at 6; Frost Test. at 3.

The Agency proposes to amend this language to provide that

it is the purpose of the 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 response to such impacts. This Subpart C contains the minimum requirements for the content, submission for review, distribution and implementation of notices, contact lists, facts sheets and CRP ~~community relations plans~~, and the establishment and maintenance of document repositories. Prop. at 4.

Mr. Frost testified that the Agency proposed to reflect Public Act 96-603 by adding “soil gas as an environmental medium of concern.” Frost Test. at 3; *see* SR at 6; PC1 at 3.

In a question pre-filed for the first hearing, the Board noted that the Agency sought to clarify that Subpart C contains minimum requirements for the distribution of information and implementation of plans. Board Questions at 1. The Board asked the Agency to comment on whether the addition of the term “minimum” “would subject parties authorized to provide notice pursuant to Section 1600.100 to any additional obligations beyond what is currently required under Part 1600.” *Id.*

In its response submitted at the first hearing, the Agency stated that its “proposed amendments would not subject parties authorized to provide notice in accordance with Section 1600.100 to any notification obligations beyond those include in Part 1600.” Exh. 2 at 1. The

Agency explained that it “proposed adding the word ‘minimum’ to the final sentence of Section 1600.300(a) for consistency with the opening sentence of that Section, which provides that

[t]he 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. 35 Ill. Adm. Code 1600.300(a); *see* Exh. 2 at 1.

Subsection (b)

Subsection (b)(2) provides in its entirety that “[n]othing 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 or groundwater contamination, or 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.” 35 Ill. Adm. Code 1600.300(b)(2). The Agency proposes to reflect Public Act 96-603 by referring to “soil gas as an environmental medium of concern.” Prop. at 4; *see* Frost Test. at 3; SR at 6; PC1 at 3.

Section 1600.310: Notice and Community Relations Plans for Limited Community Relations Activities

Mr. Frost testified that “Section 1600.310 currently requires public notification if there is a threat of exposure to groundwater contamination above the Class 1 groundwater quality standards at five or fewer offsite properties or if there is offsite soil contamination from the release that exceeds the appropriate Tier 1 remediation objectives as five or fewer offsite properties.” Frost Test. at 4; *see* 35 Ill. Adm. Code 1600.310.

Subsection (a)

Subsection (a) establishes “the circumstances under which notice is required if there is a threat of exposure from a release to five or fewer offsite properties.” Frost Test. at 3; *see* 35 Ill. Adm. Code 1600.310(a); SR. at 7; PC1 at 4. The Agency proposes to amend this subsection to add to those circumstances “[m]easured 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.” Prop. at 5; *see* Frost Test. at 4; SR at 7; PC1 at 4.

The Agency also proposes to add to those circumstances “[m]easured offsite groundwater contamination from volatile chemicals 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.” Prop. at 5; *see* Frost Test. at 4; SR at 7; PC1 at 4. Mr. Frost testified that the Agency’s proposal requires notice “only if there are actual measured contaminant concentrations in offsite groundwater.” Frost Test. at 4; *see* PC1 at 4. The Agency determined that requiring notice to offsite properties based on modeled contamination would not produce reliable results.

Frost Test. at 4. Mr. Frost's testimony noted that the Act requires that the Agency's determination to give notice of a threat "must be based on the credible, scientific information available to it." *Id.*, citing 415 ILCS 5/25d-3(a) (2012); *see* PC1 at 4. Mr. Frost's testimony stated that current subsection (a)(1) "requires lateral monitoring of contaminant concentrations." Frost Test. at 4. He claimed, however, that using a model estimating downgradient contaminants in groundwater "to estimate the upward vertical migration of contaminants into buildings relies on multiple, broad assumption to predict impact." *Id.* at 5. He testified that these predictions would not satisfy the requirements of Section 25d-3(a). *Id.*

In a question pre-filed for the first hearing, the Board noted that the Agency's proposed subsection (a)(2) requires public notification only if "[m]easured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s). . . ." Board Questions at 1. The Board asked whether this subsection should follow proposed Section 1600.310(a)(4) by indicating that the offsite groundwater contamination is "from the site where the release occurred." *Id.*

In its response submitted at the first hearing, the Agency stated that proposed Section 1600.310(a)(2) "should parallel" proposed Section 1600.310(a)(4). Exh. 2 at 1. To make the two provisions parallel to one another, the Agency proposed that subsection (a)(2) should provide that

- a) Authorized parties must comply with community relations requirements in this Section if:

* * *

- 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 current use(s) at five or fewer offsite properties. *Id.* at 2.

In its Order below, the Board amends the Agency's original proposal to reflect this reference.

In a question pre-filed for the first hearing, the Board noted that the Agency's proposed Section 1600.310(a)(2) and (a)(4) require use only of measured office contamination. The Board asked the Agency to "clarify whether access to measured offsite groundwater or soil gas contamination is always available." Board Questions at 1. In the event that it is not, the Board asked the Agency to "comment on whether the rules should allow use of modeled offsite groundwater or soil gas contamination as an alternative." *Id.*

In its response submitted at the first hearing, the Agency stated that "[t]he access necessary to determine whether offsite groundwater or soil gas contamination exists is not always available." Exh. 2 at 2. However, the Agency cited two reasons for not proposing to require "parties to provide notice based on modeled offsite soil gas contamination." *Id.* at 3. First, the Agency stated that the remediation objectives in the TACO rules "do not contain a model to predict the horizontal transport of soil gas contamination." *Id.*, citing 35 Ill. Adm.

Code 742. Second, the Agency stated that it “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.” Exh. 2 at 3; *see* PC1 at 4.

The Agency stressed that its proposal does “not abrogate the requirement that an authorized party must provide notice to affected or potentially affected persons of threats of exposure to groundwater contamination via the ingestion exposure route based on the modeled extent of groundwater contamination.” Exh. 2 at 2. However, the Agency has concluded “that lateral modeling of groundwater contamination to determine the threat of indoor inhalation exposure is not sufficiently reliable” and is not “an appropriate substitute for measured data.” *Id.* The Agency elaborated that “[t]he vertical J&E model is used to determine the threat of exposure to contaminants of concern via the indoor inhalation route. If Part 1600 were to require application of a horizontal or lateral groundwater migration model prior to the use of the vertical J&E model, the results would be faulty.” *Id.* at 2-3. The Agency claimed that “double modeling compounds any errors in the set of assumptions being applied in each model.” *Id.* at 3. Stressing that the Act allows it to require notice based only on “credible, scientific information, the Agency does not believe it would be appropriate to require an authorized party to provide notice based on more than one modeled result.” *Id.*; *see* 415 ILCS 5/25d-3(a) (2012).

Subsection (b)(2)

Mr. Frost testified that subsection (b)(2) provides “the non-exhaustive contact list of affected, potentially affected, and interested persons who must be notified of actual or threats of offsite contamination.” Frost Test. at 5; *see* 35 Ill. Adm. Code 1600.310(b)(2); Prop. at 6; SR at 7-8. The Agency first proposes to amend subsection (b)(2) by requiring notice to “[o]wners of offsite properties with building 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).” Prop. at 6; *see* Frost Test. at 5; SR at 7; PC1 at 5. The Agency also proposes to amend this subsection by requiring notice to “[o]wners 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).” Prop. at 6; *see* Frost Test. at 5; SR at 7; PC1 at 5.

The Agency also proposes to amend the list of public and elected officials required to receive notice. Frost Test. at 5; SR at 7. First, the Agency proposes to strike township supervisors from the list of those officials. Prop. at 6. Mr. Frost testified that “[t]he Agency has found that township supervisors do not, in every instance, perform duties that assist in effectuating the intent of the notices issued under the Right to Know rules.” Frost Test. at 6; *see* SR at 7-8; PC1 at 6. He clarified that township supervisors are not barred from receiving notice but that it should not be required for each release. Frost Test. at 6; *see* SR at 8. Second, the Agency proposes to require notice to “environmental health administrators for state and local health departments that serve the affected or potentially affected properties.” Frost Test. at 6; *see* Prop. at 6; PC1 at 7. Mr. Frost testified that “[t]he Agency proposed this change for consistency with other Sections of the Right to Know rules.” Frost Test. at 6; PC1 at 7.

Subsection (b)(3)

Subsection (b)(3) lists the minimum elements of fact sheets regarding a release and response action. 35 Ill. Adm. Code 1600.310(c); *see* Frost Test. at 6; SR at 8; Prop. at 7-8. Mr. Frost elaborated that

fact sheets, which are usually developed in a question and answer format, are intended to directly and efficiently respond to the key questions that have been or are expected to be raised by the impacted community. The fact sheet spells out the known extent of an environmental release, potential health impacts from the release, and planned response actions in non-technical and non-legal terms, to the extent possible. Frost Test. at 6.

Subsection (b)(3)(C). Subsection (b)(3)(C) now provides that the fact sheet must at a minimum include “[a] description of any precautionary measures affected or potentially affected parties should take to avoid or reduce potential public health impacts, including potable water supply well sampling and analysis recommendations, as appropriate.” 35 Ill. Adm. Code 1600.310(b)(3)(C). The Agency proposes to amend this to require

[a] description of the appropriate actions that any precautionary measures affected or potentially affected parties 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, if and analysis recommendations, as appropriate. Prop. at 7; *see* Frost Test. at 7; SR at 8; PC1 at 5.

This proposed amendment adds “soil gas sampling as a possible action necessary to determine the potential threats to human health.” SR at 8; *see* Frost Test. at 7; PC1 at 5. The Agency also proposes to delete the reference to avoiding or reducing potential public health impacts. Frost Test. at 7; SR at 8. The Agency claims that this revision “does not alter the obligation to describe all actions that property owners should take to evaluate the potential for threats to human health.” SR at 8. The Agency expresses the belief that the revision will instead “clarify that water well sampling and 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.” SR at 8; *see* Frost Test. at 7; PC1 at 6.

In a question pre-filed for the first hearing, the Board noted the Agency’s proposed subsection (b)(3)(C) removes the obligation to provide information about measures that should be taken to avoid or reduce potential public health impacts. Board Questions at 1. The Board also noted the Agency’s proposal to require a description of actions that should be taken to “evaluate the potential for threats to human health.” *Id.* The Board asked the Agency to “comment on whether it would be helpful to the affected or potentially affected parties to be aware of any precautionary measures that they should take to avoid or reduce potential public health impacts posed by specific contaminants of concern.” *Id.* at 2.

In its response submitted at the first hearing, the Agency stated that it had not intended “to eliminate the need to notify affected or potentially affected person of necessary precautions.” Exh. 2 at 3. The Agency added that it seeks “to clarify that sampling (i) is not a precautionary measure that avoids or reduces potential public health impacts and (ii) is a prerequisite to taking precautionary steps to avoid or reduce public health impacts.” *Id.* The Agency stated that, although it had considered addressing precautions in its proposal, it cited two reasons for declining to do so. *Id.* at 4. First, the Agency believes “that such language may be unnecessarily prescriptive in light of the unique issues presented at individual sites.” *Id.* Second, the Agency concludes that “an authorized party’s need to include a description of precautionary measures in a fact sheet could be addressed on a case-by-case basis in consultation with that authorized party.” *Id.*

However, the Agency agreed that “it would be helpful to affected or potentially affected persons to be aware of precautionary measures they could take. . . .” Exh. 2 at 3. The Agency clarified that information about such precautionary measures may be necessary and proposes to require that the fact sheet include the following information:

[a] description of the appropriate actions that affected or potentially affected parties should take to evaluate the potential for threats to human health via a completed exposure pathway, 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 appropriate. *Id.* at 4; *see* PC 1 at 5.

The Agency stated its belief that “these revisions address the necessity of informing affected or potentially affected persons of precautionary measures needed to address public health impacts while maintaining the flexibility necessary to ensure fact sheets may properly address the unique issues presented at each site.” Exh. 2 at 5. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

In a question pre-filed for the first hearing, the Board noted that the Agency had in some subsections proposed to replace the term “parties” with “persons.” Board Questions at 2; citing Prop. at 7 (proposed Section 1600.310(b)(3)(G)). The Board also noted that other proposed subsections continued use of the term “parties.” Board Questions at 2, citing Prop. at 7 (proposed Section 1600.310(b)(3)(C)). The Board asked the Agency to clarify its intent “and comment on whether the term ‘parties’ must be replaced by ‘persons’ in other section of Part 1600.” Board Questions at 2.

In its response submitted at the first hearing, the Agency stated that it “proposes replacing the term ‘parties’ with ‘persons’ in some sections to delineate between authorized parties, who are providing notice under Part 1600, and affected or potentially affected persons, who receive the notice because of their inclusion on a contact list generated in accordance with Part 1600.” Exh. 2 at 5-6; *see* PC1 at 7. The Agency concluded that “the word ‘persons’ should replace the word ‘parties’” in Section 1600.310(b)(3)(C). Exh. 2 at 6. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

Subsection (b)(3)(D). In addition, the Agency proposes to amend subsection (b)(3)(D) “to include the use of ‘building control technologies’ as a mechanism that may be used to address offsite contaminations. SR at 8; *see* Frost Test. at 6; Prop. at 7; PC1 at 5. Mr. Frost’s testimony clarified that “[b]uilding control technologies are technologies or barriers that may be used to address soil gas contamination or the threat of indoor inhalation of vapors from groundwater contamination. Frost Test. at 7.

Subsection (b)(3)(F). Subsection (b)(3)(F) now provides that a fact sheet must include “[t]he nature of the closure documentation expected from the Agency (e.g., focused or comprehensive No Further Remediation (NFR) Letter, permit modification, reliance on engineered barriers or institutional controls).” 35 Ill. Adm. Code 1600.310(b)(3)(F). The Agency proposes to amend this subsection to include building control technologies as an option on which an authorized party “may rely as part of its closure documentation expected from the Agency.” *Id.*; *see* SR at 9; Prop. at 8; PC1 at 5.

Subsection (b)(3)(I). Finally, the Agency also proposes to amend subsection (b)(3)(I) “to reflect a change in the Agency’s Freedom of Information Act [FOIA] procedures.” SR at 9; *see* Prop. at 8, citing 5 ILCS 140 (2012); PC1 at 6. Specifically, while the subsection now directs FOIA requests to “the appropriate Agency bureau” in accordance with FOIA, the Agency would direct those requests to the Agency according to FOIA. Prop. at 8; *see* PC1 at 6.

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

Mr. Frost testified that “Section 1600.315 provides for comprehensive community relations activities when there is a threat of exposure from a release to more than five offsite properties.” Frost Test. at 7; *see* 35 Ill. Adm. Code 1600.315. He claimed that, “[i]n many ways, Section 1600.315 mirrors Section 1600.310.” Frost Test. at 7. He added that, while Section 1600.315 requires notice to additional parties and additional recordkeeping, “those subsections of Section 1600.315 are not affected by the Agency’s proposed amendments.” *Id.* at 8.

Subsection (a)

The Agency proposes to amend subsection (a) to require “notice for a threat of exposure to the same environmental media of concern as Section 1600.310.” Frost Test. at 7; *see supra* at 8; SR at 9; Prop. at 8-9; PC1 at 7.

In a question pre-filed for the first hearing, the Board noted that the Agency’s proposed subsection (a)(2) requires public notification only if “[m]easured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current use(s). . . .” Board Questions at 1. The Board asked whether this subsection should follow proposed Section 1600.315(a)(4) by indicating that the offsite groundwater contamination is “from the site where the release occurred.” *Id.*

In its response submitted at the first hearing, the Agency stated that proposed Section 1600.315(a)(2) “should parallel” proposed Section 1600.315(a)(4). Exh. 2 at 1. To make the two provisions parallel to one another, the Agency proposed that subsection (a)(2) should provide that

- a) Authorized parties must comply with community relations requirements in this Section if:

* * *

- 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 current use(s) at five or fewer offsite properties. *Id.* at 2.

In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

In a question pre-filed for the first hearing, the Board noted that the Agency’s proposed Section 1600.315(a)(2) and (a)(4) require use only of measured office contamination. The Board asked the Agency to “clarify whether access to measured offsite groundwater or soil gas contamination is always available.” Board Questions at 1. In the event that it is not, the Board asked the Agency to “comment on whether the rules should allow use of modeled offsite groundwater or soil gas contamination as an alternative.” *Id.*

In its response submitted at the first hearing, the Agency stated that “[t]he access necessary to determine whether offsite groundwater or soil gas contamination exists is not always available.” Exh. 2 at 2. However, the Agency cited two reasons for not proposing to require “parties to provide notice based on modeled offsite soil gas contamination.” *Id.* at 3. First, the Agency stated that the remediation objectives in the TACO rules “do not contain a model to predict the horizontal transport of soil gas contamination.” *Id.*, citing 35 Ill. Adm. Code 742. Second, the Agency stated that it “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.” Exh. 2 at 3.

The Agency stressed that its proposal does “not abrogate the requirement that an authorized party must provide notice to affected or potentially affected persons of threats of exposure to groundwater contamination via the ingestion exposure route based on the modeled extent of groundwater contamination.” Exh. 2 at 2. However, the Agency has concluded “that lateral modeling of groundwater contamination to determine the threat of indoor inhalation exposure is not sufficiently reliable” and is not “an appropriate substitute for measured data.” *Id.* The Agency elaborated that “[t]he vertical J&E model is used to determine the threat of exposure to contaminants of concern via the indoor inhalation route. If Part 1600 were to require application of a horizontal or lateral groundwater migration model prior to the use of the vertical J&E model, the results would be faulty.” *Id.* at 2-3. The Agency claimed that “double modeling compounds any errors in the set of assumptions being applied in each model.” *Id.* at 3. Stressing that the Act allows it to require notice based only on “credible, scientific information, the

Agency does not believe it would be appropriate to require an authorized party to provide notice based on more than one modeled result.” *Id.*; see 415 ILCS 5/25d-3(a) (2012).

Subsection (b)

The Agency proposes to amend subsection (b) to require “notice to certain members of the public, including the affected, potentially affected, or interested persons identified in Section 1600.310.” Frost Test. at 7; see *supra* at 8-9; SR at 9; Prop. at 9-11.

The Agency also proposes to amend subsection (b) to require “the development of a fact sheet that contains the same information as a fact sheet developed under Section 1600.310.” Frost Test. at 7-8; see *supra* at 9-10; SR at 9; Prop. at 11-12.

Subsection (b)(3). The Agency notes that subsection (b)(3) now provides in part that, “[i]f a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet must be produced and distributed in both English and another predominant language.” 35 Ill. Adm. Code 1600.315(b); see Frost Test. at 8. The Agency proposes to amend this language to provide that, “[i]f 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.” Prop. at 11; see Frost Test. at 8. Mr. Frost testified that this proposal “recognizes that certain areas of the state may have more than one predominant language other than English.” Frost Test. at 8.

Subsection (b)(3)(C). In a question pre-filed for the first hearing, the Board noted the Agency’s proposed subsection (b)(3)(C) removes the obligation to provide information about measures that should be taken to avoid or reduce potential public health impacts. Board Questions at 1. The Board also noted the Agency’s proposal to require a description of actions that should be taken to “evaluate the potential for threats to human health.” *Id.* The Board asked the Agency to “comment on whether it would be helpful to the affected or potentially affected parties to be aware of any precautionary measures that they should take to avoid or reduce potential public health impacts posed by specific contaminants of concern.” *Id.* at 2.

In its response submitted at the first hearing, the Agency stated that it had not intended “to eliminate the need to notify affected or potentially affected person of necessary precautions.” Exh. 2 at 3. The Agency added that it sought “to clarify that sampling (i) is not a precautionary measure that avoids or reduces potential public health impacts and (ii) is a prerequisite to taking precautionary steps to avoid or reduce public health impacts.” *Id.* The Agency stated that, although it had considered addressing precautions in its proposal, it cited two reasons for declining to do so. *Id.* at 4. First, the Agency believed “that such language may be unnecessarily prescriptive in light of the unique issues presented at individual sites.” *Id.* Second, the Agency concluded that “an authorized party’s need to include a description of precautionary measures in a fact sheet could be addressed on a case-by-case basis in consultation with that authorized party.” *Id.*

However, the Agency agreed that “it would be helpful to affected or potentially affected persons to be aware of precautionary measures they could take. . . .” Exh. 2 at 3. The Agency clarified that information about such precautionary measures may be necessary and proposes to require that the fact sheet include the following information:

[a] description of the appropriate actions that affected or potentially affected parties should take to evaluate the potential for threats to human health via a completed exposure pathway, 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 appropriate. *Id.* at 4.

The Agency stated its belief that “these revisions address the necessity of informing affected or potentially affected persons of precautionary measures needed to address public health impacts while maintaining the flexibility necessary to ensure fact sheets may properly address the unique issues presented at each site.” Exh. 2 at 5. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

In a question pre-filed for the first hearing, the Board noted that the Agency had in some subsections proposed to replace the term “parties” with “persons.” Board Questions at 2; citing Prop. at 7 (proposed Section 1600.310(b)(3)(G)). The Board also noted that other proposed subsections continued use of the term “parties.” Board Questions at 2, citing Prop. at 7 (proposed Section 1600.310(b)(3)(C)). The Board asked the Agency to clarify its intent “and comment on whether the term ‘parties’ must be replaced by ‘persons’ in other section of Part 1600.” Board Questions at 2.

In its response submitted at the first hearing, the Agency stated that it “proposes replacing the term ‘parties’ with ‘persons’ in some sections to delineate between authorized parties, who are providing notice under Part 1600, and affected or potentially affected person, who receive the notice because of their inclusion on a contact list generated in accordance with Part 1600.” Exh. 2 at 5-6. The Agency concluded that “the word ‘persons’ should replace the word ‘parties’” in Section 1600.315(b)(3)(C). *Id.* at 6; *see* PC1 at 7. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

Subsection (b)(3)(D). In addition, the Agency proposes to amend subsection (b)(3)(D) “to include the use of ‘building control technologies’ as a mechanism that may be used to address offsite contaminations. SR at 8; *see* Frost Test. at 6; Prop. at 7; PC1 at 7. Mr. Frost’s testimony clarified that “[b]uilding control technologies are technologies or barriers that may be used to address soil gas contamination or the threat of indoor inhalation of vapors from groundwater contamination. Frost Test. at 7.

Section 1600.320: Establishment of Document Repository

Section 1600.320 addresses establishment of a document repository both on a Web site and in a physical location “for the purpose of displaying documents and providing copies of those documents.” 35 Ill. Adm. Code 1600.320. The Agency proposes two amendments to this

section, “each of which is to ensure consistent use of acronyms and terms within Part 1600.” Frost Test. at 8; *see* Prop. at 13-14.

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

Section 1600.325 addresses of various documents to the Agency for review. 35 Ill. Adm. Code 1600.325; *see* 35 Ill. Adm. Code 1600.330 (Agency Review of Notices, Contact Lists, Fact Sheets and Community Relations Plans). The Agency proposes two amendments to this section, “each of which is to ensure consistent use of acronyms and terms within Part 1600.” Frost Test. at 8; *see* Prop. at 15.

Section 1600.APPENDIX A

Appendix A provides the contents of a model CRP. 35 Ill. Adm. Code 1600.APPENDIX A. Mr. Frost testified that Agency-authorized parties may use this model when implementing the requirements of Section 1600.315. Frost Test. at 9; *see* SR at 9; PC1 at 7. Mr. Frost added that Appendix A “contains guidance regarding the information necessary to describe the site at which a release occurred, relevant community issue and concerns, a community relations program, and the persons necessary to include in the contact list.” Frost Test. at 9; *see* 35 Ill. Adm. Code 1600.APPENDIX A; SR at 9. Mr. Frost stated that “[t]he Agency proposes amending the portion of the Appendix that describes the contact list to mirror the comparable amendments to Section 1600.310 and 1600.315. The rationale for these amendments is the same as in those Sections.” Frost Test. at 9; *see* Prop. at 15-17; PC1 at 7.

In a question pre-filed for the first hearing, the Board noted that the Agency had in some subsections proposed to replace the term “parties” with “persons.” Board Questions at 2; citing Prop. at 7 (proposed Section 1600.310(b)(3)(G)). The Board also noted that other proposed subsections continued use of the term “parties.” Board Questions at 2, citing Prop. at 7 (proposed Section 1600.310(b)(3)(C)). The Board asked the Agency to clarify its intent “and comment on whether the term ‘parties’ must be replaced by ‘persons’ in other section of Part 1600.” Board Questions at 2.

In its response submitted at the first hearing, the Agency stated that it “proposes replacing the term ‘parties’ with ‘persons’ in some sections to delineate between authorized parties, who are providing notice under Part 1600, and affected or potentially affected person, who receive the notice because of their inclusion on a contact list generated in accordance with Part 1600.” Exh. 2 at 5-6. The Agency concludes that “the word ‘persons’ should replace the word ‘parties’” in 1600.Appendix A(2). *Id.* at 6. In its Order below, the Board amends the Agency’s original proposal to reflect this reference.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Economic Impact Study

As required by Section 27(b) of the Act (415 ILCS 5/27(b) (2012)), the Board in a letter dated August 4, 2014, requested that DCEO conduct an economic impact study of the Agency's rulemaking proposal. The Board asked that DCEO determine by September 19, 2014, whether it would conduct such a study. The Board has received no response to this request from DCEO. During each hearing, the hearing officer afforded those present an opportunity to address the Board's request for a study and DCEO's lack of response. Tr.1 at 13-14; Tr.2 at 6-7. No participant offered testimony or comment on the request or response. See Tr.1 at 14; Tr.2 at 6-7.

Technical Feasibility

The Agency states that "[n]o new technical requirements are created by the proposed amendments." SR at 9.

Economic Reasonableness

The Agency states that the economic costs related to its proposed amendments "are minimal, if any, but may include updated forms and employee procedural training." SR at 9.

Board Discussion

The Board has reviewed the record in this proceeding on the issues of technical feasibility and economic reasonableness. The Board finds that the Agency's proposal, with limited changes as described above, implements statutory and regulatory revisions and amends the Board's Right to Know rules in a manner that is technically feasible and economically reasonable.

CONCLUSION

The Board proposes amendments to Part 1600 of its Right to Know regulations (35 Ill. Adm. Code 1600) for first-notice publication. Publication of the proposed amendment in the *Illinois Register* will start a period of at least 45 days during which any person may file public comments with the Clerk of the Board at the address provided above. See 5 ILCS 100/5-40(b) (2012).

ORDER

The Board directs the Clerk to cause first-notice publication of the following proposed amendments to Part 1600 of the Board's Right to Know regulations in the *Illinois Register*. Proposed additions to Part 1600 are underlined, and proposed deletions appear stricken.

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 |
| 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 in R14-23 at 39 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.

"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 38 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES

Section 1600.300 Purpose and Scope

- 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 39 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~~

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 1600.335~~355~~ 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)]*

- 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.

- 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 persons ~~parties~~ 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

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 39 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

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

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;

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

- ~~ixvii~~) 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)(4)(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 ~~persons~~ parties 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 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); ~~or~~
- 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

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 39 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.

- 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.

- 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 39 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 39 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

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.

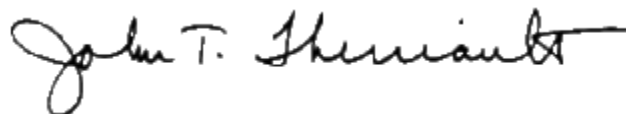
2. Community Issues and Concerns: The CRP should provide ~~for the development of~~ a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially 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 ~~persons~~ 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~~ 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);
 - E. 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);

- 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 39 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board