

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination
- 2) Code Citation: 35 Ill. Adm. Code 1600
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1600.110	Amendment
1600.300	Amendment
1600.310	Amendment
1600.315	Amendment
1600.320	Amendment
1600.325	Amendment
1600.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-7(a) of the Environmental Protection Act (Act) [415 ILCS 5/25d-3(c), 25d-7(a)]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of November 20, 2014, in docket R14-23.

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DEC - 4 2014  
STATE OF ILLINOIS  
Pollution Control Board

The Board originally adopted the Right to Know rules as Part 1600 on September 7, 2006. These rules implement Section 25d of the Environmental Protection Act (Act) [415 ILCS 5/25d (2012)], which requires public notification when contamination poses a threat of exposure above the appropriate remediation objectives on one or more offsite properties.

Subsequent legislative and rulemaking actions have created a gap between the environmental media of concern that require, the exposure routes identified in the Board's Tiered Approach to Corrective Action Objectives (TACO) rules, and Part 1600. The Board proposes amendments to conform Part 1600 to these recent statutory and regulatory actions. Specifically, the Board 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.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois Environmental Protection Agency did not state that it used a research report or a published study or other source of underlying data to prepare the original rulemaking proposal.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R14-23 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R14-23 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). For more information, contact the Clerk's Office at 312/814-3629.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rules would affect any small business, small municipality, or not-for-profit corporation from the site of which measured office soil gas contamination or measured offsite groundwater contamination poses a threat of exposure above specified remediation objectives.

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- B) Reporting, bookkeeping or other procedures required for compliance: Entities subject to the proposed amendments may be required to prepare notice, fact sheets, or community relations plans as required by the existing Right to Know regulations.
- C) Types of Professional skills necessary for compliance: No professional skills beyond those required by the existing Right to Know regulations will be required to comply with the proposed amendments.
- 14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 20522-24; December 20, 2013

The full text of the Proposed Amendments begins on the next page:

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

PART 1600

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

SUBPART A: GENERAL

Section

1600.100	Purpose and Scope
1600.105	Applicability
1600.110	Definitions
1600.115	Severability

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

Section

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

SUBPART C: STANDARDS AND REQUIREMENTS FOR  
COMMUNITY RELATIONS ACTIVITIES

Section

1600.300	Purpose and Scope
1600.305	Applicability
1600.310	Notices and Community Relations Plans for Limited Community Relations Activities
1600.315	Notices, Fact Sheets and Community Relations Plans for Expanded Community Relations Activities
1600.320	Establishment of Document Repository
1600.325	Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans for Review

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- 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.

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"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)~~ or persons 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]*

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"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" 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  $1.9 \times 10^{-2}$  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 39 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.

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- 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)~~uses at five or fewer offsite properties;



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- ~~233~~) 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)~~[uses](#) 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)~~[uses](#) at five or fewer offsite properties.
- b) An ~~-~~ authorized party, within the limits set forth in subsection (a) of this Section, must develop a notice and ~~community relations plan (CRP)~~ consisting of a contact list and fact sheet in accordance with this subsection (b).
- 1) Notices issued under subsection (c) of Section 25d-3 of the Act and this Part must be distributed in accordance with Section ~~1600.335355~~[1600.335](#) 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)]*

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- 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)~~uses;
  - ~~BDD)~~ Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use(s)~~uses;
  - ~~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)~~uses;
  - ~~EFF)~~ 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 ~~f~~
- 
- ~~GEG)~~ Officials of ~~each~~ units of government serving the affected or potentially affected properties, including but not limited to State

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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~~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)~~ or contaminants identified on and off the site where the release occurred;
  - B) A brief description of the pathway~~(s)~~ or pathways of potential exposure and the potential adverse public health effects posed by the contaminant~~(s)~~ or contaminants;
  - C) A description of the appropriate actions that ~~any precautionary measures~~ affected or potentially affected ~~persons~~parties~~persons~~ should take to evaluate the potential for threats to human health via a completed exposure pathway ~~avoid or reduce potential public health impacts~~, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if ~~and analysis recommendations, as~~ appropriate;-
  - D) A non-technical description of the steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;

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- 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~~persons;
  - H) The date of preparation of the fact sheet, the name of the ~~representative(s)~~representatives 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)~~representatives 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

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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)~~uses at more than five offsite properties;
  - ~~233)~~ 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)~~uses 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)~~uses 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

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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)~~ or contaminants 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;

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- 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)~~uses;
- ~~ivv)~~ Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use(s)~~uses;
- 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)~~uses;
- ~~vii)~~ 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)~~ Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and ~~state~~State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for ~~state~~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

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

~~ixviii~~ix) 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)~~parent organization leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

- 3) Along with the development of a notice and CRP in accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)~~(D)~~~~(b)(1)~~(D) of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any ~~update(s)~~updates to the fact sheet must be produced and distributed in ~~both~~ English and ~~another~~ any other predominant ~~language(s)~~languages 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)~~ or contaminants identified on-site and off-site of the site where the release occurred;
  - B) A brief description of the pathway~~(s)~~ or pathways of potential exposure and the potential adverse public health effects posed by the contaminant~~(s)~~ or contaminants;



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- C) A description of the appropriate actions that ~~any precautionary measures~~ affected or potentially affected ~~persons~~~~parties~~persons should take to evaluate the potential for threats to human health via a completed exposure pathway ~~avoid or reduce potential public health impacts~~, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if ~~and analysis recommendations, as~~ appropriate;
- D) A non-technical description of the steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;
- E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;
- F) The ~~nature of the~~ closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, ~~or~~ institutional controls, or building control technologies);
- G) Responses to key community concerns as expressed by affected, potentially affected, and interested ~~parties~~ persons;
- H) The World Wide Web address of the Document Repository established pursuant to Section 1600.320 of this Part and the address and hours of the document repository established at a physical location, if also required pursuant to Section 1600.320 of this Part;
- I) The date of preparation of the fact sheet, the name of the ~~representative(s)~~representatives of the business, site or facility from whom information and copies of repository and other

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site-related documents may be obtained, and e-mail address, postal address, and telephone number where the ~~representative(s)~~representatives 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 \_\_\_\_\_)

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**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~~an 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.

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- 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, and Fact Sheets and Community Relations Plans for Review**

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- 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 \_\_\_\_\_)

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**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) or languages~~, 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~~ persons identified through the process outlined in the fourth element below.
3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested ~~parties~~ persons apprised of conditions at the site, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact ~~person(s)~~ persons 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:

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- 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)~~uses;
- E. Owners ~~and occupants of off-site~~of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~use(s)~~uses;
- 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)~~uses;
- ~~GE~~G. Occupants of properties identified in paragraphs A, D, E, and ~~F~~D 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~~H. Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and ~~state~~State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for ~~state~~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~~Section 1600.315(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~~

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

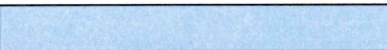
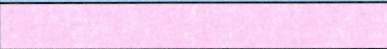
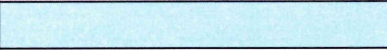


- ~~IGI.~~ Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrators, ~~Parent Teacher Association~~[parent](#) 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 \_\_\_\_\_)



Document comparison by Workshare Compare on Wednesday, November 26, 2014 11:32:58 AM

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Statistics:	
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Insertions	127
Deletions	189
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Style change	0
Format changed	0
Total changes	316

# 1<sup>ST</sup> NOTICE VERSION

JCAR351600-1422411r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE O: RIGHT TO KNOW  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 1600  
6 STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS  
7 AND FOR COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION  
8 WITH AGENCY NOTICES OF THREATS FROM CONTAMINATION  
9

10 SUBPART A: GENERAL  
11

12 Section

13 1600.100 Purpose and Scope  
14 1600.105 Applicability  
15 1600.110 Definitions  
16 1600.115 Severability  
17

18 SUBPART B: STANDARDS AND REQUIREMENTS FOR  
19 POTABLE WATER SUPPLY WELL SURVEYS  
20

21 Section

22 1600.200 Purpose and Scope  
23 1600.205 Applicability  
24 1600.210 Procedures for Potable Water Supply Well Surveys  
25

26 SUBPART C: STANDARDS AND REQUIREMENTS FOR  
27 COMMUNITY RELATIONS ACTIVITIES  
28

29 Section

30 1600.300 Purpose and Scope  
31 1600.305 Applicability  
32 1600.310 Notices and Community Relations Plans for Limited Community Relations  
33 Activities  
34 1600.315 Notices, Fact Sheets and Community Relations Plans for Expanded Community  
35 Relations Activities  
36 1600.320 Establishment of Document Repository  
37 1600.325 Submission of Notices, Contact Lists, Fact Sheets and Community Relations Plans  
38 for Review  
39 1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations  
40 Plans  
41 1600.335 Implementation of Community Relations Plans and Distribution of Notices and  
42 Fact Sheets; Records Retention  
43 1600.340 Compliance

44  
45 1600.APPENDIX A Contents of a Model Community Relations Plan  
46

47 AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Sections 4(i),  
48 25d-7(a), and 27 of the Environmental Protection Act [415 ILCS 5/4(i), 25d-3(c), 25d-7(a), and  
49 27].

50  
51 SOURCE: Adopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended in  
52 R14-23 at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

53  
54 SUBPART A: GENERAL

55  
56 **Section 1600.110 Definitions**

57  
58 Except as stated in this Section, or unless a different meaning of a word or term is clear from the  
59 context, the definitions of words or terms in this Part shall be the same as that applied to the  
60 same words or terms in Title I or Title VI-D of the Environmental Protection Act.

61  
62 "Act" means the Environmental Protection Act [415 ILCS 5].

63  
64 "*Agency*" is the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

65  
66 "Authorized party" means a person authorized by the Agency under subsection (c)  
67 of Section 25d-3 of the Act [415 ILCS 5/25d-3(c)] and Subpart C of this Part to  
68 provide notice as part of Agency-approved community relations activities in lieu  
69 of a notice required to be given by the Agency.

70  
71 "*Board*" is the Pollution Control Board. [415 ILCS 5/3.130]

72  
73 "Building control technology" means any technology or barrier that affects air  
74 flow or air pressure within a building for purposes of reducing or preventing  
75 contaminant migration to the indoor air.

76  
77 "Class I groundwater quality standards" means the Class I groundwater quality  
78 standards located at 35 Ill. Adm. Code 620.410.

79  
80 "*Contaminant*" is any solid, liquid or gaseous matter, any odor, or any form of  
81 energy, from whatever source. [415 ILCS 5/3.165]

82  
83 "*Contamination*" or "*contaminate*", when used in connection with groundwater,  
84 means water pollution of such groundwater. [415 ILCS 5/3.170]

85  
86 "CRP" means the community relations plan required under Title VI-D of the Act

87 and Subpart C of this Part.  
 88

89 *"Person" means individual, trust, firm, joint stock company, joint venture,*  
 90 *consortium, commercial entity, corporation (including a government*  
 91 *corporation), partnership, association, state, municipality, commission, political*  
 92 *subdivision of a state, or any interstate body, including the United States*  
 93 *Government and each department, agency and instrumentality of the United*  
 94 *States. [415 ILCS 5/58.2]*  
 95

96 "Person performing a response action" means the person or persons~~person(s)~~  
 97 taking responsibility for addressing a release by authorizing or approving the  
 98 performance of a response action (e.g., Leaking Underground Storage Tank  
 99 Program owner or operator, Site Remediation Program Remediation Applicant,  
 100 permittees). The phrase does not include persons who have been hired or  
 101 authorized to perform the response action by the person taking responsibility for  
 102 the release or persons with whom the person taking responsibility for the release  
 103 has contracted or subcontracted to perform the response action.  
 104

105 *"Release" means any spilling, leaking, pumping, pouring, emitting, emptying,*  
 106 *discharging, injecting, escaping, leaching, dumping, or disposing into the*  
 107 *environment, but excludes any release which results in exposure to persons solely*  
 108 *within a workplace, with respect to a claim which such persons may assert*  
 109 *against the employer or such persons; emissions from the engine exhaust of a*  
 110 *motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;*  
 111 *release of source, byproduct, or special nuclear material from a nuclear incident,*  
 112 *as those terms are defined in the federal Atomic Energy Act of 1954, if such*  
 113 *release is subject to requirements with respect to financial protection established*  
 114 *by the Nuclear Regulatory Commission under Section 170 of such Act; and the*  
 115 *normal application of fertilizer. [415 ILCS 5/3.395]*  
 116

117 "Response action" means any action or series of actions taken to address a release  
 118 of contaminants or its effects as may be necessary or appropriate to protect human  
 119 health or the environment. A response action may include, but is not limited to,  
 120 release investigation and characterization, soil remediation, and groundwater  
 121 remediation.  
 122

123 *"Soil gas" means the air existing in void spaces in the soil between the*  
 124 *groundwater table and the ground surface. [415 ILCS 5/25d-1]*  
 125

126 "Tier 1 remediation objectives" means the Tier 1 remediation objectives located at  
 127 35 Ill. Adm. Code 742.  
 128

129 "Volatile chemicals" means chemicals with a Dimensionless Henry's Law

130 Constant of greater than  $1.9 \times 10^{-2}$  or a vapor pressure greater than 0.1 Torr  
131 (mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental  
132 mercury is included in this definition.  
133

134 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
135

136 SUBPART C: STANDARDS AND REQUIREMENTS FOR  
137 COMMUNITY RELATIONS ACTIVITIES  
138

139 **Section 1600.300 Purpose and Scope**  
140

- 141 a) The purpose of this Subpart C is to establish the minimum standards and  
142 requirements for the development and implementation of community relations  
143 activities in accordance with Section 25d-7 of the Act when the Agency has  
144 authorized a person to provide the notice pursuant to subsections (a) and (c) of  
145 Section 25d-3 of the Act as part of the Agency-approved community relations  
146 activities. In addition, it is the purpose of this Part to ensure that these community  
147 relations activities fully inform communities and individuals in a timely manner  
148 about offsite impacts or potential impacts from soil, soil gas, or groundwater  
149 contamination, or any combination thereof both and the responses to such impacts.  
150 This Subpart C contains the minimum requirements for the content, submission  
151 for review, distribution and implementation of notices, contact lists, fact sheets  
152 and CRP ~~community relations plans~~, and the establishment and maintenance of  
153 document repositories.  
154
- 155 b) Subpart C Not a Limitation:  
156
- 157 1) This Subpart C establishes minimum requirements for community  
158 relations activities when such activities are to be performed in place of a  
159 notice by the Agency in accordance with subsection (a) of Section 25d-3  
160 of the Act. Nothing in this Subpart C is intended to prohibit or prevent a  
161 person from implementing other community relations activities sooner  
162 than required by this Subpart or under circumstances in addition to those  
163 described in this Subpart. The Agency may recommend that community  
164 relations activities be performed at other times and under other  
165 circumstances and may offer assistance with development and  
166 implementation of such activities where resources permit.  
167
  - 168 2) Nothing in this Subpart C is intended to limit in any way the Agency's  
169 authority to provide independent notice of threats of exposure to the public  
170 from soil, soil gas, or groundwater contamination, or any combination  
171 thereof both, in accordance with Title VI-D of the Act [415 ILCS 5/25d-1  
172 through 25d-10] and implementing rules or under any other authority.

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(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 uses at five or fewer offsite properties;
  - ~~3)~~ 2) 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 ~~uses~~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 uses 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~~1600.355 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;*

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- 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, which must consist of including, but not limited to, the following affected, potentially affected, and/or interested persons, including, but not limited to, as applicable:
- 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 uses;
  - ~~D~~) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current ~~uses~~use(s);
  - 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 uses;

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- ~~F~~E) Occupants of the properties identified in subsections (b)(2)(A), (b)(2)(C), (b)(2)(D), and (b)(2)(E) ~~and (b)(2)(B)~~ 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
  - ~~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~~
  - ~~G~~E) Officials of ~~unit~~each unit 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)(F)(b)(2)(D)~~ 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 or contaminants identified on and off the site where the release occurred;
  - B) A brief description of the pathway or pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;
  - 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;



- 301
- 302 D) A non-technical description of the steps that are proposed to
- 303 address the contamination, including, but not limited to, soil
- 304 excavation and treatment, disposal or redistribution, pump-and-
- 305 treat, bio-remediation, reliance on engineered barriers or
- 306 institutional controls, groundwater monitoring, building control
- 307 technologies, and so forth;
- 308
- 309 E) The anticipated remediation schedule through completion of the
- 310 project, including any operation, maintenance, or monitoring
- 311 following construction of the remedy;
- 312
- 313 F) ~~The nature of the~~ closure documentation expected from the
- 314 Agency (e.g., focused or comprehensive No Further Remediation
- 315 (NFR) Letter, permit modification, or Section 4(y) letter) and a
- 316 summary of the contents of the closure documentation (e.g.,
- 317 reliance on engineered barriers, or institutional controls, or
- 318 building control technologies);
- 319
- 320 G) Responses to key community concerns as expressed by affected,
- 321 potentially affected, and interested persons~~parties~~;
- 322
- 323 H) The date of preparation of the fact sheet, the name of the
- 324 representatives~~representative(s)~~ of the business, site or facility
- 325 from whom information and site-related documents may be
- 326 obtained, and e-mail address, postal address and telephone number
- 327 where the representatives~~representative(s)~~ can be reached; and
- 328
- 329 I) The name, e-mail address, postal address, and telephone number of
- 330 the Agency's designated staff person and a statement that
- 331 additional information and site-related documents may be available
- 332 by contacting the Agency's designated staff person or by filing a
- 333 request for site-specific information with the ~~appropriate~~ Agency
- 334 ~~bureau~~ in accordance with the Freedom of Information Act [5
- 335 ILCS 140].
- 336
- 337 c) For information that is not available when a fact sheet is prepared pursuant to
- 338 subsection (b)(3) of this Section, the submission of the fact sheet to the Agency
- 339 for review must be accompanied by an explanation of why the information is
- 340 unavailable at the time of the submission of the fact sheet and an estimate of when
- 341 the missing information will be supplied in a revised fact sheet.
- 342

343 d) Fact sheets and contact lists developed in accordance with this Section must be  
344 updated and redistributed whenever new information is obtained or developed or  
345 circumstances change so that there is a material change to the information  
346 required or provided in the fact sheet (e.g., completion of site investigation and  
347 characterization of the nature and extent of contaminants, higher concentrations of  
348 contaminants than previously detected, evidence of additional contaminants of  
349 concern or of a larger area affected by contamination, approval of plans or  
350 reports, completion of response action activities).

351  
352 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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354 **Section 1600.315 Notices, Fact Sheet and Community Relations Plans for Expanded**  
355 **Community Relations Activities**  
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357 a) Authorized parties must comply with the community relations requirements in  
358 this Section if:  
359

360 1) Measured or modeled groundwater contamination from the site where the  
361 release occurred (including the impact from soil contamination in  
362 concentrations exceeding the applicable remediation objectives for the soil  
363 component of the groundwater ingestion exposure route) poses a threat  
364 above the Class I groundwater quality standards at ~~35 Ill. Adm. Code 620~~  
365 at more than five offsite private, semi-private, or non-community water  
366 system wells or one or more community water system wells; ~~or~~

367  
368 2) Measured offsite groundwater contamination from volatile chemicals from  
369 the site where the release occurred poses a threat of indoor inhalation  
370 exposure above the appropriate Tier 1 remediation objectives for the  
371 current uses at more than five offsite properties;  
372

373 3) Offsite soil contamination from the site where the release occurred poses a  
374 threat of exposure to the public above the appropriate Tier 1 remediation  
375 objectives for the current usesuse(s) at more than five offsite properties;  
376 or  
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378 4) Measured offsite soil gas contamination from the site where the release  
379 occurred poses a threat of exposure above the appropriate Tier 1  
380 remediation objectives for the current uses at more than five offsite  
381 properties.  
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383 b) An authorized party exceeding the limits set forth in subsection (a) of this Section  
384 must develop a notice and a ~~CRP~~community relations plan and fact sheet in  
385 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 or contaminants 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 persons ~~parties~~ 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 persons ~~parties~~, 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 persons ~~parties~~, 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

- 429 groundwater with measured contamination from volatile  
 430 chemicals that poses a threat of indoor inhalation exposure  
 431 above the appropriate Tier 1 remediation objectives for the  
 432 current uses;  
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- 434 vi) Owners of offsite properties with soil contamination posing  
 435 a threat of exposure above the appropriate Tier 1  
 436 remediation objectives for the current ~~uses~~use(s);  
 437
- 438 vi) Owners of offsite properties with measured soil gas  
 439 contamination posing a threat of exposure above the  
 440 appropriate Tier 1 remediation objectives for the current  
 441 uses;  
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- 443 vii) Occupants of the properties identified in subsections  
 444 (b)(2)(D)(i), ~~and~~ (b)(2)(D)(iv), (b)(2)(D)(v), and  
 445 (b)(2)(D)(vi) of this Section to the extent reasonably  
 446 practicable. The ~~CRP~~community relations plan must  
 447 include the methods by which the authorized party will  
 448 attempt to identify the occupants;  
 449
- 450 viii) Officials of units of government serving the affected and  
 451 potentially affected properties, including but not limited to  
 452 federal and State legislators, county board chairpersons and  
 453 county clerks, mayors or village presidents, city or village  
 454 clerks, and environmental health administrators for State  
 455 and county health departments. Officials of specialized  
 456 districts (e.g., school, drainage, park districts) may be  
 457 excluded from the contact list unless required pursuant to  
 458 subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or  
 459 (b)(2)(D)(ix) of this Section. ~~Local, State and federal~~  
 460 ~~officials whose jurisdiction covers the affected and~~  
 461 ~~potentially affected properties, including: mayor or village~~  
 462 ~~president, city or village clerk, township supervisors,~~  
 463 ~~county board chair and county clerk, city and county health~~  
 464 ~~department administrator, State and federal legislators; and~~  
 465
- 466 ix) Citizens, identified groups, organizations or businesses  
 467 within a minimum of 1,000 feet from the site where the  
 468 release occurred that may have an interest in learning about  
 469 affected and potentially affected properties (e.g., public and  
 470 private school administrators, parent organization ~~Parent-~~  
 471 ~~Teacher Association~~ leaders; day care center, senior center,

and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

- 3) Along with the development of a notice and CRP in accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection ~~(b)(2)(D)(b)(1)(D)~~ of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any updates to the fact sheet must be produced and distributed in ~~both~~ English and ~~any other~~ another predominant languages spoken in the affected area ~~language~~. 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 or contaminants identified on-site and off-site of the site where the release occurred;
  - B) A brief description of the pathway or pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;
  - 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 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-

- 515 treat, bio-remediation, reliance on engineered barriers or  
516 institutional controls, groundwater monitoring, building control  
517 technologies, and so forth;
- 518
- 519 E) The anticipated remediation schedule through completion of the  
520 project, including any operation, maintenance, or monitoring  
521 following construction of the remedy;
- 522
- 523 F) ~~The nature of the~~ closure documentation expected from the  
524 Agency (e.g., focused or comprehensive NFR Letter, permit  
525 modification, or Section 4(y) letter) and a summary of the contents  
526 of the closure documentation (e.g., reliance on engineered barriers,  
527 or institutional controls, or building control technologies);
- 528
- 529 G) Responses to key community concerns as expressed by affected,  
530 potentially affected, and interested persons~~parties~~;
- 531
- 532 H) The World Wide Web address of the Document Repository  
533 established pursuant to Section 1600.320 of this Part and the  
534 address and hours of the document repository established at a  
535 physical location, if also required pursuant to Section 1600.320 of  
536 this Part;
- 537
- 538 I) The date of preparation of the fact sheet, the name of the  
539 representatives~~representative~~(s) of the business, site or facility  
540 from whom information and copies of repository and other site-  
541 related documents may be obtained, and e-mail address, postal  
542 address and telephone number where the  
543 representatives~~representative~~(s) can be reached; and
- 544
- 545 J) The name, e-mail address, postal address and telephone number of  
546 the Agency's designated staff person and a statement that  
547 additional information and site-related documents may be available  
548 by contacting the Agency's designated staff person or by filing a  
549 request for site-specific information with the ~~appropriate~~ Agency  
550 ~~bureau~~ in accordance with the Freedom of Information Act [5  
551 ILCS 140].
- 552
- 553 c) For information that is not available when a fact sheet is prepared pursuant to  
554 subsection (b)(3)(2) of this Section, the submission of the fact sheet to the Agency  
555 for review shall be accompanied by an explanation of why the information is  
556 unavailable at the time of the submission of the fact sheet and an estimate of when  
557 the missing information will be supplied in a revised fact sheet.

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d) Updates

- 1) Fact sheets developed in accordance with subsection (b)(3)(2) 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 ~~persons~~parties and communities about releases of contaminants with actual or potential impacts to offsite wells, offsite property uses, or both. A current version of the publicly available CRP 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, ~~CRP community relations plan~~, all public notices (e.g., proof of publication for newspaper or other published notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as ~~an NFRa No Further Remediation~~ 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.

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- 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.
- 611 b) Repositories at World Wide Web Sites
- 612
- 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.
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- 628 c) Repositories at Physical Locations
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- 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.
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- 639 d) Information deemed trade secrets or non-disclosable in accordance with Board
- 640 procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code
- 641 1828 may be redacted or excluded from the repository consistent with the
- 642 requirement for providing the public all documents that have not been deemed
- 643 confidential. Information to be added to the document repository also must be



644 screened to ensure that personal information identifying affected, potentially  
645 affected, or interested persons or their exact property locations is not disclosed.

- 646  
647 e) The document repository may be discontinued no less than 180 days after the  
648 recording of the NFR Letter or the issuance of other project completion  
649 documentation by the Agency (e.g., permit modification, closure letter, "4(y)  
650 letter" (see 415 ILCS 5/4(y))).

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652 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

- 656  
657 a) Except as provided in subsection (b) of this Section or Section 1600.330(d) of this  
658 Part, authorized parties must, within 30 days after the date of their acceptance:

659  
660 1) Submit to the Agency a notice and ~~CRP~~community relations plan  
661 satisfying the requirements of Section 1600.310(b) of this Part or a notice,  
662 CRP, fact sheet, and contact list satisfying the requirements of Section  
663 1600.315(b) of this Part; and

664  
665 2) Establish a ~~World Wide Web~~web site document repository if required in  
666 accordance with Section 1600.320 of this Part.

- 667  
668 b) Updates of CRPs, fact sheets or both and updates of contact lists prepared  
669 pursuant to Section 1600.310(d) or Section 1600.315(d) of this Part also must be  
670 submitted for Agency review in accordance with subsection (a) of this Section,  
671 except that the updates must be submitted to the Agency within ten days after  
672 preparing the revised CRP or developing or obtaining new information that would  
673 materially change the information required or provided in the fact sheet.

- 674  
675 c) If authorized by the Agency, CRPs, notices, contact lists or fact sheets may be  
676 filed in specified electronic formats.

677  
678 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

This Appendix A lists the four key elements of a CRP ~~community relations plan~~ for an authorized party proceeding under Section 1600.315 of this Part and several factors that might be included with each element in a CRP ~~community relations plan~~ 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 CRP ~~community relations plan~~ pursuant to this Part, but each factor should be considered when developing the CRP ~~community relations plan~~.

1. **Site/Facility Description:** The CRP should provide ~~for the development~~ a brief overview of the site where the release occurred, including, but not limited to, a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.
2. **Community Issues and Concerns:** The CRP should provide ~~for the development of~~ a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially affected and interested persons ~~parties~~ and their preferred language or languages, 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 persons ~~parties~~ apprised of conditions at the site, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact persons ~~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 persons ~~parties~~ 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;

- 723 B. Owners and operators of community water system wells that have been or may be  
 724 impacted by groundwater contamination from the release;  
 725
- 726 C. Owners of offsite properties without potable water supply wells but with  
 727 groundwater that has been or may be impacted by groundwater contamination  
 728 from the release;  
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- 730 D. Owners of offsite properties with buildings located above groundwater with  
 731 measured contamination from volatile chemicals that poses a threat of indoor  
 732 inhalation exposure above the appropriate Tier 1 remediation objectives for the  
 733 current uses;  
 734
- 735 ~~E.D.~~ Owners and occupants of offsite~~off-site~~ properties with soil contamination posing  
 736 a threat of exposure above the appropriate Tier 1 remediation objectives for the  
 737 current uses~~use(s)~~;  
 738
- 739 F. Owners of offsite properties with measured soil gas contamination posing a threat  
 740 of exposure above the appropriate Tier 1 remediation objectives for the current  
 741 uses;  
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- 743 GE. Occupants of properties identified in paragraphs A, D, E, and ~~F~~D to the extent  
 744 reasonably practicable. The CRP~~community relations plan~~ must include the  
 745 methods by which the authorized party will attempt to identify the occupants;  
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- 747 HF. Officials of units of government serving the affected and potentially affected  
 748 properties, including but not limited to federal and State legislators, county board  
 749 chairpersons and county clerks, mayors or village presidents, city or village  
 750 clerks, and environmental health administrators for State and county health  
 751 departments. Officials of specialized districts (e.g., school, drainage, park  
 752 districts) may be excluded from the contact list unless required pursuant to  
 753 Section 1600.315(b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) Local, State  
 754 and federal officials whose jurisdiction covers the affected and potentially  
 755 affected properties including: mayor or village president, city or village clerk,  
 756 township supervisors, county board chair and county clerk, city and county health  
 757 department administrator; State and federal legislators; and  
 758
- 759 IG. Citizens, identified groups, organizations, or businesses within a minimum of  
 760 1,000 feet from the site where the release occurred that may have an interest in  
 761 learning about affected and potentially affected properties (e.g., public and private  
 762 school administrators, parent organization~~Parent-Teacher Association~~ leaders;  
 763 day care center, senior center and nursing home management; neighborhood or  
 764 homeowner association or other community leaders as identified; hospital and  
 765 clinic management; and recognized environmental or citizen advisory groups). If

766 approved by the Agency, the initial minimum distance of 1,000 feet may be  
767 expanded or contracted as the CRP and contact list are updated based on new  
768 information developed during the response action.

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(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)