

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE NO: RIGHT TO KNOW
CHAPTER I: POLLUTION CONTROL BOARD

PART 1505

STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS AND FOR
COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION WITH AGENCY NOTICES OF
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AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by
Section 25d-7(a) of the Environmental Protection Act [415 ILCS 5/25d-3(c), ~~5/~~
and 25d-7(a)].

SOURCE: Adopted in R06-23 at 30 Ill. Reg. _____, effective, _____.

NOTE: ~~Italics denote statutory language.~~

SUBPART A: GENERAL

Section 1505.100 Purpose and Scope

The purpose of this Part is to set forth in accordance with Section 25d-7 of the
Act [415 ILCS 5/25d-7] the minimum procedures for conducting potable water
supply well surveys pursuant to applicable Board rules and for the documentation

and reporting of the results of those surveys to the Agency. In addition, the purpose of this Part is to set forth in accordance with Section 25d-7 of the Act standards and requirements for the performance of community relations activities when the Agency has authorized the responsible party to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act [415 ILCS 5/25d-3(a), ~~5/25d-3~~, and (c)] as part of the Agency-approved community relations activities. Subsection (a) of Section 25d-3 of the Act requires that the Agency provide notice under certain specified circumstances while subsection (c) of Section 25d-3 provides that the Agency may authorize a responsible party who has implemented community relations activities to provide the notice in place of the Agency. The standards and requirements in Subpart C of this Part are for community relations activities performed by those authorized to provide notice in place of the Agency. This Part establishes the minimum standards and requirements for the performance of the potable water supply well surveys and the development, review, implementation and distribution of fact sheets and community relations plans and the establishment and maintenance of document repositories.

Section 1505.105 Applicability

Subparts B and C of this Part contain separate and independent applicability provisions.

Section 1505.110 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]

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

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

"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]

"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.

Section 1505.115 Severability

If any provision of this Part is adjudged invalid, or if the application to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole or any Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.

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

Section 1505.200 Purpose and Scope

The purpose of this Subpart B is to establish minimum standards and requirements for performing potable water supply well surveys to ensure that these wells are accurately identified and located so that impacts and potential impacts to such wells from soil or groundwater contamination, or both, can be identified. The effects of soil contamination on groundwater contamination are evaluated as the soil component of the groundwater ingestion exposure route using modeling as referenced in this Subpart B. This Subpart B sets forth the procedures persons subject to this Subpart B shall use to perform potable water supply well surveys and for the documentation of the results of well surveys in reports to the Agency.

Section 1505.205 Applicability

a) Except as provided in subsection (b) of this Section, this Subpart B applies to persons performing response actions pursuant to applicable Board rules. Whenever a response action for soil or groundwater contamination, or both, is required pursuant to applicable Board rules, the person subject to those rules shall comply with the standards and requirements of this Subpart B when a well survey is required to determine the existence and location of potable water supply wells. When determining the existence and location of

these wells, the person also shall identify and locate setback zones and regulated recharge areas associated with the wells.

1) This Subpart B does not contain an independent requirement to perform a potable water supply well survey. If the Board rules governing or Agency interpretations of those rules require the performance of a well survey as part of the response action, this Subpart B sets forth the minimum standards and requirements that must be satisfied when performing that well survey and preparing the documentation for submission to the Agency. In addition, the submission and review of well survey documentation and appeals of Agency final determinations concerning well survey procedures and reporting are subject to the rules governing the response action.

2) Applicable Board rules requiring potable water supply well surveys as part of response actions may supersede the requirements of this Subpart B only to the extent their express provisions are equivalent to or more stringent than the standards and requirements of this Subpart B.

b) Persons performing response actions pursuant to applicable Board rules who already have initiated the response action for a release as of the effective date of this Part may be required by the Agency to perform an otherwise required potable water supply well survey in accordance with this Subpart B if:

1) The Agency requires the performance of a well survey in accordance with the applicable Board rules; and

2) The well survey

A) has not been performed as of the effective date of this Part; or

3B) ~~The well survey~~ has been performed but has not been approved by the Agency as of the effective date of this Part and the well survey performed does not satisfy the requirements of this Subpart B.

c) Nothing in this Subpart B is intended to prohibit the use of all or some of the standards and requirements set forth in this Subpart B in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

Section 1505.210 Procedures for Potable Water Supply Well Surveys

a) When applicable Board rules require a well survey to determine the existence and location of potable water supply wells, persons subject to this Subpart B shall identify all private, semi-private, and non-community water system wells located at the property where the release occurred or within 200 feet of the property where the release occurred, all community water system ("CWS") wells located at the property where the release occurred or within 2,500 feet of the property where the release occurred, and all setback zones and regulated recharge areas in which all or any portion of the property where the release occurred is located.

b) Actions taken to identify the wells and associated protected areas shall include, but not be limited to, the following:

1) Contacting the Agency's Division of Public Water Supplies to identify community water system wells and associated setback zones and regulated recharge areas;

2) Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health (or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells, other than community water system wells, and their setback zones; and

3) Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.

c) In addition to identifying potable water supply wells and associated protected areas pursuant to subsections (a) and (b) of this Section, persons subject to this Subpart B shall expand the area of the potable water supply well survey if measured or modeled groundwater contamination extends beyond a boundary of the property where the release occurred in concentrations exceeding the applicable remediation objectives of 35 Ill. Adm. Code 742. Appendix B: Table E for the groundwater ingestion route or the applicable groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III). If there is no Table E objective or Part 620 standard, the objective shall be determined or approved by the Agency in accordance with 35 Ill. Adm. Code 620. Subpart F.

1) The extent of modeled groundwater contamination shall be determined using the procedures of 35 Ill. Adm. Code 742 or another model or methodology approved by the Agency. When modeling the extent of groundwater contamination, the modeling shall include the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route.

2) At a minimum, the expanded well survey shall identify the following:

A) All private, semi-private, and non-community water system wells located within 200 feet, and all community water system wells located within 2,500 feet, of the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion exposure route; and

B) All setback zones and regulated recharge areas in which any portion of the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion exposure route is located.

d) The Agency may, based on site-specific circumstances or information collection deficiencies (e.g., incomplete, conflicting or imprecise information, information assembled from unverified sources), require additional investigation to determine the existence or location of potable water supply wells, setback zones or regulated recharge areas. The additional investigation may include, but shall not be limited to, physical well surveys (e.g., interviewing property owners, investigating individual properties for wellheads, distributing door hangers or other materials requesting information about the existence of potable water supply wells).

e) Documentation of a potable water supply well survey conducted in accordance with this Section shall include, but not be limited to, the following:

- 1) One or more maps to a scale clearly showing the following:
 - A) The locations of the community water system wells and other potable water supply wells identified pursuant to this Section; and
 - B) The location and extent of setback zones and regulated recharge areas identified pursuant to this Section.
- 2) The maps showing the well locations, setback zones and regulated recharge areas pursuant to subsection (e)(1) of this Section shall show those areas in relation to the measured and modeled extent of groundwater contamination exceeding the remediation objectives of Part 742 or Part 620 for the groundwater ingestion exposure route.
- 3) One or more tables listing the applicable setback zones and regulated recharge areas for each community water system well and other potable water supply wells identified pursuant to this Section, ~~and~~.
- 4) A narrative that, at a minimum, identifies each entity contacted to identify potable water supply wells and protected areas pursuant to this Section, the name and title of each person contacted at each entity, and field observations, if any, associated with the identification and location of potable water supply wells.

SUBPART C: STANDARDS AND REQUIREMENTS FOR
COMMUNITY RELATIONS ACTIVITIES

Section 1505.300 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 the responsible party to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of the Agency-approved community relations activities. In addition, it is the purpose of this Part to ensure that these community relations activities fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil or groundwater contamination or both and the responses to such impacts. This Subpart C contains requirements for the content, submission for review, distribution and implementation of fact sheets and community relations plans, and the establishment and maintenance of document repositories.

b) Subpart C ~~not a limitation:~~ 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 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.

Section 1505.305 Applicability

a) Whenever the Agency determines that it must provide notice pursuant to subsection (a) of Section 25d-3 of the Act, the Agency may authorize the responsible party to provide the notice as part of the Agency-approved community relations activities developed and implemented in accordance with this Subpart C.

b) Nothing in this Subpart C requires the development and implementation of community relations activities in accordance with this Subpart unless:

1) The Agency notifies the responsible party in writing that a notice must be issued under subsection (a) of Section 25d-3 of the Act;

2) As a part of the written notice to the responsible party, the Agency offers the responsible party the opportunity to provide the notice in lieu of the Agency issuing the notice; and

3) The responsible party accepts the Agency's offer and notifies the Agency in writing within seven days ~~of~~ after receipt of the Agency's offer (unless a longer period of time is provided in the Agency's notice letter) that it intends to provide the notice as part of the community relations activities developed and implemented in accordance with Subpart C of this Part in lieu of the Agency providing the notice.

c) Nothing in this Subpart C is intended to prohibit the use of all or some of the standards and requirements set forth in this Subpart C in other rules or contexts as authorized by those rules, Board or court orders, or other applicable law.

Section 1505.310 Contact Lists and Fact Sheets

a) Persons authorized by the Agency to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall comply with community relations requirements in subsection (b) of 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) 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.

b) The person authorized to provide notice as part of community relations activities and within the limits set forth in subsection (a) of this Section shall develop a contact list and develop and distribute a fact sheet in accordance with this subsection (b).

1) The person shall prepare a contact list including, but not limited to, the following affected, potentially affected or interested persons, as applicable:

A) Owners of properties served by private, semi-private or non-community water system wells that have been or may be impacted by groundwater contamination from the release;

B) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);

C) Occupants of the properties identified in subsections (b)(1)(A) and (b)(1)(B) of this Section to the extent reasonably practicable. The contact list shall include the methods by which the responsible party has attempted to identify the occupants;

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) Officials of each unit of government serving the affected properties, including ~~state~~State and federal legislators, county board chairs and county clerks, township supervisors, and ~~mayer~~mayors or village presidents and city or village clerks. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(1)(A) through (b)(1)(D) of this Section.

2) The person shall develop a fact sheet for the release and response action. The fact sheet shall be distributed to the contact list as derived from subsection (b)(1) of this Section. The fact sheet shall be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates, shall contain, at a minimum, the following information to the extent available:

A) The nature and extent of the contaminants identified on and off the site where the release occurred;

B) A brief description of the pathways of potential exposure and the potential adverse public health effects posed by the contaminants;

C) 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;

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, 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, reliance on engineered barriers or institutional controls);

G) 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

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

Section 1505.315 Community Relations ~~Plan~~Plans

a) Persons authorized by the Agency to provide notice pursuant to subsections (a) and (c) of the Act as part of community relations activities shall comply with the community relations requirements in subsection (b) of 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) 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.

b) The person authorized to provide notice as part of community relations activities and exceeding the limits set forth in subsection (a) of this Section shall develop and implement a community relations plan and fact sheet in accordance with this subsection (b). ~~Section 1505-Appendix A~~ of this Part

contains the outline of a model community relations plan that would be appropriate for a complex site.

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

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

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

C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested parties, and a schedule for activities and objectives; and

D) The process for identifying and updating the contact list, which shall consist of affected, potentially affected, and interested parties, including, but not limited to:

i) Owners of properties served by private, semi-private or non-community water systems that have been or may be impacted by groundwater contamination from the release;

ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

iii) Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

iv) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);

v) Occupants of the properties identified in subsections (b) (1) (D) (i) and (b) (1) (D) (iv) of this Section to the extent reasonably practicable. The community relations plan shall include the methods by which the responsible party will attempt to identify the occupants;

vi) Local, ~~state~~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~~, State and federal legislators; and

vii) Citizens, identified groups, organizations or businesses within a minimum of ~~1000~~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 ~~administrator(s)~~administrators, Parent-Teacher Association ~~(PTA) leader(s)~~leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or other community ~~leader(s)~~leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of ~~1000~~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.

2) Along with the development of a CRP in accordance with subsection (b) (1) of this Section, persons subject to this subsection (b) shall develop and distribute a fact sheet for the release and response action. The fact sheet shall be distributed to the contact list as derived in subsection (b) (1) (D) of this Section. The fact sheet shall 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 shall be produced and distributed in both English and the other predominant language. The fact sheet and any required updates shall contain, at a minimum, the following information to the extent available:

- A) The nature and extent of the contaminants identified on-site and off-site/off-site of the site where the release occurred;
- B) A brief description of the pathways of potential exposure and the potential adverse public health effects posed by the contaminants;
- C) 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 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, 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, reliance on engineered barriers or institutional controls);
- G) Responses to key community concerns as expressed by affected, potentially affected and interested parties;
- H) The World Wide Web address of the Document Repository established pursuant to Section 1505.320 of this Part and the address and hours of the document repository established at a physical location, if also required pursuant to Section 1505.320 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 (15 ILCS 140).]

c) For information that is not available when a fact sheet is prepared pursuant to subsection (b) (2) 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) of this Section shall be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

2) The CRP, including, but not limited to, the contact list shall be reviewed on a regular basis and updated, as necessary, to ensure that timely and accurate information is provided to affected, potentially affected and interested parties and communities about releases of contaminants with actual or potential impacts to offsite wells, offsite property uses, or both. A current version of the publicly available CRP shall be kept in the document repository described in Section 1505.320.

Section 1505.320 Establishment of Document Repository

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

a) The document repository shall include the community relations plan, all public notices (e.g., proof of publication for newspaper or other published notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as a No Further Remediation Letter, permit modification, or other project completion documentation.

- 1) The person shall update the repository promptly and continuously as fact sheets, plans, reports, comment packages and Agency decisions are generated throughout the process.
- 2) The documents shall be created, organized and indexed so that affected, potentially affected, or interested persons can identify, locate and download documents of interest.
- 3) The repository shall 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~~: 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 (.jpgf)) 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.

c) Repositories at ~~physical locations~~: Physical Locations

- 1) Repositories established at physical locations shall 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 shall 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 shall be screened to ensure that personal information identifying affected, potentially affected, or interested persons or their exact property locations are 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)+~~).

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

- a) Except as provided in subsection (b) of this Section or ~~subsection (d) of~~ Section 1505.330 (d) of this Part, persons accepting the Agency's offer to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act

as part of community relations activities shall, within 30 days ~~of~~after the date ~~of~~after their acceptance:

1) Submit to the Agency a fact sheet and contact list satisfying ~~subsection (b) of Section 1505.310(b) of this Part or a CRP, fact sheet and contact list satisfying the requirements of subsection (b) of Section 1505.315(b) of this Part; and~~ ←

2) Establish a web site document repository if required in accordance with Section 1505.320 of this Part.

b) Updates of CRPs, fact sheets or both and updates of contact lists prepared pursuant to ~~subsection (d) of Section 1505.310(d) or subsection (d) of Section 1505.315(d) of this Part~~ also shall be submitted for Agency review in accordance with subsection (a) of this Section, except that the updates shall be submitted to the Agency within ten days ~~of~~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 or fact sheets may be filed in specified electronic formats.

Section 1505.330 Agency Reviews of Fact Sheets and Community Relations Plans

a) The Agency shall have 30 days from receipt of a fact sheet, CRP, or updates of such documents to conduct a review and approve or disapprove of the CRP or fact sheet or approve of the CRP or fact sheet with conditions or modifications. All reviews shall be based on the standards for review set forth in subsection (b) of this Section.

1) The Agency's record of the date of receipt of a fact sheet or CRP shall be deemed conclusive unless a contrary date is proved by a signed, dated receipt from the Agency or certified mail or registered mail.

2) Persons subject to this Subpart C may waive the time period for review upon a request from the Agency or at the person's discretion.

b) When reviewing a fact sheet or CRP, the Agency shall consider:

1) Whether the CRP contains the elements required by ~~subsection (b) of Section 1505.315(b) of this Part;~~

2) Whether the fact sheet contains the elements required by ~~subsection (b) of Section 1505.310 of this Part (b) or subsection (b) of Section 1505.315(b) of this Part,~~ including, but not limited to, any explanation of why specified 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;

3) Whether the information in the fact sheet and CRP is consistent with the information contained in the Agency's records and any field observations; and

4) Whether the persons subject to this Subpart C have clearly defined:

A) Persons required to be included in the contact list for fact sheets in accordance with ~~subsection (b) of Section 1505.310 of this Part (b) or subsection (b) of Section 1505.315(b) of this Part;~~ or

B) The demographics of nearby populations that may be affected by or concerned about site activities for purposes of notification under the CRP, including, but not limited to, residences, businesses, day care centers, schools, nursing homes, hospitals and clinics.

c) Upon completion of the review, the Agency shall notify the submitter in writing whether the fact sheet or CRP and accompanying fact sheet are approved, approved with conditions or modifications, or disapproved. The notification shall be made by certified or registered mail postmarked with a date stamp and with return receipt requested. If the Agency disapproves a fact sheet or CRP, or approves a fact sheet or CRP with conditions or modifications, the notification shall contain the following information, as applicable:

1) An explanation of the specific information or documentation, if any, that the Agency determines the submitter did not provide or is inconsistent with the information contained in the Agency's records and any field observations;

2) A list of the provisions of this Part that may be violated if the fact sheet or CRP is approved as submitted;

3) A statement of the reasons why the provisions cited in subsection (c)(2) of this Section may be violated if the fact sheet or CRP is approved as submitted; and

4) An explanation of the reasons for conditions or modifications if conditions or modifications are required.

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

e) The Agency may, to the extent consistent with review deadlines, provide the submitter with a reasonable opportunity to correct deficiencies prior to sending a disapproval of a fact sheet or CRP or an approval with conditions or modifications. However, the correction of such deficiencies by the submission of additional information may, in the sole discretion of the Agency, restart the time for review.

f) If the Agency does not issue its final determination on the fact sheet, CRP, or updates of such documents within 30 days ~~of~~after the receipt of the document, the document shall be deemed approved as submitted.

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

a) Implementation of the CRP or distribution of a fact sheet shall begin within five days ~~of receipt of~~ after the Agency's approval of the CRP or the fact sheet or within ten days ~~of~~ after the date the document ~~(s)~~ is deemed approved pursuant to ~~subsection (f) of~~ Section 1505.330 (f) of this Part.

b) Compliance ~~monitoring~~ Monitoring

1) Persons authorized by the Agency to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall:

A) Provide to the Agency copies of all public notices (including, but not limited to, proof of publication for newspaper or other published notices), news releases, letters, door hangers, or other forms of public notification; and

B) Inform the Agency in writing two weeks in advance of plans to hold public meetings or press conferences about site activities or developments.

2) The Agency may monitor the implementation of approved CRPs, the distribution of approved fact sheets, and the establishment and maintenance of document repositories. Steps taken by the Agency to monitor these activities may include, but shall not be limited to:

A) Independently contacting affected, potentially affected and interested persons concerning the type, completeness and timeliness of information provided under the fact sheet or CRP and at the document repository;

B) Cross-checking documentation received and generated by the Agency with documentation placed in the document repository;

C) Attending scheduled public meetings to monitor presentations and to lend Agency perspective; and

D) Making site visits to verify descriptions of site conditions and activities as stated in community relations activities.

c) The person authorized by the Agency to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall retain records and documents demonstrating compliance with the requirements of this Subpart C for at least one year 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))~~). The retention period for the records and documents is extended automatically during the course of any disputes or unresolved enforcement actions regarding the community relations activities or as requested in writing by the Agency. Records may be preserved and presented in an electronic format.

Section 1505.340 Compliance

No person authorized by the Agency to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall fail to comply with the requirements of this Subpart C or the provisions of community relations activities approved by the Agency.

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

1. Site/Facility Description: The CRP should provide for the development a brief overview of the site where the release occurred, including, but not limited to, a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.

2. Community Issues and Concerns: The CRP should provide for the development of a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially affected, and interested parties and their preferred language, key community concerns, and any preferred methods of communication as learned through research work, interviews and surveys of a representative sample of affected, potentially affected and interested parties identified through the process outlined in the fourth element below.

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

4. Contact List: The CRP should outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested parties, including, but not limited to:

- * Owners and occupants of properties served by private, semi-private or non-community water systems that have been or may be impacted by groundwater contamination from the release;

- * Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

- * Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

- * Owners and occupants of ~~off-site~~ off-site properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);

* Local, ~~state~~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~~, State and federal legislators; and

* Citizens, identified groups, organizations or businesses within a minimum of ~~1000~~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 ~~administrator(s)~~, administrators; Parent-Teacher Association ~~(PTA) leader(s)~~ leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or other community ~~leader(s)~~ leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of ~~1000~~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.

JCAR351505-0608061r01

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED RULE~~

Document comparison done by DeltaView on Friday, April 28, 2006 11:00:55 AM

Input:	
Document 1	file:///I:/Input/35-1505-Agency(issue18).doc
Document 2	file:///I:/Input/35-1505-JCARr01(issue18).doc
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Summary:	
<u>Insertion</u>	
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Statistics:	
	Count
Insertions	84
Deletions	76
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	160

1ST NOTICE VERSION

JCAR351505-0608061r01

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

5 PART 1505
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

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13	1505.100	Purpose and Scope
14	1505.105	Applicability
15	1505.110	Definitions
16	1505.115	Severability

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

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25
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37	1505.335	Implementation of Community Relations Plans and Distribution of Fact Sheets;
38		Compliance Monitoring and Records Retention
39	1505.340	Compliance

40		
41	1505.APPENDIX A	Contents of a Model Community Relations Plan

42

43 AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-
44 7(a) of the Environmental Protection Act [415 ILCS 5/25d-3(c) and 25d-7(a)].

45
46 SOURCE: Adopted in R06-23 at 30 Ill. Reg. _____, effective, _____.

47
48 SUBPART A: GENERAL

49
50 **Section 1505.100 Purpose and Scope**

51
52 The purpose of this Part is to set forth in accordance with Section 25d-7 of the Act [415 ILCS
53 5/25d-7] the minimum procedures for conducting potable water supply well surveys pursuant to
54 applicable Board rules and for the documentation and reporting of the results of those surveys to
55 the Agency. In addition, the purpose of this Part is to set forth in accordance with Section 25d-7
56 of the Act standards and requirements for the performance of community relations activities
57 when the Agency has authorized the responsible party to provide the notice pursuant to
58 subsections (a) and (c) of Section 25d-3 of the Act [415 ILCS 5/25d-3(a) and (c)] as part of the
59 Agency-approved community relations activities. Subsection (a) of Section 25d-3 of the Act
60 requires that the Agency provide notice under certain specified circumstances while subsection
61 (c) of Section 25d-3 provides that the Agency may authorize a responsible party who has
62 implemented community relations activities to provide the notice in place of the Agency. The
63 standards and requirements in Subpart C of this Part are for community relations activities
64 performed by those authorized to provide notice in place of the Agency. This Part establishes
65 the minimum standards and requirements for the performance of the potable water supply well
66 surveys and the development, review, implementation and distribution of fact sheets and
67 community relations plans and the establishment and maintenance of document repositories.

68
69 **Section 1505.105 Applicability**

70
71 Subparts B and C of this Part contain separate and independent applicability provisions.

72
73 **Section 1505.110 Definitions**

74
75 Except as stated in this Section, or unless a different meaning of a word or term is clear from the
76 context, the definitions of words or terms in this Part shall be the same as that applied to the
77 same words or terms in Title I or Title VI-D of the Environmental Protection Act.

78
79 "Act" means the Environmental Protection Act [415 ILCS 5].

80
81 "*Agency*" is the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

82
83 "*Board*" is the Pollution Control Board. [415 ILCS 5/3.130]

84

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

89
90 *"Contaminant" is any solid, liquid or gaseous matter, any odor, or any form of*
91 *energy, from whatever source. [415 ILCS 5/3.165]*
92

93 *"Contamination" or "contaminate", when used in connection with groundwater,*
94 *means water pollution of such groundwater. [415 ILCS 5/3.170]*
95

96 *"Person" means individual, trust, firm, joint stock company, joint venture,*
97 *consortium, commercial entity, corporation (including a government*
98 *corporation), partnership, association, state, municipality, commission, political*
99 *subdivision of a state, or any interstate body, including the United States*
100 *Government and each department, agency and instrumentality of the United*
101 *States. [415 ILCS 5/58.2]*
102

103 "Person performing a response action" means the person(s) taking responsibility
104 for addressing a release by authorizing or approving the performance of a
105 response action (e.g., Leaking Underground Storage Tank Program owner or
106 operator, Site Remediation Program Remediation Applicant, permittees). The
107 phrase does not include persons who have been hired or authorized to perform the
108 response action by the person taking responsibility for the release or persons with
109 whom the person taking responsibility for the release has contracted or
110 subcontracted to perform the response action.
111

112 *"Release" means any spilling, leaking, pumping, pouring, emitting, emptying,*
113 *discharging, injecting, escaping, leaching, dumping, or disposing into the*
114 *environment, but excludes any release which results in exposure to persons solely*
115 *within a workplace, with respect to a claim which such persons may assert*
116 *against the employer or such persons; emissions from the engine exhaust of a*
117 *motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;*
118 *release of source, byproduct, or special nuclear material from a nuclear incident,*
119 *as those terms are defined in the federal Atomic Energy Act of 1954, if such*
120 *release is subject to requirements with respect to financial protection established*
121 *by the Nuclear Regulatory Commission under Section 170 of such Act; and the*
122 *normal application of fertilizer. [415 ILCS 5/3.395]*
123

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

127 release investigation and characterization, soil remediation, and groundwater
128 remediation.

129
130 **Section 1505.115 Severability**

131
132 If any provision of this Part is adjudged invalid, or if the application to any person or in any
133 circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a
134 whole or any Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.

135
136 **SUBPART B: STANDARDS AND REQUIREMENTS FOR**
137 **POTABLE WATER SUPPLY WELL SURVEYS**

138
139 **Section 1505.200 Purpose and Scope**

140
141 The purpose of this Subpart B is to establish minimum standards and requirements for
142 performing potable water supply well surveys to ensure that these wells are accurately identified
143 and located so that impacts and potential impacts to such wells from soil or groundwater
144 contamination, or both, can be identified. The effects of soil contamination on groundwater
145 contamination are evaluated as the soil component of the groundwater ingestion exposure route
146 using modeling as referenced in this Subpart B. This Subpart B sets forth the procedures persons
147 subject to this Subpart B shall use to perform potable water supply well surveys and for the
148 documentation of the results of well surveys in reports to the Agency.

149
150 **Section 1505.205 Applicability**

151
152 a) Except as provided in subsection (b) of this Section, this Subpart B applies to
153 persons performing response actions pursuant to applicable Board rules.
154 Whenever a response action for soil or groundwater contamination, or both, is
155 required pursuant to applicable Board rules, the person subject to those rules shall
156 comply with the standards and requirements of this Subpart B when a well survey
157 is required to determine the existence and location of potable water supply wells.
158 When determining the existence and location of these wells, the person also shall
159 identify and locate setback zones and regulated recharge areas associated with the
160 wells.

161
162 1) This Subpart B does not contain an independent requirement to perform a
163 potable water supply well survey. If the Board rules governing, or Agency
164 interpretations of those rules, require the performance of a well survey as
165 part of the response action, this Subpart B sets forth the minimum
166 standards and requirements that must be satisfied when performing that
167 well survey and preparing the documentation for submission to the
168 Agency. In addition, the submission and review of well survey
169 documentation and appeals of Agency final determinations concerning

170 well survey procedures and reporting are subject to the rules governing the
171 response action.

172

173 2) Applicable Board rules requiring potable water supply well surveys as part
174 of response actions may supersede the requirements of this Subpart B only
175 to the extent their express provisions are equivalent to or more stringent
176 than the standards and requirements of this Subpart B.

177

178 b) Persons performing response actions pursuant to applicable Board rules who
179 already have initiated the response action for a release as of the effective date of
180 this Part may be required by the Agency to perform an otherwise required potable
181 water supply well survey in accordance with this Subpart B if:

182

183 1) The Agency requires the performance of a well survey in accordance with
184 the applicable Board rules; and

185

186 2) The well survey:

187

188 A) has not been performed as of the effective date of this Part; or

189

190 B) has been performed but has not been approved by the Agency as of
191 the effective date of this Part and the well survey performed does
192 not satisfy the requirements of this Subpart B.

193

194 c) Nothing in this Subpart B is intended to prohibit the use of all or some of the
195 standards and requirements set forth in this Subpart B in other rules or contexts as
196 authorized by those rules, Board or court orders, or other applicable law.

197

198 **Section 1505.210 Procedures for Potable Water Supply Well Surveys**

199

200 a) When applicable Board rules require a well survey to determine the existence and
201 location of potable water supply wells, persons subject to this Subpart B shall
202 identify all private, semi-private, and non-community water system wells located
203 at the property where the release occurred or within 200 feet of the property
204 where the release occurred, all community water system ("CWS") wells located at
205 the property where the release occurred or within 2,500 feet of the property where
206 the release occurred, and all setback zones and regulated recharge areas in which
207 all or any portion of the property where the release occurred is located.

208

209 b) Actions taken to identify the wells and associated protected areas shall include,
210 but not be limited to, the following:

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- 1) Contacting the Agency's Division of Public Water Supplies to identify community water system wells and associated setback zones and regulated recharge areas;
 - 2) Using current information from the Illinois State Geological Survey, the Illinois State Water Survey, and the Illinois Department of Public Health (or the county or local health department delegated by the Illinois Department of Public Health to permit potable water supply wells) to identify potable water supply wells, other than community water system wells, and their setback zones; and
 - 3) Contacting the local public water supply entities to identify properties that receive potable water from a public water supply.
- c) In addition to identifying potable water supply wells and associated protected areas pursuant to subsections (a) and (b) of this Section, persons subject to this Subpart B shall expand the area of the potable water supply well survey if measured or modeled groundwater contamination extends beyond a boundary of the property where the release occurred in concentrations exceeding the applicable remediation objectives of 35 Ill. Adm. Code 742. Appendix B: Table E for the groundwater ingestion route or the applicable groundwater quality standards at 35 Ill. Adm. Code 620 (e.g., Class I, Class III). If there is no Table E objective or Part 620 standard, the objective shall be determined or approved by the Agency in accordance with 35 Ill. Adm. Code 620. Subpart F.
- 1) The extent of modeled groundwater contamination shall be determined using the procedures of 35 Ill. Adm. Code 742 or another model or methodology approved by the Agency. When modeling the extent of groundwater contamination, the modeling shall include the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route.
 - 2) At a minimum, the expanded well survey shall identify the following:
 - A) All private, semi-private, and non-community water system wells located within 200 feet, and all community water system wells located within 2,500 feet, of the measured and modeled extent of groundwater contamination exceeding the Part 742 or Part 620 remediation objectives for the groundwater ingestion exposure route; and

- 254 B) All setback zones and regulated recharge areas in which any
255 portion of the measured and modeled extent of groundwater
256 contamination exceeding the Part 742 or Part 620 remediation
257 objectives for the groundwater ingestion exposure route is located.
258
- 259 d) The Agency may, based on site-specific circumstances or information collection
260 deficiencies (e.g., incomplete, conflicting or imprecise information, information
261 assembled from unverified sources), require additional investigation to determine
262 the existence or location of potable water supply wells, setback zones or regulated
263 recharge areas. The additional investigation may include, but shall not be limited
264 to, physical well surveys (e.g., interviewing property owners, investigating
265 individual properties for wellheads, distributing door hangers or other materials
266 requesting information about the existence of potable water supply wells).
267
- 268 e) Documentation of a potable water supply well survey conducted in accordance
269 with this Section shall include, but not be limited to, the following:
270
- 271 1) One or more maps to a scale clearly showing the following:
272
- 273 A) The locations of the community water system wells and other
274 potable water supply wells identified pursuant to this Section; and
275
- 276 B) The location and extent of setback zones and regulated recharge
277 areas identified pursuant to this Section.
278
- 279 2) The maps showing the well locations, setback zones and regulated
280 recharge areas pursuant to subsection (e)(1) of this Section shall show
281 those areas in relation to the measured and modeled extent of groundwater
282 contamination exceeding the remediation objectives of Part 742 or Part
283 620 for the groundwater ingestion exposure route.
284
- 285 3) One or more tables listing the applicable setback zones and regulated
286 recharge areas for each community water system well and other potable
287 water supply wells identified pursuant to this Section.
288
- 289 4) A narrative that, at a minimum, identifies each entity contacted to identify
290 potable water supply wells and protected areas pursuant to this Section,
291 the name and title of each person contacted at each entity, and field
292 observations, if any, associated with the identification and location of
293 potable water supply wells.
294

295 SUBPART C: STANDARDS AND REQUIREMENTS FOR
296 COMMUNITY RELATIONS ACTIVITIES

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Section 1505.300 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 the responsible party to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of the Agency-approved community relations activities. In addition, it is the purpose of this Part to ensure that these community relations activities fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil or groundwater contamination or both and the responses to such impacts. This Subpart C contains requirements for the content, submission for review, distribution and implementation of fact sheets and community relations plans, 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 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.

Section 1505.305 Applicability

- a) Whenever the Agency determines that it must provide notice pursuant to subsection (a) of Section 25d-3 of the Act, the Agency may authorize the responsible party to provide the notice as part of the Agency-approved community relations activities developed and implemented in accordance with this Subpart C.

- 339 b) Nothing in this Subpart C requires the development and implementation of
340 community relations activities in accordance with this Subpart unless:
341
342 1) The Agency notifies the responsible party in writing that a notice must be
343 issued under subsection (a) of Section 25d-3 of the Act;
344
345 2) As a part of the written notice to the responsible party, the Agency offers
346 the responsible party the opportunity to provide the notice in lieu of the
347 Agency issuing the notice; and
348
349 3) The responsible party accepts the Agency's offer and notifies the Agency
350 in writing within seven days after receipt of the Agency's offer (unless a
351 longer period of time is provided in the Agency's notice letter) that it
352 intends to provide the notice as part of the community relations activities
353 developed and implemented in accordance with Subpart C of this Part in
354 lieu of the Agency providing the notice.
355
356 c) Nothing in this Subpart C is intended to prohibit the use of all or some of the
357 standards and requirements set forth in this Subpart C in other rules or contexts as
358 authorized by those rules, Board or court orders, or other applicable law.
359

360 **Section 1505.310 Contact Lists and Fact Sheets**

- 361
362 a) Persons authorized by the Agency to provide notice pursuant to subsections (a)
363 and (c) of Section 25d-3 of the Act as part of community relations activities shall
364 comply with community relations requirements in subsection (b) of this Section if:
365
366 1) Measured or modeled groundwater contamination from the site where the
367 release occurred (including the impact from soil contamination in
368 concentrations exceeding the applicable remediation objectives for the
369 soil component of the groundwater ingestion exposure route) poses a
370 threat above the Class I groundwater quality standards at 35 Ill. Adm.
371 Code 620 at five or fewer offsite private, semi-private or non-community
372 water system wells; or
373
374 2) Offsite soil contamination from the site where the release occurred poses
375 a threat of exposure to the public above the appropriate Tier 1 remediation
376 objectives for the current use(s) at five or fewer offsite properties.
377
378 b) The person authorized to provide notice as part of community relations activities
379 and within the limits set forth in subsection (a) of this Section shall develop a
380 contact list and develop and distribute a fact sheet in accordance with this
381 subsection (b).

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- 1) The person shall prepare a contact list including, but not limited to, the following affected, potentially affected or interested persons, as applicable:
 - A) Owners of properties served by private, semi-private or non-community water system wells that have been or may be impacted by groundwater contamination from the release;
 - B) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - C) Occupants of the properties identified in subsections (b)(1)(A) and (b)(1)(B) of this Section to the extent reasonably practicable. The contact list shall include the methods by which the responsible party has attempted to identify the occupants;
 - 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) Officials of each unit of government serving the affected properties, including State and federal legislators, county board chairs and county clerks, township supervisors, and mayors or village presidents and city or village clerks. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(1)(A) through (b)(1)(D) of this Section.
- 2) The person shall develop a fact sheet for the release and response action. The fact sheet shall be distributed to the contact list as derived from subsection (b)(1) of this Section. The fact sheet shall be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates shall contain, at a minimum, the following information to the extent available:
 - A) The nature and extent of the contaminants identified on and off the site where the release occurred;
 - B) A brief description of the pathways of potential exposure and the potential adverse public health effects posed by the contaminants;

467 required or provided in the fact sheet (e.g., completion of site investigation and
 468 characterization of the nature and extent of contaminants, higher concentrations of
 469 contaminants than previously detected, evidence of additional contaminants of
 470 concern or of a larger area affected by contamination, approval of plans or
 471 reports, completion of response action activities).
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473 **Section 1505.315 Community Relations Plans**
 474

475 a) Persons authorized by the Agency to provide notice pursuant to subsections (a)
 476 and (c) of the Act as part of community relations activities shall comply with the
 477 community relations requirements in subsection (b) of this Section if:
 478

479 1) Measured or modeled groundwater contamination from the site where the
 480 release occurred (including the impact from soil contamination in
 481 concentrations exceeding the applicable remediation objectives for the soil
 482 component of the groundwater ingestion exposure route) poses a threat
 483 above the Class I groundwater quality standards at 35 Ill. Adm. Code 620
 484 at more than five offsite private, semi-private or non-community water
 485 system wells or one or more community water system wells; or
 486

487 2) Offsite soil contamination from the site where the release occurred poses a
 488 threat of exposure to the public above the appropriate Tier 1 remediation
 489 objectives for the current use(s) at more than five offsite properties.
 490

491 b) The person authorized to provide notice as part of community relations activities
 492 and exceeding the limits set forth in subsection (a) of this Section shall develop
 493 and implement a community relations plan and fact sheet in accordance with this
 494 subsection (b). Appendix A of this Part contains the outline of a model
 495 community relations plan that would be appropriate for a complex site.
 496

497 1) The CRP shall include, but not be limited to, the following elements to the
 498 extent related to the contaminants being addressed in the response action:
 499

500 A) A description of the site or facility and details of the release and
 501 any related soil or groundwater contamination;
 502

503 B) A list of community issues and concerns collected from affected,
 504 potentially affected, and interested parties identified through the
 505 process outlined in subsection (b)(1)(D) of this Section;
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507 C) A community relations program including elements of outreach,
 508 methods for maintaining a dialogue with affected, potentially

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affected, and interested parties, and a schedule for activities and objectives; and

- D) The process for identifying and updating the contact list, which shall consist of affected, potentially affected, and interested parties, including, but not limited to:
 - i) Owners of properties served by private, semi-private or non-community water systems that have been or may be impacted by groundwater contamination from the release;
 - ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;
 - iii) Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;
 - iv) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current use(s);
 - v) Occupants of the properties identified in subsections (b)(1)(D)(i) and (b)(1)(D)(iv) of this Section to the extent reasonably practicable. The community relations plan shall include the methods by which the responsible party will attempt to identify the occupants;
 - vi) Local, State and federal officials whose jurisdiction covers the affected and potentially affected properties, including: mayor or village president, city or village clerk, township supervisors, county board chair and county clerk, city and county health department administrator, State and federal legislators; and
 - vii) Citizens, identified groups, organizations or businesses within a minimum of 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 leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or

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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.

- 2) Along with the development of a CRP in accordance with subsection (b)(1) of this Section, persons subject to this subsection (b) shall develop and distribute a fact sheet for the release and response action. The fact sheet shall be distributed to the contact list as derived in subsection (b)(1)(D) of this Section. The fact sheet shall 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 shall be produced and distributed in both English and the other predominant language. The fact sheet and any required updates shall contain, at a minimum, the following information to the extent available:
 - A) The nature and extent of the contaminants identified on-site and off-site of the site where the release occurred;
 - B) A brief description of the pathways of potential exposure and the potential adverse public health effects posed by the contaminants;
 - C) 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 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, 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

- 594 modification, reliance on engineered barriers or institutional
 595 controls);
- 596
- 597 G) Responses to key community concerns as expressed by affected,
 598 potentially affected and interested parties;
- 599
- 600 H) The World Wide Web address of the Document Repository
 601 established pursuant to Section 1505.320 of this Part and the
 602 address and hours of the document repository established at a
 603 physical location, if also required pursuant to Section 1505.320 of
 604 this Part;
- 605
- 606 I) The date of preparation of the fact sheet, the name of the
 607 representative(s) of the business, site or facility from whom
 608 information and copies of repository and other site-related
 609 documents may be obtained, and e-mail address, postal address
 610 and telephone number where the representative(s) can be reached;
 611 and
- 612
- 613 J) The name, e-mail address, postal address and telephone number of
 614 the Agency's designated staff person and a statement that
 615 additional information and site-related documents may be available
 616 by contacting the Agency's designated staff person or by filing a
 617 request for site-specific information with the appropriate Agency
 618 bureau in accordance with the Freedom of Information Act [5
 619 ILCS 140].
- 620
- 621 c) For information that is not available when a fact sheet is prepared pursuant to
 622 subsection (b)(2) of this Section, the submission of the fact sheet to the Agency
 623 for review shall be accompanied by an explanation of why the information is
 624 unavailable at the time of the submission of the fact sheet and an estimate of when
 625 the missing information will be supplied in a revised fact sheet.
- 626
- 627 d) Updates
- 628
- 629 1) Fact sheets developed in accordance with subsection (b)(2) of this Section
 630 shall be updated and redistributed whenever new information is obtained
 631 or developed or circumstances change so that there is a material change to
 632 the information required or provided in the fact sheet (e.g., completion of
 633 site investigation and characterization of the nature and extent of
 634 contaminants, higher concentrations of contaminants than previously
 635 detected, evidence of additional contaminants of concern or of a larger

636 area affected by contamination, approval of plans or reports, completion of
 637 response action activities).

- 638
- 639 2) The CRP, including, but not limited to, the contact list shall be reviewed
 640 on a regular basis and updated, as necessary, to ensure that timely and
 641 accurate information is provided to affected, potentially affected and
 642 interested parties and communities about releases of contaminants with
 643 actual or potential impacts to offsite wells, offsite property uses, or both.
 644 A current version of the publicly available CRP shall be kept in the
 645 document repository described in Section 1505.320.
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647 **Section 1505.320 Establishment of Document Repository**

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649 Persons developing a CRP pursuant to Section 1505.315 of this Part also shall establish a
 650 document repository for the purpose of displaying documents and providing copies of those
 651 documents. The document repository shall be established at a World Wide Web site unless the
 652 person authorized to provide the notice as part of community relations activities or the Agency
 653 receives a request for a document repository at a physical location. If an individual requests a
 654 document repository at a physical location, the person authorized to provide the notice may
 655 satisfy the request by providing a complete set of copies of the documents to the party making
 656 the request. If two or more individuals, one or more groups of individuals (e.g., citizen or
 657 neighborhood groups, civic organizations), or a local government official or administrator
 658 requests a document repository at a physical location, the person authorized to provide the notice
 659 shall establish and maintain the document repository at both a World Wide Web site and at a
 660 physical location as described under subsection (c) of this Section.
 661

- 662 a) The document repository shall include the community relations plan, all public
 663 notices (e.g., proof of publication for newspaper or other published notices,
 664 letters, door hangers, or other forms of public notification), all fact sheets, all
 665 applications, plans and reports submitted to the Agency for review and approval
 666 and subsequent Agency comment packages, and all final determinations by the
 667 Agency, such as a No Further Remediation Letter, permit modification, or other
 668 project completion documentation.
 669

- 670 1) The person shall update the repository promptly and continuously as fact
 671 sheets, plans, reports, comment packages and Agency decisions are
 672 generated throughout the process.
 673
- 674 2) The documents shall be created, organized and indexed so that affected,
 675 potentially affected, or interested persons can identify, locate and
 676 download documents of interest.
 677

- 678 3) The repository shall include the business, site or facility representative's e-
679 mail, postal address and telephone number where inquiries can be directed
680 and persons can request copies of repository documents and other site-
681 related documents by mail.
682
- 683 b) Repositories at World Wide Web Sites
684
- 685 1) The documents must be in a readily available format for downloading and
686 printing (e.g. portable document format (.pdf), graphic interchange format
687 (.gif), tagged image file format (.tiff), joint photographic group format
688 (.jpgf)) with links to web sites where software to view and print the
689 documents may be downloaded.
690
- 691 2) Documents that cannot be converted to a readily available format for
692 downloading and printing must be described in the document index,
693 identified as available upon request, and made available in accordance
694 with subsection (a)(3) of this Section.
695
- 696 c) Repositories at Physical Locations
697
- 698 1) Repositories established at physical locations shall be established no later
699 than ten business days after receipt of a request for a repository at a
700 physical location or receipt of the Agency's notification that a request has
701 been made to the Agency, whichever is earlier.
702
- 703 2) Repositories established at a physical location shall be at a public location
704 (e.g., public library, city hall) and open to the public at times convenient to
705 affected, potentially affected, or interested persons.
706
- 707 d) Information deemed trade secrets or non-disclosable in accordance with Board
708 procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code
709 1828 may be redacted or excluded from the repository consistent with the
710 requirement for providing the public all documents that have not been deemed
711 confidential. Information to be added to the document repository also shall be
712 screened to ensure that personal information identifying affected, potentially
713 affected, or interested persons or their exact property locations are not disclosed.
714
- 715 e) The document repository may be discontinued no less than 180 days after the
716 recording of the NFR Letter or the issuance of other project completion
717 documentation by the Agency (e.g., permit modification, closure letter, "4(y)
718 letter" (see 415 ILCS 5/4(y))).
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720 **Section 1505.325 Submission of Fact Sheets and Community Relations Plans for Review**

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- a) Except as provided in subsection (b) of this Section or Section 1505.330(d) of this Part, persons accepting the Agency's offer to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall, within 30 days after the date after their acceptance:
 - 1) Submit to the Agency a fact sheet and contact list satisfying Section 1505.310(b) of this Part or a CRP, fact sheet and contact list satisfying the requirements of Section 1505.315(b) of this Part; and
 - 2) Establish a web site document repository if required in accordance with Section 1505.320 of this Part.
- b) Updates of CRPs, fact sheets or both and updates of contact lists prepared pursuant to Section 1505.310(d) or Section 1505.315(d) of this Part also shall be submitted for Agency review in accordance with subsection (a) of this Section, except that the updates shall 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 or fact sheets may be filed in specified electronic formats.

Section 1505.330 Agency Reviews of Fact Sheets and Community Relations Plans

- a) The Agency shall have 30 days from receipt of a fact sheet, CRP, or updates of such documents to conduct a review and approve or disapprove of the CRP or fact sheet or approve of the CRP or fact sheet with conditions or modifications. All reviews shall be based on the standards for review set forth in subsection (b) of this Section.
 - 1) The Agency's record of the date of receipt of a fact sheet or CRP shall be deemed conclusive unless a contrary date is proved by a signed, dated receipt from the Agency or certified mail or registered mail.
 - 2) Persons subject to this Subpart C may waive the time period for review upon a request from the Agency or at the person's discretion.
- b) When reviewing a fact sheet or CRP, the Agency shall consider:
 - 1) Whether the CRP contains the elements required by Section 1505.315(b) of this Part;

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- 2) Whether the fact sheet contains the elements required by Section 1505.310(b) or Section 1505.315(b) of this Part, including, but not limited to, any explanation of why specified 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;
 - 3) Whether the information in the fact sheet and CRP is consistent with the information contained in the Agency's records and any field observations; and
 - 4) Whether the persons subject to this Subpart C have clearly defined:
 - A) Persons required to be included in the contact list for fact sheets in accordance with Section 1505.310(b) or Section 1505.315(b) of this Part; or
 - B) The demographics of nearby populations that may be affected by or concerned about site activities for purposes of notification under the CRP, including, but not limited to, residences, businesses, day care centers, schools, nursing homes, hospitals and clinics.
- c) Upon completion of the review, the Agency shall notify the submitter in writing whether the fact sheet or CRP and accompanying fact sheet are approved, approved with conditions or modifications, or disapproved. The notification shall be made by certified or registered mail postmarked with a date stamp and with return receipt requested. If the Agency disapproves a fact sheet or CRP, or approves a fact sheet or CRP with conditions or modifications, the notification shall contain the following information, as applicable:
- 1) An explanation of the specific information or documentation, if any, that the Agency determines the submitter did not provide or is inconsistent with the information contained in the Agency's records and any field observations;
 - 2) A list of the provisions of this Part that may be violated if the fact sheet or CRP is approved as submitted;
 - 3) A statement of the reasons why the provisions cited in subsection (c)(2) of this Section may be violated if the fact sheet or CRP is approved as submitted; and
 - 4) An explanation of the reasons for conditions or modifications if conditions or modifications are required.

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- d) If the Agency disapproves of a fact sheet or CRP or approves of a fact sheet or CRP with conditions or modifications, the submitter shall submit a revised fact sheet, CRP, or both to the Agency within ten days after receiving the Agency's denial. If the revised fact sheet, CRP, or both are not received by the Agency within ten days, or if a revised fact sheet or CRP are not approved on the second Agency review, the Agency, in addition to any other remedies that may be available, may provide notice to the public and seek cost recovery from the submitter pursuant to Title VI-D of the Act, pursue an enforcement action against the submitter for failure to develop and implement an Agency-approved fact sheet or CRP, or both. In addition to any other defenses that may be available to the submitter, it shall be a defense to an Agency action to obtain cost recovery for notification or for an alleged violation of the requirement to develop and implement an Agency-approved fact sheet or CRP that the fact sheet or CRP submitted to the Agency and rejected satisfies the requirements for such documents as set forth in Sections 1505.310 and 1505.315 of this Part. This provision does not limit the use of this defense in other circumstances where appropriate.
- e) The Agency may, to the extent consistent with review deadlines, provide the submitter with a reasonable opportunity to correct deficiencies prior to sending a disapproval of a fact sheet or CRP or an approval with conditions or modifications. However, the correction of such deficiencies by the submission of additional information may, in the sole discretion of the Agency, restart the time for review.
- f) If the Agency does not issue its final determination on the fact sheet, CRP, or updates of such documents within 30 days after the receipt of the document, the document shall be deemed approved as submitted.

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

- a) Implementation of the CRP or distribution of a fact sheet shall begin within five days after the Agency's approval of the CRP or the fact sheet or within ten days after the date the document is deemed approved pursuant to Section 1505.330(f) of this Part.
- b) Compliance Monitoring
 - 1) Persons authorized by the Agency to provide notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of community relations activities shall:

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- 851 A) Provide to the Agency copies of all public notices (including, but
- 852 not limited to, proof of publication for newspaper or other
- 853 published notices, news releases, letters, door hangers, or other
- 854 forms of public notification); and
- 855
- 856 B) Inform the Agency in writing two weeks in advance of plans to
- 857 hold public meetings or press conferences about site activities or
- 858 developments.
- 859
- 860 2) The Agency may monitor the implementation of approved CRPs, the
- 861 distribution of approved fact sheets, and the establishment and
- 862 maintenance of document repositories. Steps taken by the Agency to
- 863 monitor these activities may include, but shall not be limited to:
- 864
- 865 A) Independently contacting affected, potentially affected and
- 866 interested persons concerning the type, completeness and
- 867 timeliness of information provided under the fact sheet or CRP and
- 868 at the document repository;
- 869
- 870 B) Cross-checking documentation received and generated by the
- 871 Agency with documentation placed in the document repository;
- 872
- 873 C) Attending scheduled public meetings to monitor presentations and
- 874 to lend Agency perspective; and
- 875
- 876 D) Making site visits to verify descriptions of site conditions and
- 877 activities as stated in community relations activities.
- 878
- 879 c) The person authorized by the Agency to provide notice pursuant to subsections (a)
- 880 and (c) of Section 25d-3 of the Act as part of community relations activities shall
- 881 retain records and documents demonstrating compliance with the requirements of
- 882 this Subpart C for at least one year after the recording of the NFR Letter or the
- 883 issuance of other project completion documentation by the Agency (e.g., permit
- 884 modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))). The retention
- 885 period for the records and documents is extended automatically during the course
- 886 of any disputes or unresolved enforcement actions regarding the community
- 887 relations activities or as requested in writing by the Agency. Records may be
- 888 preserved and presented in an electronic format.
- 889

890 **Section 1505.340 Compliance**

891

896 **Section 1505.APPENDIX A Contents of a Model Community Relations Plan**

897

898 This Appendix A lists the key elements of a community relations plan and several factors that
 899 should be included with each element in a community relations plan prepared for a complex site.
 900 Unless otherwise required by rule, all the factors listed with each element may not be necessary
 901 for each site developing and implementing a community relations plan pursuant to this Part, but
 902 each factor should be considered when developing any community relations plan.
 903

- 904 1. **Site/Facility Description:** The CRP should provide for the development a brief overview
 905 of the site where the release occurred, including, but not limited to, a description of the
 906 business, site or facility, its current operations, previous land uses and previous remedial
 907 activities; the nature and extent of known contamination; and the known or potential
 908 threat to public health and the environment. The overview should include a map to an
 909 appropriate scale detailing the site location and surrounding area and showing roads and
 910 streets, homes and businesses, and geographic and other significant features.
 911
- 912 2. **Community Issues and Concerns:** The CRP should provide for the development of a brief
 913 summary of the demographics of the area surrounding the site where the release occurred,
 914 including, but not limited to, the approximate percentage of non-English speaking
 915 persons among the affected, potentially affected and interested parties and their preferred
 916 language, key community concerns, and any preferred methods of communication as
 917 learned through research work, interviews and surveys of a representative sample of
 918 affected, potentially affected and interested parties identified through the process outlined
 919 in the fourth element below.
 920
- 921 3. **Community Relations Program:** The CRP should describe the community relations
 922 program objectives, action plan and schedule to keep affected, potentially affected and
 923 interested parties apprised of conditions at the site, response actions, and actual or
 924 potential public health impacts. This section also should explain how the public will be
 925 notified of mailings or meetings. The contact person(s) and contact information for
 926 public inquiries should be clearly defined. Additionally, details about the location of, and
 927 access to, the document repository should be outlined in this section of the CRP.
 928
- 929 4. **Contact List:** The CRP should outline the process for identifying and updating a contact
 930 list and developing a contact database of affected, potentially affected and interested
 931 parties, including, but not limited to:
 932
 - 933 * Owners and occupants of properties served by private, semi-private or non-
 934 community water systems that have been or may be impacted by groundwater
 935 contamination from the release;
 - 936
 - 937 * Owners and operators of community water system wells that have been or may be
 938 impacted by groundwater contamination from the release;

- 939
940 * Owners of properties without potable water supply wells but with groundwater
941 that has been or may be impacted by groundwater contamination from the release;
942
943 * Owners and occupants of off-site properties with soil contamination posing a
944 threat of exposure above the appropriate Tier 1 remediation objectives for the
945 current use(s);
946
947 * Local, State and federal officials whose jurisdiction covers the affected and
948 potentially affected properties, including: mayor or village president, city or
949 village clerk, township supervisors, county board chair and county clerk, city and
950 county health department administrator, State and federal legislators; and
951
952 * Citizens, identified groups, organizations or businesses within a minimum of
953 1,000 feet from the site where the release occurred that may have an interest in
954 learning about affected and potentially affected properties (e.g., public and private
955 school administrators; Parent-Teacher Association leaders; day care center,
956 senior center and nursing home management; neighborhood or homeowner
957 association or other community leaders as identified; hospital and clinic
958 management; and recognized environmental or citizen advisory groups). If
959 approved by the Agency, the initial minimum distance of 1,000 feet may be
960 expanded or contracted as the CRP and contact list are updated based on new
961 information developed during the response action.