

Board Sends Proposed Standards and Requirements for Potable Water Well Surveys to First Notice

On April 20, 2006, the Illinois Pollution Control Board adopted for first notice a proposal to add a new Part 1505 to the Board's regulations setting standards and requirements for potable water well surveys and for community relations activities in response to impacts or threats from soil and groundwater contamination. The rulemaking is docketed as In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1505) (R06-23). On January 20, 2006, the Illinois Environmental Protection Agency (IEPA) filed this proposal in response to Public Act 94-314, effective July 25, 2005, which added a new Title VI-D ("Right-To-Know") to the Environmental Protection Act (Act). Public Act 94-314 requires the Board to adopt well survey and community relations rules within 240 days of the effective date of P.A. 94-314, or no later than September 17, 2006. The Board meeting immediately before that date is scheduled for September 7, 2006.

Proposed Subpart B sets forth well survey procedures, as well as minimum standards for the performance and documentation of surveys during site investigations. The well survey rules apply to response actions taken pursuant to Board rules requiring that a release of contaminants be addressed. The IEPA emphasizes that Subpart B does not contain independent requirements to perform well surveys. Rather, when well surveys are required under the applicable Board rules, Subpart B requires compliance with the Subpart B minimum standards and requirements for those well surveys. The IEPA clarified that the area of the potable water well survey should be expanded if the groundwater contamination exceeding Class I or the Board's antidegradation regulations is shown to extend offsite.

Subpart C of the rules sets forth two alternative levels of community relations activities depending on the severity of the offsite impacts. Subpart C also establishes requirements for document repositories if applicable, fact sheets and community relations plans, and implementing community relations activities, compliance, and compliance monitoring. First-Notice publication in the *Illinois Register* will begin a 45-day period for interested persons to file public comments with the Board.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website and may be downloaded from the web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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