

ILLINOIS POLLUTION CONTROL BOARD
February 18, 2022

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R22-18
GROUNDWATER QUALITY) (Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620)

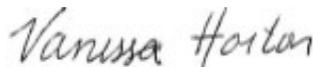
HEARING OFFICER ORDER

On December 7, 2021, the Illinois Environmental Protection Agency (IEPA, or Agency) filed a proposal to amend Part 620 of the Board’s groundwater quality regulations. The Board accepted IEPA’s proposal and directed the hearing officer to schedule and proceed to hearings. After conducting hearings on IEPA’s proposal, the Board will determine whether to proceed to first notice. The hearing officer scheduled the first hearing in this proceeding for March 9, 2022 and March 10, 2022, with prefiling deadlines of February 18, 2022, for questions and March 4, 2022, for answers.

The Board and Staff have reviewed the prefilled testimony filed by IEPA in this matter, and submit with this order their questions to those witnesses, included as Attachment A. Anyone may file a comment, and anyone may respond to the attached questions, as well as any other pre-filed questions in the record.

All filings in this proceeding will be available on the Board’s website at <https://pcb.illinois.gov/> in the rulemaking docket [R22-18](#). Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the [Clerk's Office On-Line](#). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



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ATTACHMENT A**R22-18: Proposed Amendments to Part 620 Groundwater Quality Standards****Board and Staff Questions for the Agency Witnesses****Carol Hawbaker**

1. On page 1, you note that you are a member of U.S. Environmental Protection Agency's ("U.S. EPA") Environmental Council of the States and Association of State and Territorial Health Officials PFAS Science Group and a participant in State Risk Assessors Teleconference Group.
 - a. Please comment on what states other than Illinois have adopted or are in the process of adopting PFAS standards for sources of drinking water, including groundwater or surface waters.
 - b. If other states have adopted or proposed standards, provide a list of states with the PFAS standards and how they compare with Agency's proposal.
2. On page 3, you state that the proposed change to Section 620.605(b)(1) updates the language to allow for a Class I standard to be set at the lower value calculated from either the HTTAC noncancer equation or the HNTAC cancer equation. Please clarify whether both values must be calculated even if a substance is not a known carcinogen.
3. On page 6, you state that the Agency is in the process of drafting updates to the Board's TACO regulations under 35 Ill Adm Code 742 to align them with Regional Screening Levels for Chemical Contaminants at Superfund Sites (RSL) methodology and procedures. Please comment on whether the Agency can provide a timeframe for submission of the TACO amendments to the Board.
4. On page 13, your testimony states, "a potency factor of 10 is applied to drinking water exposure to a mutagen during ages 0-2, a potency factor of 3 is applied to drinking water exposure factor for exposure to a mutagen during ages 2-6 and 6-16 years, and a potency factor of 1 is applied to drinking water exposure factors for exposure to a mutagen for an adult."
 - a. Please explain the rationale for selection of specific age groups for applying the potency factors.
 - b. Comment on the bases for the potency factors.
 - c. Explain why the ages groups 2-6 and 6-16 are assigned the same potency factor.

5. On page 31, you state that the proposal includes tables of substances having similar-acting noncancer and cancer effects under Appendix E to assist users in determining if a mixture of similar-acting substances is present in Class I groundwater.
 - a. Please comment how the proposed list of similar-acting substances in Appendix E Tables A and B compare with those listed under the Board's TACO regulations at 35 Ill Adm Code 742 Appendix A, Tables E and F.
 - b. Is the source of a toxicity metadata used to determine the proposed constituents with similar-acting effects, i.e., the toxicity metadata provided in the RSL calculator, different than the data relied upon under Part 742?
 - c. If so, comment on whether the Agency plans to update the similar-acting substances tables under part 742.

Lynn Dunaway

6. On page 2, you state the use of permeameter is being removed because samples of earth materials that must be collected and transported to the permeameter to run the hydraulic conductivity test may cause a change from the in-situ hydraulic conductivity. Please comment on whether the proposed in-situ tests, i.e. the slug test and pump test, can be conducted under all site conditions. If not, would it be appropriate to retain the use of permeameter when site conditions prevent in-situ hydraulic conductivity testing?
7. On Page 2, regarding the inclusion of groundwater within the wellhead protection area (WHPA) and maximum setback zone as Class I, you state, "these three-dimensional areas have been delineated using site specific hydrogeologic parameters (e.g. transmissivity, specific capacity, gradient, etc.)."
 - a. Please clarify whether the Agency has determined WHPA for the community water supply (CWS) wells or well fields in the state. If so, how many CWS wells or well fields have WHPA delineated, including maximum setback zones? Please provide a listing and a map showing the CWS wells and well fields with WHPA and maximum setback zones.
 - b. Are the Agency's WHPA and maximum setback zone determinations publicly available without a request for information under the Freedom of Information Act? If not, would it be possible to make the WHPA determinations available on the Agency's website.
8. On page 3, you state that the Agency is proposing a list of information that must be submitted with a groundwater management zone (GMZ) application to help with the Agency's evaluation of the groundwater conditions and the proposed corrective action. Please provide the following information to give some background on the implementation of the GMZ provisions since their adoption in 1991:

- a. How many GMZs have been established since the adoption of Part 620?
- b. How many GMZs are still active? Of those, please specify the dates on which they were established.
- c. How many GMZs have been terminated upon completion of corrective action under Section 620.250(a) with the attainment of the applicable Subpart D standards, as specified in Section 620.450(a)(4)(A)?
- d. How many GMZs have been terminated upon completion of corrective action under Section 620.250(a) with concentrations of chemical constituents above applicable Subpart D standards, as specified in Section 620.450(a)(4)(B), remaining in groundwater at the site?
- e. Please identify corrective action processes that have qualified as “a corrective action process approved by the Agency”, as that phrase is used in Section 620.250(a)(1). *See* Section 620.110 (definition of “corrective action process”).
- f. Under what circumstances have GMZs been established under Section 620.250(a)(2) rather than Section 620.250(a)(1)?
- g. Is Section 620.APPENDIX D applicable only to sites seeking to establish a GMZ under Section 620.250(a)(2)?
- h. Section 620.250(a)(2) refers to a “written confirmation” and provides that “[s]uch confirmation must be provided in a form as prescribed by the Agency.” Please explain whether the Agency provides this form and, if so, whether it calls for the same information as does Section 620.APPENDIX D.
- i. Please describe what types of factors the Agency has considered in determining whether owner and operators undertook adequate corrective action in “a timely and appropriate manner,” as that phrase is used in Section 620.250(a)(2).
- j. When precisely does the Agency consider a GMZ to be “established” under Section 620.250(b)? The rule appears to describe two conditions, with the GMZ being “established upon concurrence by the Agency that the conditions as specified in subsection (a) are met *and* groundwater management continues for a period of time consistent with the action described in that subsection.” 35 Ill. Adm. Code 620.250(b) (emphasis added).
- k. Under Section 620.250(b), is the “concurrence by the Agency” in writing?

- l. How has the Agency interpreted groundwater management continuing “for a period of time,” as that phrase is used in Section 620.250(b)?
- m. Between the establishment of a GMZ under Section 620.250(a)(2) and the submittal of “appropriate documentation” under Section 620.250(c) for that GMZ’s expiration, is the owner or operator required to submit any information to the Agency? If so:
 - i. Please describe the types of information that has been required and how frequently it has been required to be submitted?
 - ii. Has the Agency issued written determinations to owners and operators that specify what information must be submitted and how frequently or are those requirements found elsewhere? Please explain whether the answer varies depending upon whether the GMZ is established under Section 620.250(a)(1) or Section 620.250(a)(2).
- n. Has the Agency issued written determinations to owners and operators as to whether, under Section 620.250(c), the submitted documentation “confirms the completion of the action taken pursuant to subsection (a)” and “confirms the attainment of applicable standards as set forth in Subpart D”?
- o. In Section 620.250(c), may the “applicable standards as set forth in Subpart D” include concentrations of chemical constituents as specified in Section 620.450(a)(4)(B)?
- p. When precisely does the Agency consider a GMZ to be “expired” under Section 620.250(c)?
- q. The last two sentences of Section 620.250(c) read: “The Agency shall review the on-going adequacy of controls and continued management at the site if concentrations of chemical constituents, as specified in Section 620.450(a)(4)(B), remain in groundwater at the site following completion of such action. The review must take place no less often than every 5 years and the results shall be presented to the Agency in a written report.”
 - i. Does this language apply only after the GMZ has expired?
 - ii. In what types of documents have the requirements been specified for on-going “controls and continued management” and the submittal of a “written report” at least every five years?
 - iii. Has the Agency required the written report to set forth the “results” of the owner’s or operator’s assessment of “the on-going adequacy of controls and continued management at the site”?

- iv. Has the Agency issued written determinations to owners and operators that document the results of the Agency’s “review” of “the on-going adequacy of controls and continued management at the site”?
 - v. In determining when the Agency’s review “must take place,” how has the Agency calculated the five-year deadlines?
9. Section 620.450(a)(5) requires the Agency to develop and maintain a listing of concentrations derived under Section 620.450(a)(4)(B) and make the list available to the public. The rule also requires the Agency to update the list at least semiannually and have the Board publish it in the Environmental Register.
- a. Please comment on whether the Agency is maintaining a publicly available listing of concentrations derived under Section 620.450(a)(4)(B). If so, is the listing available on the Agency’s website? If not, would the Agency consider making the listing available on its website?
 - b. Does the Agency’s “listing of concentrations derived pursuant to subsection (a)(4)(B)” identify the locations of sites where the concentrations were monitored in groundwater? Please provide the most recent listing in the Agency’s pre-filed answers.
 - c. Please comment on whether the Agency will regularly provide the Board with the updated listings contemplated by Section 620.450(a)(5) so that the Board may publish them at least semiannually in the Environmental Register.
 - d. Especially given the State’s recent focus on environmental justice, please comment on whether GMZ-related information, such as the submittals specified in proposed Section 620.250(g) and existing Section 620.250(c), should be available to the public through the Agency’s website.

Questions on Rule changes

Section 620.110 Definitions

10. The amendment to the definition of “carcinogen” now includes chemicals classified as “carcinogenic to humans or likely to become carcinogenic to humans” to be consistent with USEPA’s Integrated Risk Information System (IRIS).
- a. Please clarify whether the chemicals that are “likely to become carcinogens” are similar to the “Anticipated human carcinogen” listed by the US Department of Health and Human Services.
 - b. Comment on whether USEPA treats chemicals likely to become carcinogenic to humans as carcinogens. for regulatory purposes.

- c. Comment on whether any chemicals listed in the USEPA's IRIS as "likely to become carcinogenic to humans" have been detected in Illinois groundwater.

11. The Statement of Reasons (SOR) notes that the definition of "Practical Quantitation Limit" is replaced by "Lower Limit of Quantitation or LLOQ" and "Lowest concentration minimum reporting level (LCMRL)". SOR at 6. Please comment on whether LLOQ must be defined as a subset of "detection", as proposed, or as a term by itself following the proposed definition of LCMRL to maintain the alphabetical listing of the definitions. Please comment on whether the following language changes are acceptable to the Agency:

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL" means the minimum measured concentration of a substance that can be measured as reported with 99% percent confidence that the true value is greater than zero measured concentration is distinguishable from method blank results, as determined under pursuant to 40 CFR 136, appendix B (20172006), incorporated by reference at Section 620.125; or

"Lower Limit of Quantitation" or "LLOQ" means the minimum concentration of a substance that can be measured or reported under pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 620.125.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Lowest Concentration Minimum Reporting Level" or "LCMRL" means the lowest spiking concentration such that the probability of spike recovery in the 50% to 150% range is at least 99%.

"IGPA" means the Illinois Groundwater Protection Act, [415 ILCS 55];

"Lowest Concentration Minimum Reporting Level" or "LCMRL" means the lowest spiking concentration such that the probability of spike recovery in the 50% to 150% range is at least 99%.

"Lower Limit of Quantitation" or "LLOQ" means the minimum concentration of a substance that can be measured or reported under "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 620.125.

12. The Agency proposes the definition of "Lowest Concentration Minimum Reporting Level" (LCMRL) as the lowest spiking concentration such that the probability of spike recovery in the 50% to 150% range is at least 99%. Please clarify whether "spiking concentration" and "spike recovery" refer to the spiking of a chemical constituent in the laboratory analysis to measure recovery rates.

13. The definition of "Mutagen" states it means a "carcinogenic constituent that operates by a mutagenic mode of action for carcinogenesis. Carcinogens with a mutagenic mode of action would be expected to cause irreversible changes to DNA and would exhibit greater effects in early life versus later life exposure."
 - a. Please clarify whether the term "carcinogenic constituent" means a carcinogen as defined in this section. If so, would it be acceptable to the Agency if the term "carcinogenic constituent" is replaced by "carcinogen".

 - b. Comment on whether "mutagenic mode of action" means the action by which a substance can induce an alteration in the structure of DNA as defined in USEPA's IRIS Glossary. If so, would it be acceptable to the Agency to use the definition "mutagen" based on the IRIS definition as follows to be consistent with the USEPA's terminology and avoid any ambiguity:

"Mutagen" means a carcinogen that can induce an alteration in the structure of DNA carcinogenic constituent that operates by a mutagenic mode of action for carcinogenesis. Carcinogens with a mutagenic mode of action would be expected to cause irreversible changes to DNA and would exhibit greater effects in early life versus later life exposure.

 - c. Please clarify whether a mutagen also must be a carcinogen as defined or it could be a non-carcinogenic substance. If so, comment on whether any regulation of a mutagen under the proposed amendments to Part 620 would be limited to carcinogens with mutagenic mode of action.

14. The proposed revisions to the definitions of LOAEL and NOAEL deletes the statement that those levels may be determined for a human population or an animal population. Please explain the rationale for the proposed revisions.

15. The proposed rules refer to the term "MCLG" under Sections 620.410 (footnote f) and 620.605(b)(1). Please comment on whether the definition of the term MCLG based the on

the Board's safe drinking water rules under 35 Ill Adm Code 611.101 should be included in Section 620.110. Also explain the rationale for relying on MCLG, which is a non-enforceable health goal to propose standards under Section 620.410.

Section 620.125 Incorporations by Reference

16. Several documents in this section, which are listed below, are not specifically referenced in the rules with a cross reference to Section 620.125 to show that they are relied upon in the rules. Please identify the specific provisions in the rules where these incorporations by reference documents are relied upon and provide a cross-reference to Section 620.125. If any of the listed documents are not specifically relied upon in the rules, comment on whether it is acceptable to the Agency if they are deleted from Section 620.125 consistent with the current Board practice of incorporating by reference only those documents that are specifically relied upon in the rules.
- a. USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).
 - b. Standard Test Method for Determination of Per- and Polyfluoroalkyl Substances in Water, Sludge, Influent, Effluent, and Wastewater by Liquid Chromatography Tandem Mass Spectrometry (LC/MS/MS)" ASTM D7979-20.
 - c. Maximum contaminant levels for radionuclides, 40 CFR 141.66 (65 FR 76748, Dec. 7, 2000) (2006).
 - d. USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).
 - e. "Guidance Document for Groundwater Protection Needs Assessments," Agency, Illinois State Water Survey, and Illinois State Geologic Survey Joint Report, January 1995.
 - f. "The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act," Agency,# 22480, October 1992.
 - g. "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.
 - h. "Low Stress (low flow) Purging and Sampling Procedure for the Collection of Groundwater Samples from Monitoring Wells, EPA Publication EOASOP-GW4, Region 1 Low-Stress (low flow) SOP Revision No. 4, July 30, 1996; Revised September 19, 2017.

- i. "Selected Analytical Methods for Environmental Remediation and Recovery (SAM), 2017. Record last revision date February 10, 2020.
- j. "Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry," November 2019.
- k. Shoemaker, J. and Dan Tettenhorst. Method 537.1: Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS). U.S. Environmental Protection Agency, Office of Research and Development, Center for Environmental Assessment, Washington, DC. Version 2.0, March 2020.
- l. A Review of the Reference Dose and Reference Concentration Process, EPA/630/P-02/002F, December 2002.
- m. Guidance for Applying Quantitative Data to Develop Data Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation, EPA/R-14/002F, September 2014.
- n. Guidelines for Carcinogen Risk Assessment", EPA/630/P-03/001F, March 2005.
- o. Supplemental Guidance for Assessing Susceptibility for Early Life Exposure to Carcinogens, EPA/630/R-03/003F, March 2005.

Section 620.210 Class I: Potable Resource Groundwater

- 17. In Section 620.210(a)(1) refers to "minimum setback zone". Please comment on whether the statutory definition of that term should be included in under Section 620.110.
- 18. Under Section 620.210(a)(4)(B), the Agency proposes to remove permeameter as an acceptable means to determine hydraulic conductivity, but retains the use of slug test, pump test or any other equivalent methods for the same purpose. Please comment on whether the Agency is aware any equivalent test that may be used to meet this requirement.
- 19. Section 620.210(a)(5) specifies, "the wellhead protection area of a community water supply well or well field, as defined in Section 620.110 and delineated pursuant to the methods incorporated by reference in Section 620.125." Please identify the specific document(s) under Section 620.125 that include methods for delineating the wellhead protection area.

20. Please comment on whether the Board note under Section 620.210 should be codified as a requirement.

Section 620.250 Groundwater Management Zone

21. Proposed Section 620.250(g) specifies a list of information that must be included in all groundwater management zone (GMZ) “applications” submitted pursuant to Section 620.250(a).

- a. Has the Agency required that an “application” be submitted to it under Section 620.250(a) to establish a GMZ? If so, what form has this “application” taken?
- b. If subsection (g) is adopted, would the establishment of a GMZ under subsection (a) require the submittal of a GMZ “application” to the Agency? If so, would the proposed “application” vary depending on the provision—subsection (a)(1) or subsection (a)(2)—under which the GMZ is being sought?
- c. Please comment on whether the Agency plans to develop a GMZ “application” form specifying the proposed informational requirements under subsection (g).
- d. Please comment on whether the Agency would reject a GMZ “application” if all information listed in Section 620.250(g) is not included.
- e. Is the proposed “application” designed to replace—or instead be in addition to—the submittal of similar information required by the Section 620.APPENDIX D “confirmation” (*see* Section 620.250(a)(2))?
- f. Is the proposed “application” designed to replace—or instead be in addition to—the submittal of similar information required through a “corrective action process approved by the Agency” (*see* Section 620.250(a)(1))?

22. Section 620.250(g)(2) requires the identification of “specific” units present at the facility. Please clarify whether “specific” means only those that are impacting groundwater or all units at the facility.

23. Under Section 620.250(g)(4), please clarify whether the statement on groundwater classification must include a determination of the groundwater classification or classifications at the site or facility. If not, explain the proposed intent.

24. Proposed Section 620.250(g)(9) appears to presume that the applicant will have selected the remedy before submitting the “application.” Is that the Agency’s intent or does the Agency

contemplate a phased approach to information submittal, such as provided in Section 620.APPENDIX D?

Section 620.302 Applicability of Preventive Notification and Preventive Response Activities

25. Under Section 620.302(b), the Agency amends the list of persons that conduct groundwater monitoring by adding groundwater monitoring conducted under Parts 615, 616, 807, 815 and 62 Ill. Adm. Code 1780 and 1784. Please comment on whether Parts 740, 816, and 817 should also be added to make the list more comprehensive.

Section 620.310 Preventive Response Activities

26. Please clarify whether the reason for removing *para*-dichlorobenzene and ethylbenzene from the list under Section 620.310(a)(3)(A)(i) is because they were added under Section 620.310(a)(3)(A)(ii).

27. The Agency proposes a comprehensive list of chemicals under Section 620.310(a)(3)(A)(ii) for which the trigger for preventive response is a statistically significant increase above background. Please comment on whether all groundwater monitoring programs in the state include determination of background to determine statistically significant increases. If not, comment on whether the list under Section 620.310(a)(3)(A)(i) should be amended to include more chemical constituents to afford higher degree of protection to groundwater.

28. Several provisions under Section 620.310 refers to “appropriate regulatory agency”. Please provide a list of regulatory agencies that may make determinations specified in this section. Comment on whether the rule should include a list of appropriate regulatory agencies.

Section 620.410 Groundwater Quality Standards for Class I: Potable Resource Groundwater

29. Please clarify whether the phrase “Illinois EPA Primary Drinking Water standards at 35 Ill Adm Code 611” that appears in several footnotes in Section 620.410 should be changed to “Illinois Primary Drinking Water standards at 35 Ill. Adm. Code 611”. See “Footnote c” under Section 620.410(a).

Section 620.420 Groundwater Quality Standards for Class II: General Resource Groundwater

30. Section 620.420(a)(3) specifies an exception from Class II for barium and pH for groundwater within fill material meeting certain conditions that date back to more than 30 years ago. Please comment on whether this provision is still relevant and if the cutoff date of November 25, 1991 needs to be revised to account for groundwater within fill materials altered since the adoption of Part 620 in 1991.

31. Please clarify whether the reference to subsection (e) in Sections 620.420(a)(1) and (b)(1) should be changed to subsection (d) because of the proposed renumbering of subsections.

Section 620.430 Groundwater Quality Standards for Class III: Special Resource Groundwater

32. The preamble to this section requires that concentrations of inorganic and organic chemical constituents must not exceed the standards set forth in Section 620.410 except due to natural causes. Please clarify whether the organic chemical constituents include complex organic chemical mixtures, and atrazine and metabolites under Section 620.410(c).
33. In Section 620.430(b), please clarify whether “nature preserve” should be replaced with the “dedicated nature preserve” to be consistent with Section 620.230(b)(4). Also, comment on whether the Environmental Registers listed in Section 620.430(b)(1) should be incorporated by reference.

Section 620.440 Groundwater Quality Standards for Class IV: Other Groundwater

34. Please comment on whether the zone of attenuation under Part 816 should also be included in Section 620.440(b). Also, comment on whether the exception specified in this provision should be expanded to include unpermitted facilities.

Section 620.450 Alternative Groundwater Quality Standards

35. Section 620.450(a)(3) states that, “Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.”

i. Please describe what types of factors the Agency has considered in determining whether initiated actions proceeded in “a timely and appropriate manner,” as that phrase is used in Section 620.450(a)(3).

ii. For a GMZ

that has been established, whether under subsection (a)(1) or (a)(2) of Section 620.250, and

for which documentation has been submitted that meets the conditions for GMZ expiration under Section 620.250(c),

will the Agency necessarily have issued written approval of a “corrective action plan”?

iii. Please comment on whether it would be acceptable to the Agency if Section 620.450(a)(3) is revised as follows:

~~Before completing~~Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to ~~such the~~ released chemical constituent, ~~if provided that the initiated corrective action is~~ proceedings in a timely and appropriate manner compliance with a corrective action plan approved in writing by the Agency.

36. What types of evidence has the Agency considered when determining that corrective action is complete, the GMZ should expire, and the standards of Section 620.450(a)(4)(B) will apply?
37. What types of evidence has the Agency considered when determining that corrective action is not complete, the GMZ should continue, and the standards of Section 620.450(a)(4)(A) remain attainable?
38. Are the Agency determinations described in questions 36 and 37 prompted only by owner/operator submittals under Section 620.250(c) seeking to end corrective action and terminate the GMZ?
39. Please clarify whether the “Department of Mines and Minerals” in Section 620.450(b)(3)(A)(ii) should be changed to the “Office of Mines and Minerals, Department of Natural Resources”.
40. In Sections 620.450(b)(4)(A) and (C), (b)(5)(A) and (B), (b)(6)(A) and (C) and (b)(7)(A) and (B), please comment on whether the phrase “effective date of this Part” should be changed to November 25, 1991.

Section 620. Appendix A Procedures for Determining Human Toxicant Advisory Concentration~ for Class I: Potable Resource Groundwater

41. The proposed amendments to Section 620. Appendix A (b)(4) states, “Uncertainty Factors shall be applied to the Point of Departure ("POD") in increments of 1, 3, or 10, not to exceed a total UF of 10,000, and shall be used consistent with U.S. EPA guidance”. Please identify the specific guidance document that applies to subsection (b)(4) and comment on whether that guidance document must be incorporated by reference.