

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1991

IN THE MATTER OF:)
)
GROUNDWATER PROTECTION: REGULATIONS) R89-5
FOR EXISTING AND NEW ACTIVITIES) (Rulemaking)
WITHIN SETBACK ZONES AND REGULATED)
RECHARGE AREAS)
(35 ILL ADM. CODE 601, 615, 616,)
and 617))

CONCURRING OPINION (by B. Forcade):

I respectfully concur with today's action for reasons similar to my concurrence of August 31, 1989. Then, I disagreed with a proposal that would require new facilities to remediate to background conditions, while existing facilities would only be required to remediate to numerical regulatory standards.

Today's proposal, at Section 616.209 (h), specifically authorizes numerical degradation of groundwater quality up to 50% of the applicable numerical groundwater quality standard by new sources. No specific provisions govern preventive notification and preventive response for existing facilities, so I assume they only need remediate to numerical groundwater standards.

I continue to believe that remediation of groundwater contamination should be mandated at any statistically significant increase over background.

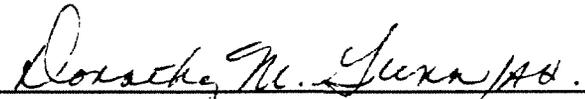
The remediation provisions of this proposal are too weak in terms of providing notification of contamination to the public (including adjacent water well owners and users), and allowing them to comment on proposed remediation.

Accordingly, I concur.



Bill S. Forcade
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 21st day of June, 1991.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board