

ILLINOIS POLLUTION CONTROL BOARD
September 12, 1991

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

CONCURRING OPINION (by. B. Forcade and J.D. Dumelle)

We respectfully Concur, for the reasons expressed in prior Concurring Opinions. In addition, We moved an amendment of the regulatory language as follows:

615.209

(f) Provide written notification to the State's Attorney of the county in which the source is located, the Chairman of the County Board of such county, and to each member of the General Assembly from the legislative district in which that source is located. In addition, the owner or operator shall publish notification in a newspaper of general circulation in such county. Notification shall be as follows:

(1) The notification shall be mailed within 10 days, and published within 20 days, after the engineering plan for corrective action program required in subsection (d) is submitted to the Agency.

(2) The notification shall state:

(A) The identity of the owner or operator

(B) The location of the source

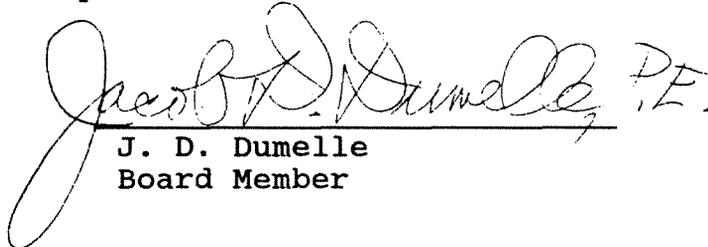
(C) The date of sampling, the numerical results of that sampling, and the numerical groundwater standard, for each parameter that exceeds the groundwater standards.

- (D) That the owner or operator has filed with the Illinois Environmental Protection Agency a corrective action program which is available at that agency for public inspection.
- (E) If the owner or operator has filed an Alternative Non-Compliance Response Program, the notification shall state that such document is available at such agency for public inspection.

Similar language was proposed for addition around Section 616.209. The majority did not accept the amendment. We believe such additions should have been made; they are styled after the notice requirements of Section 37 of the Act. These corrective actions programs take place outside the traditional Agency permitting process. Thus, no traditional public notice or newspaper publication process applies. If groundwater contamination does occur, We think the public should be informed as part of a government sanctioned process of remediation. Accordingly, We concur.

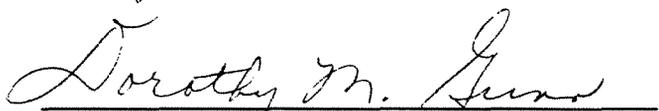


Bill S. Forcade
Board Member



J. D. Dumelle
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 20th day of September, 1991.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board