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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
REVISION OF THE WASTE ) R01-29  
DISPOSAL RULES: ADOPTION ) (Rulemaking)  
OF 35 ILL. ADMIN. CODE 740.800 )

*f.e.#1*

NOTICE OF FILING

TO: Persons on the Attached Service List

PLEASE TAKE NOTICE that today, on behalf of the Petitioner, CITIZENS FOR A BETTER ENVIRONMENT ("CBE"), I have filed with the Clerk of the Illinois Pollution Control Board an amended proposal to adopt 35 Ill. Admin. Code 740.800, copies of which are served on you.

CITIZENS FOR A BETTER ENVIRONMENT

By: *[Signature]*  
One of its Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned certifies that copies of an amended proposal to adopt 35 Ill. Admin. Code 740.800 were served upon the parties listed on the attached Service List by depositing said documents in the U.S. Mail in Chicago, Illinois on or before 5:00 p.m. on the 2<sup>nd</sup> day of April, 2001.

A handwritten signature in cursive script, appearing to read "W. J. Kelly", is written over a horizontal line.

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	R01-29
REVISION OF THE WASTE	)	(Rulemaking)
DISPOSAL RULES: ADOPTION	)	
OF 35 ILL. ADMIN. CODE 740.800	)	

**AMENDED PETITION OF CITIZENS FOR A BETTER ENVIRONMENT  
TO ADOPT 35 ILL. ADMIN. CODE 740.800**

CITIZENS FOR A BETTER ENVIRONMENT, by and through its attorney, the Chicago Legal Clinic, hereby petitions the Illinois Pollution Control Board to adopt the following regulations as a supplement to the Illinois Site Remediation Program:

**TITLE 35: ENVIRONMENTAL PROTECTION**

**SUBTITLE G: WASTE DISPOSAL**

**CHAPTER I: POLLUTION CONTROL BOARD**

**SUBCHAPTER F: RISK BASED CLEANUP OBJECTIVES**

**PART 740: SITE REMEDIATION PROGRAM**

**SUBPART H: REQUIREMENTS RELATED TO SCHOOLS, PUBLIC PARKS  
AND PLAYGROUNDS**

**740.800      **General****

- a) The purpose of Subpart H is to ensure that children and the general public are not exposed to harmful pollutants at a remediation site intended for future use as a school, public park or playground that has been enrolled in the Site Remediation Program, thereby protecting human health and the environment.
- b) For the purposes of this Subpart, the term "school" means a school as defined in Section 34-1.1 of the School Code.
- e) For the purposes of this Subpart, the term "public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

~~d) For the purposes of this Subpart, the term “playground” means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.~~

#### **740.805 Requirements Prior to Public Use**

~~a) A RA that has enrolled a remediation site into the Site Remediation Program that is intended for future use as a school, public park or playground shall not make that site or any buildings or structures contained within the boundary lines of the site available for use by the general public without first completing its Remedial Action Plan and receiving a NFR Letter from the Agency. This section shall not be construed to exempt a RA from any additional requirements set forth in Section 58.15 of the Environmental Protection Act.~~

#### **740.810 Engineered Barriers and Institutional Controls**

~~a) Every five years following the date in which the Agency issued a NFR Letter, the RA or any other subsequent transferee of the remediation site shall provide written certification, in compliance with the requirements set out by the Agency in the NFR letter, to the Agency that land use limitations have been maintained and that there has been no disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan and NFR Letter.~~

~~1) If the Agency does not receive a certification letter on a timely basis, the Agency shall provide written notice to the RA or any other subsequent transferee of such failure and allow 30 additional days for certification to be provided.~~

~~a) If the site is no longer used as a school, or if the site is transferred to a third party, the recipient of the original NFR letter is required to notify the Agency of such changes.~~

~~2) In the case that certification is not received within the 30 day period, the Agency may void the NFR Letter consistent with Section 740.625.~~

#### **740.815 Public Notice of Site Remedial Action Plan**

~~a) The RA shall provide notice to interested persons 30 days subsequent to submission of a Site Remedial Action Plan for a remediation site intended for future use as a school, public park, or playground. If the Site Remedial Action Plan is amended, the Agency will determine, based on the nature of the amendments, whether the RA needs to provide additional notice. In determining the form of this notice, the RA will consider the recognized environmental conditions and related contaminants of concern, and the interests of those who~~

may be affected. The RA shall consult with the Agency to obtain names and addresses of likely interested persons, public officials and organizations to be notified. In addition, notice shall be published in at least one newspaper of general circulation in the county where the remediation site is located. Both methods of notice shall include at least the following information:

- 1) Name and address of the RA;
- 2) Site history;
- 3) Location and site boundary lines of the remediation site;
- 3) A description of the intended use of the site;
- 4) A brief description of surrounding land uses;
- 5) The nature of the recognized environmental conditions and related contaminants of concern; and
- 6) A statement of the nature of the NFR Letter requested.

**740.820 Community Relations Plan**

- a) The RA, their environmental contractor, or community relations contractor may develop and implement a Community Relations Plan consistent with Section 58.7(h) of the Environmental Protection Act and the guidance adopted by the Agency pursuant to that section.
- b) If the RA, their environmental contractor, or community relations contractor is not willing to develop and implement a CRP, the Agency shall develop and implement a CRP in response to a request to do so by an interested person(s).

**740.820 Public Hearing**

- a) The Agency may hold a public hearing concerning the application for a No Further Remedation Letter at a remediation site intended for future use as a school, public park, or playground in the county where the site is located or at some other convenient location. The purpose of the hearing shall be to enable interested persons to provide information to the Agency for its decision on the application.
- b) In determining whether to hold a public hearing, the Agency will consider:
  - 1) Evidence of interest as demonstrated by comments and requests for hearing received from members of the public;

- ~~2) — Evidence that a cause and effect relationship exists between the proposed activities and the concern of the public;~~
- ~~3) — Expectation that a public hearing will provide information useful to the Agency for making its determination on the request for the NFR Letter;~~
- ~~e) — The notice of hearing shall be given to the RA. At least 30 days before holding a hearing pursuant to these rules, notice shall be published in at least one newspaper of general circulation in the county where the remediation site is located.~~
- ~~d) — The notice of hearing shall include at least the following:~~
- ~~1) — The information in Section 740.810(a);~~
  - ~~2) — A brief statement of any land use limitations or conditions placed on the No Further Remediation Letter~~
  - ~~3) — The time and location of the hearing;~~
  - ~~4) — The purpose of the hearing;~~
  - ~~5) — A concise statement of the issues to be considered at the hearing; and~~
  - ~~6) — A brief description of the procedures to be followed at the hearing~~
- ~~e) — The Agency may hold a public hearing covering more than one application for a No Further Remediation Letter at the same time.~~

CITIZENS FOR A BETTER ENVIRONMENT

By:   
(One of its Attorneys)

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