

ILLINOIS POLLUTION CONTROL BOARD

June 17, 2021

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-26
SUBTITLE F: PUBLIC WATER SUPPLY) (Rulemaking – Public Water Supply)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (By B.F. Currie):

The Board opened this docket to amend its public water supply rules (35 Ill. Adm. Code 601, 602, 603, 607, 615, 616, 617, 618, and 620). Today, for public comment, the Board proposes non-substantive amendments to ensure the rules are current, clear, and concise. In this opinion and order, the Board provides background on the rulemaking’s objectives, discusses the proposed amendments, requests comment, and concludes with information on how the rulemaking will proceed.

BACKGROUND

In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. Under that on-going initiative, the Board has completed seven rulemakings, updating its rules on noise, biological materials, mine-related water pollution, Right-to-Know, and procedure.¹

On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update the Board’s environmental rules across multiple media and subject areas, including Parts 611, 615, 616, and 617 of the Board’s public water supply rules. IEPA considers its proposed amendments to be non-substantive. Clean-Up Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 100 (Clean-Up Amendments, R18-21, slip op. at 2 (Feb. 8, 2018)). The Board accepted IEPA’s proposal for hearing by order on February 8, 2018. *Id.*

¹ See Amendments to 35 Ill. Adm. Code Subtitle D: Mine-Related Water Pollution, R18-24 (Sept. 19, 2019); Amendments to 35 Ill. Adm. Code Subtitle O: Right-to-Know, R18-30 (Sept. 19, 2019); Amendments to 35 Ill. Adm. Code Subtitle M: Biological Materials, R18-29 (Aug. 22, 2019); Proposed Amendments to General Procedural Rules (35 Ill. Adm. Code 101), R19-19 (Aug. 22, 2019); Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018); Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 130, R17-18 (June 22, 2017); Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17 (May 19, 2016).

On March 22, 2018, the Board split IEPA’s proposal into eight dockets. Clean-Up Amendments, R18-21, slip op. at 1 (Mar. 22, 2018). Each of the eight dockets was dedicated to considering non-substantive rule amendments within a different Subtitle of Title 35 of the Illinois Administrative Code. *Id.* at 1-2. This docket, R18-26, is one of those eight dockets and concerns only Subtitle F (public water supply), which consists of Part 601, 602, 603, 607, 615, 616, 617, 618, and 620. *Id.* at 1; *see also* Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supply, R18-26, slip op. at 1 (Mar. 22, 2018).

The rule amendments proposed by the Board in this order consist of both IEPA’s amendments and additional amendments identified by the Board.

SUMMARY OF PROPOSED AMENDMENTS

The Board’s public water supply rules contain the requirements necessary for owners and official custodians of public water supplies in the State to provide, “continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.” 35 Ill. Adm. Code 601.101(a).

The Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. IEPA proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations. Further explanation of IEPA’s proposed changes can be found in the initial filing in this matter. Clean-Up Amendments, R18-21, at 27-29 (Jan. 10, 2018).

PUBLIC COMMENT

The Board welcomes public comment from any participant on any aspect of its proposal.

The Board requests that IEPA comment on the following:

1. In Section 615.102, Definitions, the definition of “certification” is vague. Should it be deleted or updated? If it should be updated, how should it be revised?
2. Also in Section 615.102, should the definition of “waste” be updated to reflect the current statutory definition?
3. In Section 615.402, Required Closure of Units Located within Minimum Setback Zone, describes closure actions that must occur three years after the effective date of this Part. Should the second sentence of this section be deleted as that time frame has passed?
4. In Section 615.702(b), Required Closure of Units Located within Minimum Setback Zone, describes closure actions that must occur three years after the effective date of this Part. Should subsection (b) be deleted as that time frame has passed?

5. Should Section 617.215, Recharge Area Registration Meeting, identifies an informational meeting that must be held within 30 days after September 1, 2001. Should this section be deleted as being obsolete?
6. Section 618.100 describes the purpose of the Part. Section 618.200, within the same part, also describes the purpose. Should Section 618.200 be deleted as repetitive?
7. Section 620.125 lists an incorporation by reference for “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”. The Board has proposed a revision to this reference in the addendum to this order but notes that USEPA’s website no longer gives direct access to printed versions of SW-846 or updates in PDF format. The website now directs to the National Technical Information Service for printed versions, however the linked website does not currently work. Should the reference for this test method be changed, and if so, how?

Public comments must be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website (pcb.illinois.gov). The comment should indicate the docket number for this rulemaking, R18-26. Questions about filing comments can be directed to the Clerk’s Office at (312) 814-3461. Public comments and other filings with the Clerk must be served on the hearing officer and on those persons on the Service List for this rulemaking. The current version of the Service List for R18-26 is available on COOL.

CONCLUSION

The Board proposed these non-substantive amendments to the public water supply rules for public comment without submitting them to first-notice publication in the *Illinois Register*. The proposed amendments appear in the addendum to this opinion and order. The proposed additions are underlined and the proposed deletions are stricken through. The Board intends to hold two hearings on this proposal, by videoconference in Chicago and Springfield. *See* 35 Ill. Adm. Code 101.600(b), 102.114. Interested persons should contact the hearing officer (Vanessa.Horton@Illinois.gov) to be added to this docket’s Notice List or Service List.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board