

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R15-06
SDWA UPDATE, USEPA AMENDMENTS)	
(January 1, 2014 through June 30, 2014))	(Identical-in-Substance
)	Rulemaking - Public Water Supply)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Illinois EPA's APPEARANCE and ILLINOIS EPA'S COMMENTS for the above captioned rulemaking, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

DATED: December 31, 2014

1021 N. Grand Ave. East
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(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R15-06
SDWA UPDATE, USEPA AMENDMENTS)	
(January 1, 2014 through June 30, 2014))	(Identical-in-Substance
)	Rulemaking - Public Water Supply)

APPEARANCE

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

Joanne M. Olson #6293500
Illinois Environmental Protection Agency
Division of Legal Counsel
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R13-2
SDWA UPDATE, USEPA AMENDMENTS)
(January 1, 2012 through June 30, 2012, July) (Identical-in-Substance
2, 2012, and July 25, 2012)) Rulemaking - Public Water Supply)

ILLINOIS EPA'S COMMENTS

NOW COMES the Illinois Environmental Protection Agency, (Illinois EPA or Agency) by and through its counsel, and hereby submits its Comments for the above captioned rulemaking.

1) On November 6, 2014, the Illinois Pollution Control Board (Board) issued its Opinion and Order proposing amendments to Part 611 that are identical in substance to drinking water regulations adopted by the United States Environmental Protection Agency (U.S. EPA).

2) On November 21, 2014, the Board published Notice of Proposed Amendments for the above captioned rulemaking in the Illinois Register. The public comment period expires on or about January 5, 2015.

3) On December 2, 2010, the Board issued an Order and Opinion in SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)(Consolidated R10-17, and 11-6), R2010-001. In this rulemaking, in Section 611.531(a)(2)(D)(vi) the Board "[i]ncluded the approved alternative methods in the main listing together with the methods that USEPA approved" Board Opinion, R2010-001, at 24 (December 2, 2010). Currently, subsection (vi) states: "LED nephelometry (online): Mitchell Method M5331 or AMI Turbiwell Method." The Agency requests that this subsection be divided into two separate subsections. The Agency

believes naming two separate methods in one subsection causes confusion, especially since subsections (i) –(v) and (vii) each names a single method.

4) On November 25, 2014, the Illinois EPA received comments from U.S.EPA, Region 5, regarding the Board's adoption of U.S. EPA's Radiological Contaminants Rule (Rad Rule), 65 Fed. Reg. 76708 (December 7, 2000); see Board rulemaking R2001-20. The Agency now attaches Region 5's comments as Attachment A.

5) Specifically, Region 5 asserts that the Board's rule is not identical-in-substance to the federal rule in two instances and requests Illinois EPA make a commitment to change the Board's rule.

6) Therefore, the Illinois EPA respectfully requests the Board change Section 611.732(b)(2) and Section 611.130(f)(6) as suggested by Region 5 in Attachment A.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING; APPEARANCE; and ILLINOIS EPA'S COMMENTS upon persons listed on the Service List by mailing, unless otherwise noted on the Service List, a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on December 31, 2015.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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NOV 25 2014

REPLY TO THE ATTENTION OF:
WG-15J

Mr. Dave McMillan, Manager
Division of Public Water Supplies
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Review of the Illinois Primacy Application for the Radiological Contaminants Rule

Dear Mr. McMillan:

I appreciate your submittal of the primacy package for the Radiological Contaminants Rule (Rads Rule). The U.S. EPA is working on granting Illinois primacy for the Rads Rule and has identified a few areas where the Illinois Rule does not appear to be identical in substance to the federal rule. We request that you address the two items identified in the attachment in writing, and respond with a commitment to make changes to the Illinois Rule in order to make them identical in substance to the Rads Rule.

We at Region 5 understand that this rule is currently being implemented, consistent with the federal rule. Therefore, these minor modifications may be made to the state rule the next time that Illinois EPA's drinking water program revises its rules and the Illinois Pollution Control Board begins a new rulemaking cycle.

Thank you for your attention to this matter, and I look forward to your response. If you have any further questions, you may contact Michele Palmer of my staff at 312-353-3646 or palmer.michele@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Thomas Poy".

Thomas Poy, Chief
Ground Water and Drinking Water Branch

Attachment

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DEC 01 2014

DIVISION OF PUBLIC WATER SUPPLIES
ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

Cc: Michele Palmer
Janet Kuefler

Item No.	Federal Rule	State Rule	Comment
1.	§141.26 (b)(ii) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the State, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.	Section 611.732 (b)(2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.	<p>It is USEPA's interpretation that the word "may" is not as stringent as the word "shall" in the federal rule. The Rule's intent is that more frequent monitoring must be ordered by the State when iodine-131 is identified in the finished water. It was not meant to be an option of the State.</p> <p>Suggested rewording: "More frequent monitoring must be conducted, as specified by the Agency, pursuant to a SEP issued under Section 611.110 for iodine-131, where it is identified in the finished water."</p>
2.	142.65(a)(6) Community water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of §141.66 of this chapter must meet the requirements specified in either §142.62(g)(1) or §142.62(g)(2) and (g)(3).	611.130 (f)(6) Special Requirements for Certain Variances and Adjusted Standards Subsection (f)(6) A CWS supplier that uses bottled water as a condition for receiving relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330 must meet the requirements specified in either subsections (d)(1) through (d)(3) or (d)(4) through (d)(6) of this Section.	<p>The USEPA intent of this requirement is that sufficient quantities of bottled water, as described in subsection (d)(6), are available from the public water system, whether the water system uses the provisions of subsection (d)(1), (d)(2) and (d)(3) or the provisions of (d)(4) and (d)(5)</p> <p>Suggested rewording: ". . . Section 611.330 must meet the requirements specified in either subsections (d)(1), (d)(2), (d)(3), and (d)(6) or (d)(4), (d)(5), and (d)(6) of this Section." (This wording currently appears in the state rule at 611.130(d).)</p>

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DEC 31 2014

DIVISION OF PUBLIC WATER SUPPLIES
 ENVIRONMENTAL PROTECTION AGENCY
 STATE OF ILLINOIS

