

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO PRIMARY) R15-
DRINKING WATER STANDARDS:) (Rulemaking - Public Water Supply)
35 ILL. ADM. CODE 611)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Illinois EPA's MOTION FOR EMERGENCY 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: May 20, 2015

Joanne M. Olson #6293500
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

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NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its counsel, and hereby requests that the Illinois Pollution Control Board ("Board") adopt the Agency's proposed fluoridation requirement as an emergency rule pursuant to the Board's authority under Section 27(c) of the Environmental Protection Act ("Act") (415 ILCS 5/17, 27, and 28), Section 5-45 of the Illinois Administrative Procedure Act (IAPA) and 35 Ill. Adm. Code 102.612. In support therefore, the Illinois EPA states as follows:

1) On May 19, 2015, the Illinois EPA filed the instant rulemaking proposal, requesting the Board amend the fluoridation requirement pursuant to a federal fluoridation recommendation and to reinstate the secondary standard for fluoride that was inadvertently deleted by the Board in R2001-07. In support of this rulemaking, the Illinois EPA submitted a Statement of Reasons, Motion for Acceptance, Motion for Expedited Review, Certification of Origination and Proposed Amendments to Part 611.

2) The Agency's proposed rulemaking was prompted by the May 1, 2015 recommendation by the United States Department of Health and Human Service (HHS) regarding optimal fluoridation. HHS's new recommendation is community water supplies that add fluoride must maintain a concentration of 0.7 mg/l.

3) The Board's current fluoride concentration, 0.9 to 1.2 mg/l, is based on HHS's previous recommendation.

4) The Public Water Supply Regulation Act, 415 ILCS 40/7a, requires the Illinois Department of Public Health (IDPH) to adopt regulations requiring the addition of fluoride based on the recommendation on optimal fluoridation for community water levels as proposed and adopted by the HHS.

5) Until the Board changes its fluoride requirement found in Section 611.125, community water supplies across the state will be required to maintain a fluoride concentration between 0.9 to 1.2 mg/l despite the HHS recommendation and any regulations promulgated by the IDPH.

6) The Illinois EPA regulates 1,744 community water supplies. Approximately 817 of these community water supplies add fluoride to their water to meet Section 611.125.

7) Illinois EPA projects that the above captioned rulemaking will reduce or eliminate costs associated with fluoride addition. Community water supplies that add fluoride could see a reduction of 20% to 30% in the cost of their chemical addition for fluoride.

8) A moderately sized surface water treatment plant that currently adds fluoride could save \$8,000 to \$10,000 per year. A large private utility estimates that revising the standard will save them approximately \$150,000 per year. The City Chicago estimates a cost savings of almost \$1,000,000 a year.

9) Given the number and sizes of community water supplies that add fluoride to meet existing Section 611.125, the Illinois EPA estimates \$2,100,000 savings per year statewide.

10). The Board is authorized to adopt emergency rules when the Board finds that a situation exists which reasonably constitutes a threat to the public interest, safety, or welfare. 415 ILCS 5/27(c); 100 ILCS 5/45; 35 Ill. Adm. Code 102.612.

11. The Illinois EPA believes that the Board's rulemaking process, even if expedited, may take up to six months or more. Delaying the effectiveness of the new fluoride requirement in Section 611.125 by six months will cost community water supplies approximately \$1,050,000. The majority of community water supplies are publically owned and supported by tax payer dollars. The remainder are mostly privately owned waters supplies that serve public customers. Continued increased fluoridation costs for all these community water supplies reasonably constitutes a threat to the public interest or welfare.

WHEREFORE, the Illinois EPA asks the Board to adopt the Agency's proposed fluoridation requirement in Section 611.125 as an emergency rule

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/s/Joanne M. Olson

Joanne M. Olson

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