

ILLINOIS POLLUTION CONTROL BOARD

June 4, 2015

IN THE MATTER OF: )  
)  
AMENDMENTS TO PRIMARY DRINKING ) R15-23  
WATER STANDARDS ) (Rulemaking - Water)  
35 ILL. ADM. CODE 611 )

CONCURRING OPINION (by J.A. Burke):

I concur in the majority opinion issued today because I agree with the Board’s decisions to accept the rulemaking proposal and expedite the Board’s review of the proposal. I also agree with the Board’s decision to reserve ruling on the motion to adopt an emergency rule pending additional support for the request.

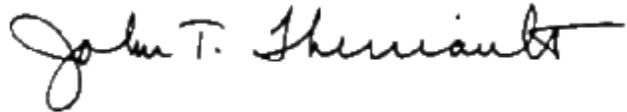
The Board may adopt an emergency rule when it finds that a situation exists “which reasonably constitutes a threat to the public interest, safety or welfare.” 415 ILCS 5/27(c) (2014). The Illinois Environmental Protection Agency (IEPA) states in its motion that the majority of community water supplies are publicly owned and supported by taxpayer dollars, and that increased fluoridation costs for community water supplies constitute a threat to the public interest or welfare. My colleagues present a series of thoughtful questions which may yield useful information at some point in this rulemaking process. However, I view the questions posed to IEPA as going beyond the information needed to determine whether an emergency exists. IEPA answers to Questions 1, 2, 3, and 4 of the majority opinion are relevant to whether an emergency exists. However, Question 5 is not relevant to IEPA’s argument that increased fluoridation costs for community water supplies constitute a threat to the public interest or welfare.



---

Jennifer A. Burke

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion on June 4, 2015.



---

John T. Therriault, Clerk  
Illinois Pollution Control Board