

ILLINOIS POLLUTION CONTROL BOARD

June 22, 2017

IN THE MATTER OF: )  
SDWA UPDATE, USEPA AMENDMENTS ) R17-12  
(July 1, 2017 through December 31, 2017) ) (Identical-in-Substance  
) Rulemaking - Public Water Supply)

ORDER OF THE BOARD (by C.M. Santos):

On June 22, 2017, the Board proposed amendments to its public water supplies regulations (35 Ill. Adm. Code 611) that are “identical in substance” to regulations adopted by the United States Environmental Protection Agency. The proposal was published in the *Illinois Register* on July 21, 2017 (41 Ill. Reg. 9171-9915), which began a 45-day period until September 5, 2017, to file public comments.

On August 31, 2017, the Illinois Environmental Protection Agency (IEPA) filed a motion to extend the comment deadline (Mot). The Agency characterizes the Board’s proposed amendments as voluminous and the Board’s primary drinking water standards as complex. Mot at 1-2. IEPA states that this combination resulted in having insufficient time to review the changes and prepare comments. *Id.* at 2.

IEPA adds that it is preparing a proposal to amend Part 611. *Id.* IEPA had anticipated submitting the proposal in the fall of 2017 and states that it needs additional time to prepare its proposal and coordinate its efforts with the Board’s. *Id.*

IEPA requests a 45-day extension of the deadline to file comments. Mot. at 2.

In its order proposing amended regulations, the Board noted its deadline to complete this rulemaking by July 19, 2017. SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016), R17-12, slip op. at 1 (June 22, 2017). However, the Board stated that the considerable time and effort required to review the regulations and prepare a proposal had resulted in unavoidable delay. *Id.* at 2. Consequently, the Board found that the deadline was not sufficient to complete its rulemaking and extended its deadline to October 31, 2017. *Id.*, citing 415 ILCS 5/7.2(b) (2016).

Based on factors cited in IEPA’s motion, the Board grants the motion and extends the comment deadline for 45 days to October 19, 2017. Having granted this extension, the Board finds that its October 31, 2017 deadline to complete this rulemaking is insufficient and sets a new due date. Accepting public comments no later than October 19, 2017 will allow completion of the rulemaking by the end of December 2017, barring unforeseen delays. The Board intends to follow the schedule below to complete this rulemaking:

Date of Board vote to propose amendments:	June 22, 2017
<i>Illinois Register</i> publication:	July 21, 2017
End of extended comment period:	October 19, 2017
Date of Board vote to adopt amendments:	November 16, 2017
Possible filing and effective date of rules:	November 30, 2017
Possible <i>Illinois Register</i> publication date:	December 15, 2017

This intended schedule includes some additional time to allow for unforeseen delays. The Board expects to complete this rulemaking no later than December 31, 2017.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion on September 7, 2017, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board