



OFFICE OF THE SECRETARY OF STATE

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January 10, 2020

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STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 44, Issue 3 of the Illinois Register, dated 1/17/2020.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information

Point of Contact: Mike McCambridge

1722

PROPOSED RULES

Primary Drinking Water Standards

35 Ill. Adm. Code 611

Point of Contact: Mike McCambridge

692

If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

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NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] requires the Illinois Pollution Control Board (Board) to adopt regulations that are “identical in substance” to regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a)). The NPDWRs implement these sections of SDWA. SDWA regulations are found at 40 C.F.R. 141 through 143.

Section 17.5 also provides that Title VII of the Act [415 ILCS 5/26 *et seq.*] and Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] do not apply to the Board’s adoption of identical-in-substance regulations.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On December 19, 2019, the Board adopted an order in docket R19-16 that set forth reasons for delay in updating 35 Ill. Adm. Code 611. In that order, the Board stated as follows:

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds it necessary to set forth reasons for delay and again extend the due date for final Board adoption of amendments.

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2018)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the date USEPA approved additional methods, the Board’s deadline to adopt final rules in this docket was October 12, 2018. Fulfilling that deadline was not possible. For the reasons below, the Board cannot adopt amendments before October 12, 2019. The Board finds it necessary to extend the date for completion until March 31, 2020.

The Board encountered unanticipated delay in development of this proposal for public comment. The volume and complexity of the amendments and unexpected shortage in staff resources delayed this proposal. Significantly, the Board found restructuring the incorporations by reference and changing the naming scheme for analytical procedures were necessary to simplify the rules. Further, unanticipated illness-and injury-related absences of Board staff working

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on the proposal caused further delay. The Board now anticipates completion of the present amendments no later than March 31, 2020.

TIMETABLE TO COMPLETE RULEMAKING

Adopting this proposal for public comment today will allow the Board to complete this rulemaking by March 31, 2020, barring unforeseen delays. The Board intends to adhere the following schedule:

Board order proposing amendments:	December 19, 2019
Submission for <i>Illinois Register</i> publication:	December 30, 2019
Estimated <i>Illinois Register</i> publication:	January 10, 2020
Estimated End of 45-day public comment period:	February 24, 2020
Board order adopting amendments:	March 5, 2020
Estimate of when rules take effect:	March 16, 2020
Estimated <i>Illinois Register</i> publication:	March 27, 2020

Extending the date completion until March 31, 2020 adds slight extra time to allow for unforeseen delays.