

From: [Knudson, Cheryl J.](#)
To: [McGill, Richard](#)
Cc: [Eastvold, Jonathan C.](#)
Subject: [External] RE: First Notice Documents from JCAR
Date: Wednesday, May 25, 2022 4:00:11 PM
Attachments: [35-603NT-P JCAR.docx](#)
[35-603RG-P r01 \(46-22\).docx](#)
[Redline - 35-603RG-P Agency \(delta-ck\) and 35-603RG-P r01 \(46-22\).pdf](#)

First Notice documents are attached for your review:

- [Notice Page](#)
- **Ist Notice** – [Numbered Line Version](#)
- [Agency vs. JCAR r01](#)

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524-9010.

Thank you,
Cheryl

Cheryl Knudson
Joint Committee on Administrative Rules
Illinois General Assembly
700 Stratton Building
Springfield, IL 62706

217.785.8993
cherylk@ilga.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ownership and Responsible Personnel
- 2) Code Citation: 35 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
603.101	Amendment
603.103	Amendment
603.104	Amendment
603.105	Amendment
603.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking pertains to the Board's public water supply rules and contain the requirements necessary for owners and official custodians of public water supplies in the State to provide, "continuous operation and maintenance of public water supply facilities to assure that the water is safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption." 35 Ill. Adm. Code 601.101(a). In this rulemaking, the Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. The rulemaking also proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-26 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-26 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
 - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 603
OWNERSHIP AND RESPONSIBLE PERSONNEL

Section

- 603.101 Ownership
- 603.102 Administrative Contact
- 603.103 Responsible Operator in Charge
- 603.104 Exempt Community Water Supply
- 603.105 Notification of Change of Ownership or Responsible Operator in Charge

603.APPENDIX A References to Former Rules (Repealed)

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6853, effective April 15, 2016; amended in R18-26 at 46 Ill. Reg. _____, effective _____.

Section 603.101 Ownership

- a) To assure the continued maintenance and operation of community water supplies, each supply must be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.
- b) The body exercising direct supervision over a community water supply ~~must~~ shall file with the Agency a statement of ownership before ~~starting~~ commencing construction of any community water supply facility.
- c) The body filing a statement of ownership under subsection (b) ~~will~~ shall be considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in ~~compliance~~ accordance with Section 603.105.
- d) The owner or official custodian and the Responsible Operator in Charge designated ~~under Section pursuant to Sections~~ 603.103 must be jointly accountable for the proper operation of the community water supply.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 603.103 Responsible Operator in Charge

- a) Under the Public Water Supply Operations Act, *all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge.* [415 ILCS 45/1].
- b) Each community water supply, unless exempted under Section 603.104, must designate:
 - 1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or
 - 2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.
- c) The Responsible Operator in Charge must be a certified operator, qualified and registered in compliance accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.
- d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency under pursuant to 35 Ill. Adm. Code 681.1015.
- e) The owner or official custodian and the Responsible Operator in Charge must file a signed statement identifying the Responsible Operator in Charge on Agency forms provided by the Agency.
- f) *Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge.* [415 ILCS 45/1.1(a)]
- g) Responsible Operator in Charge must submit to the Agency, *in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results.* [415 ILCS 45/1.1(b)(3)]

1st Notice

JCAR350603-2208669r01

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 603.104 Exempt Community Water Supply

~~Under Pursuant to~~ Section 9.1 of the Public Water Supply Operations Act, a community water supply is not required to have a Responsible Operator in Charge if it:

- a) *consists only of distribution and storage facilities and does not have any collection and treatment facilities;*
- b) *obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;*
- c) *does not sell water to any person; and*
- d) *is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.2]*

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge

- a) Within 15 days after any change in ownership of a community water supply, the new owner must notify the Agency, on Agency forms ~~supplied by the Agency~~, of changes in ownership.
- b) Within 15 days after any change in the Responsible Operator in Charge, the owner or official custodian and the new Responsible Operator in Charge must notify the Agency, on Agency forms ~~supplied by the Agency~~, of the changes in responsible personnel.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

1st Notice

JCAR350603-2208669r01

121 **Section 603.APPENDIX A References to Former Rules (Repealed)**

122
123 The following table is provided to aid in referencing former Board rule numbers to section
124 numbers pursuant to codification.

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Chapter 6: Public Water Supplies	35 Ill. Adm. Code
Part III: Operation and Maintenance	Part 603
Rule 301	Section 603.101
New	Section 603.102
Rule 302	Section 603.103
New	Section 603.104
Rule 303	Section 603.105

126
127 (Source: Repealed at 46 Ill. Reg. _____, effective _____)



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0 TITLE 35: ENVIRONMENTAL PROTECTION
1 SUBTITLE F: PUBLIC WATER SUPPLIES
2 CHAPTER I: POLLUTION CONTROL BOARD
3

4 PART 603
5 OWNERSHIP AND RESPONSIBLE PERSONNEL
6

7Section

- 8603.101 Ownership
- 9603.102 Administrative Contact
- 10603.103 Responsible Operator in Charge
- 11603.104 Exempt Community Water Supply
- 12603.105 Notification of Change of Ownership or Responsible Operator in Charge

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15603.APPENDIX A: References to Former Rules (Repealed)

16

17AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental
18Protection Act [415 ILCS 5/17 and 27].

19

20SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg.
2111497, effective September 14, 1982; amended in R96-18 at 21 Ill. Reg. 6558, effective May 8,
221997; amended in R15-22 at 40 Ill. Reg. 6853, effective April 15, 2016; amended in R18-26 at
2346 Ill. Reg. , effective .

24

25**Section 603.101 Ownership**

26

27 a) To assure the continued maintenance and operation of community water supplies,
28 each supply must be under the individual direct supervision of a municipal or
29 private corporation, individual private ownership, or a regularly organized body
30 governed by a constitution and by-laws requiring regular election of officers.

31

32 b) The body exercising direct supervision over a community water supply must file
33 with the Agency a statement of ownership before starting construction of any
34 community water supply facility.

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36 c) The body filing a statement of ownership under subsection (b) will be considered
37 to be the owner of the community water supply until such time as a notification of

POLLUTION CONTROL BOARD

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38 change of ownership is received, in compliance with Section 603.105.

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40 d) The owner or official custodian and the Responsible Operator in Charge
41 designated under Section 603.103 must be jointly accountable for the proper
42 operation of the community water supply.

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44 (Source: Amended at 46 Ill. Reg. , effective)

45

46 Section 603.103 Responsible Operator in Charge

47

48 a) Under the Public Water Supply Operations Act, *all portions of a community water*
49 *supply system must be under the direct supervision of a Responsible Operator in*
50 *Charge.* [415 ILCS 45/1].

51

52 b) Each community water supply, unless exempted under Section 603.104, must
53 designate:

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55 1) one Responsible Operator in Charge who directly supervises both the
56 treatment and distribution facilities of the community water supply; or

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58 2) one Responsible Operator in Charge who directly supervises the treatment
59 facilities of the community water supply and one Responsible Operator in
60 Charge who directly supervises the distribution facilities of the community
61 water supply.

62

63 c) The Responsible Operator in Charge must be a certified operator, qualified and
64 registered in compliance with the Public Water Supply Operations Act and 35 Ill.
65 Adm. Code 681.

66

67 d) The Responsible Operator in Charge must be on the community water supply's
68 operational staff or be providing services to the community water supply under a
69 contract approved by the Agency under 35 Ill. Adm. Code 681.1015.

70

71 e) The owner or official custodian and the Responsible Operator in Charge must file
72 a signed statement identifying the Responsible Operator in Charge on Agency
73 forms .

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76 f) *Each individual who is a Responsible Operator in Charge for a community water*
77 *supply is jointly accountable with the owner of the community water supply for*
78 *the proper operation of the portions of the community water supply over which he*
79 *or she has been designated as the Responsible Operator in Charge. [415 ILCS*
80 *45/1.1(a)]*

81
82 g) *Responsible Operator in Charge must submit to the Agency, in accordance with*
83 *Board rules, consumer confidence reports, monthly operating reports, and*
84 *drinking water compliance monitoring results, such as corrosion control reports*
85 *and monitoring results. [415 ILCS 45/1.1(b)(3)]*

86
87 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

88
89 **Section 603.104 Exempt Community Water Supply**

90
91 Under Section 9.1 of the Public Water Supply Operations Act, a community water supply is not
92 required to have a Responsible Operator in Charge if it:

93
94 a) *consists only of distribution and storage facilities and does not have any*
95 *collection and treatment facilities;*

96
97 b) *obtains all of its water from, but is not owned or operated by, a community water*
98 *supply that is required to employ a Class A, Class B, Class C, or Class D*
99 *community water supply operator;*

100
101 c) *does not sell water to any person; and*

102
103 d) *is not a carrier that conveys passengers in interstate commerce. [415 ILCS*
104 *45/9.2]*

105
106 (Source: Amended at 46 Ill. Reg. ~~—~~ _____, effective _____)

107
108 **Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge**

109
110 a) *Within 15 days after any change in ownership of a community water supply, the*
111 *new owner must notify the Agency, on Agency forms, of changes in ownership.*

112
113 b) *Within 15 days after any change in the Responsible Operator in Charge, the*

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114 owner or official custodian and the new Responsible Operator in Charge must
115 notify the Agency, on Agency forms , of the changes in responsible personnel.

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117 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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119Section 603.APPENDIX A References to Former Rules (Repealed)

120

122 (Source: Repealed at 46 Ill. Reg. ~~—~~ _____, effective _____)

Document comparison by Workshare Compare on Wednesday, May 25, 2022
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Input:	
Document 1 ID	file:///I:/Input/Agency Rulemakings - Files Received\2022\Volume 46, Issue 22\35-603RG-P Agency (delta-ck).docx
Description	35-603RG-P Agency (delta-ck)
Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2022\Volume 46, Issue 22\35-603RG-P r01 (46-22).docx
Description	35-603RG-P r01 (46-22)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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Deletions	9
Moved from	0
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Total changes	18
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