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JUN - 5 1995
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 SAFE DRINKING WATER ACT)
 UPDATE, LEAD AND COPPER) R94-23
 RULES CORRECTIONS, January 31) (Identical-in-Substance Rules)
 through June 30, 1994) (Public Water Supplies)
)
)
 IN THE MATTER OF:)
)
 SAFE DRINKING WATER ACT)
 UPDATE, LEAD AND COPPER) R95-3
 RULES CORRECTIONS, July 1) (Identical-in-Substance Rules)
 through December 31, 1994) (Public Water Supplies)
)

P.C. #3

N O T I C E

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Michael McCambridge
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and nine copies of the MOTION TO FILE SUPPLEMENT TO COMMENT and SUPPLEMENT of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: Connie L. Tonsor
Connie L. Tonsor
Assistant Counsel
Division of Legal Counsel

Date: June 1, 1995
Agency File #: 294-93

Illinois Environmental
Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

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MOTION TO FILE SUPPLEMENT TO COMMENT and
SUPPLEMENT

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Agency") by its attorney, Connie L. Tonsor, and hereby presents its MOTION TO FILE SUPPLEMENT TO COMMENT and SUPPLEMENT ("SUPPLEMENT") on the proposed rules in the above-referenced proceeding.

1. On March 16, 1995, the Illinois Pollution Control Board ("Board") issued the opinion and order in the above-captioned matter. The Board invited public comments on R94-23 and R95-3.

2. On May 15, 1995, the Agency filed its comments on the proposal.

3. While reviewing the federal correction dockets that were the source of R94-23 and R95-3, the Agency noted two substantive questions that required clarification from U. S. EPA (See pages 10-11 of the May 15, 1995 Comment). The Agency contacted U. S. EPA personnel on May 10 and 11, 1995 regarding its concerns.

4. The Agency in the May 15, 1995 Comment noted that it

would file a Supplement when it received a response from U. S. EPA. The Agency had previously discussed this procedure with the Board.

5. The Agency received a response from U. S. EPA and is attaching that response as the **SUPPLEMENT TO COMMENT**.

6. Acceptance of the **SUPPLEMENT TO COMMENT** will enable the Board to clarify its language and provide additional information for the regulated community.

WHEREFORE, the Agency respectfully requests that the Board accept the **SUPPLEMENT TO COMMENT** pursuant to 35 Ill. Adm. Code 102.345.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Connie L. Tonsor
Assistant Counsel

Date: June 1, 1995

Connie L. Tonsor
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

MEMORANDUM

RECEIVED

Division of Legal Counsel

MAY 30 1995

DATE: May 30, 1995

TO: R94-23 and R95-3 Regulatory Docket Files

FROM: Lou Allyn Byus

Lou Allyn Byus

FAX: 217/782-0075

Phone: 217/782-1020 Agency

SUBJECT: Analytical Methods Questions

On May 26, 1995, Paul Berger of the U. S. EPA Drinking Water Regulatory Branch responded to the Illinois inquiry regarding the December 1994 Analytical Methods Federal Register. It is recommended that the following be added to the Opinion Section of the Illinois docket to clarify the rulemaking for both Identical in Substance and Primacy Crosswalk purposes.

The Agency noted two discrepancies without explanation in either the Federal Preamble, 59 Fed. Reg. 232, December 5, 1994, or the Illinois Pollution Control Board Opinion dated March 16, 1995. These discrepancies occur in Section 611.526. The footnote numbered "4" in the chart located in 40 CFR 141.21(f)(3) is included for both Total Coliform Fermentation Technique and the Presence-Absence Test. U. S. EPA states that inclusion is appropriate.

The second discrepancy occurs when comparing the Total Coliform analytical methods table located in 40 CFR 141.21(f)(3) ("§141.21") with the analytical and monitoring requirements table listed in 40 CFR 141.74(a)(1), which was reproduced from the October 1994 *Technical Notes on Drinking Water Methods*, EPA600/R-94-173, page 12. The table in §141.21(f)(3) incorporates the Colisure Test, and includes the Presence-Absence Test. These two methods are missing from §141.74(a)(1). U.S. EPA indicates that it was their intent to delete those methods, as §141.74 requires enumeration for the surface water treatment rule, but not for the total coliform rule, as only Presence/Absence is used to determine compliance. (Mr. Berger indicated that it would be acceptable to use an enumerated test for compliance purposes if any one "presence" was interpreted as "Presence", but that it is not expected that this will occur. It is not clear whether or not the exclusion of the methods specifying enumeration in §141.21 would preclude or prevent the procedure from being used for compliance purposes on any given sample.) U.S. EPA informs the Agency that Colisure sought and received approval for use in finished water only; therefore, the raw water testing cited in the surface water treatment rule cannot utilize Colisure. Further, U. S. EPA indicates that the Total Coliform Fermentation Technique citation of methods 9221A,B in §141.21(f)(3), and methods 9221A, B and C in §141.74(a)(1) was deliberate. U.S. EPA again indicates that the difference is in the requirement to enumerate in the surface water rule, but not in the total

coliform rule. Based upon these clarifications, the Agency recommends explanation in the Board Notes to prevent confusion to the regulated community, and during the primacy approval process.

Mr. Berger further indicates that a correction notice is being prepared and will add the information to Footnote 1 of both tables that U. S. EPA encourages but does not require that sample temperature be held below 5° during transit. In addition, Footnote 2 of §141.21(f)(3) and Footnote 3 of §141.74(a)(1) will be amended to include the statement that both false positive and false negative rates for total coliforms, using lactose broth, must be less than 10%.

§143.4(b) appears to contain Standard Methods references which are incorrect. Dick Redding, U. S. EPA Cincinnati, stated that the superscripts are frequently but not always left off of most contaminant indications from Standard Methods. The Methods are listed as follows: 4500-SO₄-F, 4500-SO₄-C, and 4500-SO₄-D. In order to accurately reference these methods, the correct listings should be included, as follows: 4500-SO₄²-F, 4500-SO₄²-C and 4500-SO₄²-D. Correction needs to be made in the text, and possibly an explanatory note added to the Board Opinion.

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **MOTION TO FILE SUPPLEMENT TO COMMENT and SUPPLEMENT** upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Michael McCambridge
Illinois Pollution Control Board
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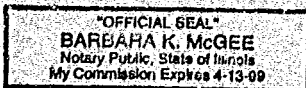
and mailing it from Springfield, Illinois on June 1, 1995, with sufficient postage affixed first class mail.

Mary Grace Given

SUBSCRIBED AND SWORN TO BEFORE ME

this 1st day of June, 1995.

Barbara K. McGee
NOTARY PUBLIC



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)
COUNTY OF SANGAMON)

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Barbara K. McGee

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