

Original to Mr. Honig

RECEIVED
MAY 17 1995
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

ILLINOIS POLLUTION CONTROL BOARD

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

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

P.C. #2

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 APPEARANCE and COMMENT 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: May 15, 1995
Agency File #: 294-93

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

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A P P E A R A N C E

The undersigned, as one of its attorney, hereby enters an Appearance on behalf of Respondent, Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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

DATED: May 15, 1995

Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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R95-3

COMMENT

P.C.# 2

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

The Agency appreciates the opportunity to submit comments to the Board in this proceeding and appreciates the efforts of the Board to clarify and simplify the complex federal language which is the subject of the proceeding.

GENERAL COMMENTS

In 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). The Agency contacted U. S. EPA personnel on May 10 and 11, 1995 regarding its concerns. U. S. EPA has not yet clarified these matters. The Agency will file a supplement to this COMMENT when it receives a response from U. S. EPA.

On May 18, 1995, the Agency contacted the Board and discussed this COMMENT with the Board. Since the Agency had several comments to the analytical methods portion of the docket, the Agency agreed to attach a marked-up copy of the March 16, 1995 Proposed Opinion and Order of the Board (R94-24, R95-3: "March 16, 1995 order") to this COMMENT as an exhibit. This procedure will clarify the COMMENT and facilitate the Board's review of the COMMENT.

SPECIFIC COMMENTS

First, this COMMENT will address issues raised by the Board in its March 16, 1995 opinion. Second, this COMMENT will address matters found in the March 16, 1995 order of the Board that contains the regulatory language. An effort will be made to avoid overlap. Each comment will reference the page number of the opinion or order and the applicable regulation.

1. Page 6, Opinion: The Agency agrees that the Board's amendment of 35 Ill. Adm. Code 611.102 (Hereinafter, referenced by regulatory citation only) to the definition of "transient non-community water system" accurately reflects the language in the Illinois Environmental Protection Act and is consistent with the federal language defining a transient non-community water system, located in 40 CFR 141.2.

Paragraph three, sentence three (the parenthetical sentence) should state that it was not a "community water system. . ." rather than

"waste" system.

The Agency has verified the accuracy of the contaminants listed and agrees that the elimination of cross-referencing makes the regulations more meaningful and useful to the regulated community. The Agency applauds the Board's foresight in including this information in the original identical in substance docket.

The Agency suggests that the listing of U. S. EPA's references in Section 611.102 is so voluminous and complex, due to the current organization of location by availability (e.g., documents available from NTIS are listed under NTIS rather than EPA), that it is difficult to locate the various federal methodology references and document references using this organizational structure. The Agency recommends that the Board adopt the centralized format of U. S. EPA documents, including availability data, but organized by U. S. EPA and the sub-reference to the specific documents. Inclusion of the abbreviated name references begun in Section 611.102(a) should also be completed and include locational referrals.

2. Page 7, Opinion: The Agency agrees that the requirements of 40 CFR 142.16(d) apply to the State's primacy requirements, and need not be included in this rulemaking. The primacy elements described in 40 CFR 142.16(d) are located in the Illinois Public Water Supply Handbook, which is an operations and compliance strategy document required to be revised annually, as a condition