

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL ADM. CODE) R18-26
) (Rulemaking- Public Water Supply)
SUBTITLE F: PUBLIC WATER)
SUPPLY)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board ILLINOIS EPA'S COMMENTS ON THE BOARD'S FINAL OPINION AND ORDER, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Stefanie N. Diers
Stefanie N. Diers
Deputy General Counsel

Date: May 10, 2023

Stefanie N. Diers
Illinois Environmental Protection Agency
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IN THE MATTER OF:)
) R18-26
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking- Public Water
Supply))
SUBTITLE F: PUBLIC WATER)
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ILLINOIS EPA'S COMMENTS

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, ("Illinois EPA" or "Agency") by and through its counsel, submits the following comments in the above captioned rulemaking.

On January 10, 2018, the Agency proposed revision to Subtitle F. The revisions proposed were clean-up amendments to remove obsolete, repetitive, confusing or otherwise unnecessary language only. The Board also stated in its Order of June 17, 2021, they too were reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. In its June 17, 2021 Order, the Board proposed additional amendments to Subtitle F and asked several questions concerning the Agency's proposal. The Agency filed responses to the Board's questions on November 16, 2021. The Agency filed its Post Hearing Comments on January 8, 2022. The Board then issued its First Notice Opinion on May 12, 2022. The Agency filed First Notice Comments with the Board on July 8, 2022. On May 4, 2023, the Board issued his Final Order and Opinion.

The Agency has reviewed the final Order and noticed an error in Part 601.101(b)(3). In the First Notice Opinion and Order the Board had the correct revision:

Concentrations of constituents in finished water must not exceed the secondary MCLs listed in the following chart: ~~should not be exceeded in the finished water.~~¹

However, in the May 4, 2023 Final Opinion and Order the language now reads:

Concentrations of constituents in finished water must not exceed the secondary MCLs listed in the following chart: ~~should not be exceeded in the finished water.~~

It is unclear why this change is now being adopted and more importantly, this sentence is confusing and does not read correctly. The Agency asks this be corrected as found in the July 8, 2022 Opinion.

WHEREFORE, the Agency respectfully requests the Board correct the error found in Part 601.101(b)(3).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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¹ JCAR's second notice version dated April 19, 2023 for part 601 also had the correct language for 35 Ill. Adm. Code 601.101(b)(3).

CERTIFICATE OF SERVICE

Stefanie N. Diers, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING and ILLINOIS EPA'S COMMENTS ON THE BOARD'S FINAL NOTICE OPINION AND ORDER upon persons listed on the Service List, by electronic service and sent to the email addresses designated below on May 10, 2023.

/s/Stefanie N. Diers

Stefanie N. Diers

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