

Board Adopts “Identical-in-Substance” Amendments to Drinking Water Rules

On October 19, 2023, the Board adopted amendments to Illinois’ primary drinking water regulations at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to amendments adopted by the United States Environmental Protection Agency (USEPA) under the federal Safe Drinking Water Act (SDWA) during the second half of 2020 and the first half of 2021. Among its amendments, USEPA revised standards for lead in plumbing fixtures and plumbing materials, adopted the Lead and Copper Rule Revisions (LCRR), and approved new alternative test procedures (ATPs) for demonstrating compliance with the National Primary Drinking Water Regulations.

In addition to the revisions prompted by USEPA’s updates, the Board found more amendments necessary. For example, the Board corrected the Radionuclides Rule. The Board also removed rules made obsolete because they had applied to suppliers that no longer exist in Illinois—namely, unfiltered system suppliers using surface water sources and groundwater under the direct influence of surface water. A supplier using either of these sources now must apply filtration treatment and disinfection to water it provides to the public.

The Board received public comments from USEPA, the Joint Committee on Administrative Rules, and the Illinois Environmental Protection Agency, as well as one comment filed by 15 different environmental, religious, and citizens’ organizations. The Board addressed all the comments in its final opinion and order, a link to which is provided below.

The Board’s rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2020 through December 31, 2020) and SDWA Update, USEPA Amendments (January 1, 2021 through June 30, 2021), dockets R21-10 and R22-2 (consol.). Here are links to (1) the Board’s [opinion and order](#); (2) the Board’s [adopted amendments](#); and (3) the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Carlie Leoni at 312-814-3886 or carlie.leoni@illinois.gov.