

ILLINOIS POLLUTION CONTROL BOARD

August 6, 2026

IN THE MATTER OF:)
)
SDWA UPDATE, USEPA AMENDMENTS) R25-1(A)
(January 1, 2024, through December 31, 2024)) (Identical-in-Substance
) Rulemaking - Public Water Supply)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

SUMMARY OF THIS ACTION

On January 22, 2026, the Board adopted amendments to the Illinois drinking water regulations rules “identical in substance” (IIS) to the United States Environmental Protection Agency (USEPA) drinking water regulations adopted in 2024. The Board opened this sub-docket, R25-1A, to review and address extensive historical and technical changes requested by USEPA in the R25-1 IIS rulemaking.

Sections 7.2 and 17.5 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2024)) provide for quick adoption by the Board of regulations that are IIS to regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2021)). The National Primary Drinking Water Regulations (NPDWRs) implement these sections of SDWA. SDWA regulations are found at 40 C.F.R. 141 through 143.

Section 17.5 of the Act also provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2024)) do not apply to the Board’s adoption of IIS regulations.

In this opinion and order, the Board proposes amendments to the Illinois drinking water regulations. First, the Board provides the relevant statutory and regulatory authorities to address historical IIS amendments. Next, the Board discusses each USEPA stringency concern raised and the corresponding amendment. Then, the Board grants the Illinois Environmental Protection Agency’s request for a status hearing and directs the hearing officer to schedule a status hearing. Finally, the Board issues its order which includes publishing the proposed amendments in the *Illinois Register* and leaving the docket open for public comments for 45 days after publication.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

This proposed rulemaking includes amendments requested by the USEPA historically adopted in the NPDWRs in addition to amendments adopted pursuant to sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal SDWA (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2021)) from January 1, 2024, to December 31, 2024. The amendments in

this sub-docket derive from USEPA suggestions. In comments to the Board, USEPA raised stringency concerns with the Board's current NPDWRs and non-substantive, technical, and stylistic revisions to segments of the text that are not otherwise affected by historical federal amendments.

SCOPE OF THE IDENTICAL-IN-SUBSTANCE MANDATE

The Board's authority to make historical corrections and updates outside the scope of the USEPA amendments adopted within the timeframe of this consolidated rulemaking R25-1, the identical-in-substance mandate, states in pertinent part as follows:

Sec. 17.5 Safe Drinking Water Act

- (a) In accordance with Section 7.2, the Board shall adopt regulations which are "identical in substance" to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523).....(415 ILCS 5/17.5 (a)(2024).

Sec. 7.2. Identical in Substance rulemakings.

- (a) In the context of a mandate that the Board adopt regulations to secure federal authorization for a program, regulations that are "identical in substance" means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois. After consideration of comments from the USEPA, the Agency, the Attorney General and the public, the Board shall adopt the verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program. In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

(6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

- (b) In adopting regulations that are "identical in substance" with specified

federal regulations under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, subsection (a) of Section 22.7, or subsection (a) of Section 22.40, subsection (H) of Section 10, or specified federal determinations under subsection (e) of Section 9.1, the Board shall complete its rulemaking proceedings within one year after the adoption of the corresponding federal rule. If the Board consolidates multiple federal rulemakings into a single Board rulemaking, the one-year period shall be calculated from the adoption date of the federal rule first adopted among those consolidated. After adopting an “identical in substance” rule, if the Board determines that an amendment is needed to that rule, the Board shall initiate a rulemaking proceeding to propose such amendment. The amendment shall be adopted within one year of the initiation of the Board’s determination. 415 ILCS 5/7.2 (2024).

The Board’s actions in this docket are limited to USEPA’s rules relating to the regulation of drinking water. Section 17.2 of the Act (4 ILCS 5/17.5(a) (2024)) mandates that the Board act with respect to regulations that the USEPA has adopted pursuant to specific provisions of NPDWR’s. The IIS rules must be at least as stringent as, and consistent with, the USEPA regulations upon which they are based. Section 7.2(a) requires the Board to adopt the “verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program.” 415 ILCS 5/7.2(a) (2024); *see* 415 ILCS 5/7.2(a)(6) (2024) (using the “stringency” and “consistent” language).

The Board is required to initiate revisions to IIS rules when it determines they are necessary. When amendments are prompted by USEPA actions, the deadline is based on the earliest USEPA action included in the rulemaking. Where the Board determines that amendment of an existing identical-in-substance rule is necessary, the Board is required to adopt the amendment within one year of the Board’s determination. 415 ILCS 5/7.2(b) (2024).

Authority to Correct Various Provisions Requested by USEPA

As discussed above, the IIS mandate requires the Board to correct existing IIS rules upon a Board finding that an amendment is necessary.

Were the Board to ignore the significant number of historical stringency and technical concerns submitted by USEPA on March 10, 2026, the Board would be ignoring several aspects of the identical-in-substance mandate: (1) the requirement that the Illinois regulations must be no less stringent than the corresponding USEPA NPDWRs; (2) the requirement that the Illinois rules must have the same effect as would the federal regulations; (3) the requirement that the Illinois regulations must include the elements that are “necessary and appropriate for authorization of the program”; and (4) the requirement that the Board must adopt any necessary amendments to an identical-in-substance rule within one year of determining that the amendment is needed.

Public Comments

The Board received the following public comments in this IIS proceeding:

- PC 1 USEPA, Stacey Meyers Region 5, dated March 10, 2026.
- PC 2 Illinois Environmental Protection Agency (IEPA or Agency), Kaitlin Hutchinson, dated May 26, 2026.
- PC 3 IEPA, Sara Terranova, dated July 22, 2026.

The Board evaluated the public comments and determined amendments to IIS rules are needed. USEPA's comments address stringency concerns with IIS Illinois water regulations adopted over the past twenty-six years from the following federal rules:

Lead and Copper Rule Improvements (LCRI) (2024)
Lead and Copper Rule Revisions (LCRR) (2021)
Lead and Copper - Short Term Revisions (LCR STR) (2007)
Lead and Copper - Minor Revisions (LCR MR) (2000)
Control of Per-and Polyfluoroalkyl Substances (PFAS) (2024)
Consumer Confidence Report Rule Revisions (CCR3) (2024)
Updated Analytical Methods (2024)
Revisions to Variances and Exemptions.

IEPA comments address alignment with USEPA's comments, identify errors in USEPA's comments that were corrected in R25-1, confirm one USEPA request as outside the scope of this IIS rulemaking and identify additional errors discussed below. Finally, IEPA requests a status hearing to address outstanding issues in this sub-docket. The Board grants this request and directs the hearing officer to schedule a status hearing.

DISCUSSION

As noted above, the IIS mandate requires the Board to correct existing IIS rules if the Board finds that an amendment is necessary. Below, the Board discusses and evaluates each USEPA issue raised in PC 1.

1. 35 Ill. Adm. Code 611.490(a)(4): USEPA LCRR Stringency concern

USEPA suggests that 35 Ill. Adm. Code 611.490(a)(4) "is inconsistent with the federal rule in that the state rule adds calcium and conductivity to sampling that may be performed by any person..."

The Board proposes to amend 35 Ill. Adm. Code 611.490(a)(4) as follows:

For measurements of alkalinity, ~~calcium, conductivity,~~ disinfectant residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and pH, a person under the supervision of a certified operator (35 Ill. Adm. Code 603.103).

2. 35 Ill. Adm. Code 611.352(g)(2)(A): USEPA LCRI Stringency concern

USEPA suggests that “[t]he second sentence in the federal provision needs to be in the body of the state regulation to clearly codify the state's authority to aggregate multiple measurements if EPA approves the State's alternative formula in lieu of EPA's paragraph (g)(2) formula.” PC 1 at 1.

The Board proposes to amend 35 Ill. Adm. Code 611.352(g)(2)(A) as follows:

On days when the supplier collects more than one measurement for a water quality parameter at a sampling location, the daily value must be the average of all results collected at that sampling location during the same day, regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both. If USEPA approves an alternate formula under 40 CFR 142.16(1)(ii) in the State's application for a program revision submitted under 40 CFR 142.12, the approved formula must be used to aggregate multiple measurements at a sampling point for the water quality parameters in lieu of the formula in this subsection(g)(2).

~~BOARD NOTE: Corresponding 40 CFR 141.82(g)(2)(i) further provides as follows: If USEPA approves an alternative formula under 40 CFR 142.16(d)(1)(ii) in the State's application for a program revision submitted under 40 CFR 142.12, the approved formula must be used to aggregate multiple measurements at a sampling point for the water quality parameters in lieu of the formula in this subsection(g)(2).~~

3. 35 Ill. Adm. Code 611.352(j)(2): USEPA LCRI Stringency concern

USEPA suggests that “[t]he text generalizes sample procedures. ‘Sample procedures’ should be revised to read ‘sample collection procedures’ and include that follow-up samples may use ‘different sample volumes’ rather than ‘these follow-up samples.’” PC 1 at 2.

The Board proposes to amend 35 Ill. Adm. Code 611.352(j)(2) as follows:

Step 2: Site assessment. Within 30 days of receiving the tap sampling results, suppliers must collect and analyze a follow-up sample for lead at any tap sample site that exceeds 0.010 mg/L. The supplier may use ~~different these follow-up~~ sample volumes or different sample collection procedures to assess the source of elevated lead levels. Samples the supplier collected under this Section must be submitted to the Agency but cannot be included in the 90th percentile calculation for compliance monitoring under Section 611.356. If the supplier is unable to collect a follow-up sample at a site, the supplier must provide documentation to the Agency, as specified in Section 611.360(g)(2), explaining why it was unable to collect a follow-up sample.

4. 35 Ill. Adm. Code 611.353(a)(1): USEPA LCRI and LCRR Stringency concern

USEPA suggests that the Board “[s]trike ‘tap’ from the state rule so that the state doesn’t give systems extra time to turn in a source treatment recommendation. This could be confused

with ‘tap sampling period’, which is a term of art.” PC 1 at 2.

The Board proposes to amend 35 Ill. Adm. Code 611.353(a)(1) as follows:

Step 1: A supplier exceeding the lead or copper action level must complete lead and copper source water monitoring (under Section 611.358(b)) and recommend treatment to the Agency (under subsection (b)(1)) within 180 days after the end of the ~~tap~~-monitoring period during which the supplier exceeded the action level.

5. 35 Ill. Adm. Code 611.353(b)(6)(A), (D), and (E): USEPA LCRI and LCRR Stringency concerns

USEPA suggests that:

The state rule does not require an interested party to request a modification in writing, explain why it is appropriate, and provide supporting documentation. The federal rule does not treat agency responses to interested persons, and the finality of these decisions, differently from suppliers. Please clarify that a SEP decision not to act is appealable under non-permitting procedures. Otherwise, the state rule would weaken the rights provided to interested persons under the federal rule. Similarly, Subsection (D) should apply to both (b)(6)(C) and (b)(6)(E). PC 1 at 2.

The Board proposes to amend 35 Ill. Adm. Code 611.353(b)(6)(A), (D), and (E) as follows:

(A) On its own initiative, or in response to a request by the supplier or other interested party, the Agency may issue a SEP modifying its determination of the source water treatment under subsection (b)(2) or the lead and copper MPCs under subsection (b)(4).....

(D) A revised determination under subsection (b)(6)(C) and (b)(6)(E) must state the new treatment requirements, explain the basis for the Agency’s decision, and provide a schedule for completing the treatment modifications.....

(E) Any person may submit information to the Agency in writing bearing on whether the Agency should exercise its discretion and issue a SEP modifying its determination under subsection (b)(2). An Agency determination not to act on information an interested person submits is appealable under non-permitting procedures and not an Agency determination for the purposes of Sections 39 and 40 of the Act.

6. 35 Ill. Adm. Code 611.355(b)(7)(B): USEPA LCRI Stringency concern

USEPA suggests that the Board “[r]evis[e] ‘...NTNCWS [Non-transient Non-community Water System] suppliers’ to be ‘...NTNCWS suppliers; and’ to match the federal language...

This portion of the state provision was not corrected. (Same type of comment in LCR-MR under prior 611.300(d)(3).)” PC 1 at 3.

The Board proposes to amend 35 Ill. Adm. Code 611.355(b)(7)(B) as follows:

The Agency may only grant the extension on a case-by-case basis if the supplier has demonstrated that it is not feasible to complete the activities in subsections (b)(2)(B) through (F) for CWS suppliers or subsections (b)(4)(A) and (B) for NTNCWS suppliers; and

7. 35 Ill. Adm. Code 611.356(g)(2): USEPA LCRI and LCRR Stringency concern

USEPA suggests that the “highlighted ‘or’ should be either ‘and’ or ‘and/or’”. Systems must be free of both lead and copper, not just one or the other.” PC 1 at 3.

The Board proposes to amend 35 Ill. Adm. Code 611.356(g)(2) as follows:

Monitoring criteria. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c)(1) and demonstrate to the Agency that the 90th percentile concentrations for any and all rounds of monitoring conducted since the system became free of all lead-containing ~~and~~ copper-containing materials, as appropriate, meet the following criteria:

8. 35 Ill. Adm. Code 611.356(g)(4)(C): USEPA LCRI Stringency concern

USEPA suggests that the “[h]highlighted ‘or’ should be ‘and/or’” in 35 Ill. Adm. Code 611.356(g)(4)(c). PC 1 at 4.

The Board declines to modify 35 Ill. Adm. Code 611.356(g)(4)(c). In R21-10 and R22-2 (June 1, 2023), the Board explained its rationale for using “or” rather than “and/or” as follows:

“or” accurately effectuates the requirements while “and/or” would introduce an ambiguity. *See, e.g., In re Marriage of Lima*, 265 Ill. App. 3d 753, 758 (2nd Dist. 1994) (The combination ‘and/or’ connects terms without particularity of what it intends to describe. The combination is a deliberate amphibology, susceptible of more than one interpretation and is a purposefully ambiguous expression, useful in its self-evident equivocality.. SDWA Update, USEPA Amendments (July 1, 2020 through December 31, 2020), R21-10 and SDWA Update, USEPA Amendments (January 1, 2021 through June 30, 2021), R22-2 (consol.) (June 1, 2023), slip op. at 13.

9. 35 Ill. Adm. Code 611.358(a)(1)(B): USEPA LCRI Stringency concern

USEPA suggests that the Board “[r]evise highlighted ‘after treatment’ to read ‘any

application of treatment’. Insert ‘which is representative of each source after treatment’ after the highlighted ‘at a sampling point.’” PC 1 at 4.

The Board proposes to amend 35 Ill. Adm. Code 611.358(a)(1)(B) as follows:

A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a sampling point which is representative of each source after treatment. The supplier must take each sample at the same sampling point unless conditions make another sampling point more closely represent a source or treatment plant.

10. 35 Ill. Adm. Code 611.358(a)(1)(D): USEPA LCRI and LCRR Stringency concern

USEPA suggests that the Board “[r]evise the phrase ‘... a supplier must analyze...’ to instead read ‘... a supplier must have analyzed...’ to emphasize that while the supplier is responsible for making sure the samples are analyzed, the analytical work, including compositing, requires use of certified lab personnel.” PC 1 at 4.

The Board proposes to amend 35 Ill. Adm. Code 611.358(a)(1)(D) as follows:

The Agency may issue a SEP reducing the total number of samples a supplier must have analyzed~~analyze~~ by allowing the use of compositing. Certified laboratory personnel must composite the samples. A composite sample may include a maximum of five samples. However, if the lead concentration in the composite sample is greater than or equal to 0.001 mg/ L or the copper concentration is greater than or equal to.

11. 35 Ill. Adm. Code 611.358(e)(3): USEPA LCRI and LCRR Stringency concern

USEPA suggests that the “[s]econd ‘or’ should either be ‘and’ or ‘and/or’. Otherwise, the system could be on reduced monitoring if either lead or copper levels were below MPC rather than needing both to be below the MPC.” PC 1 at 4.

The Board proposes to amend 35 Ill. Adm. Code 611.358(e)(3) as follows:

A supplier using a new source of water must not reduce its monitoring for lead or copper until after the supplier demonstrates, by samples it collected from the new source during three consecutive source water monitoring periods under subsection (d)(1), that lead and~~or~~ copper levels are below the MPC the Agency specifies under Section 611.353(a)(5).

12. Section 611.APPENDIX A: USEPA LCRI and LCRR Stringency concern

USEPA suggests including “‘TT’ in Appendix A. It is only included in Appendix G and needs to be referenced in both places.” PC 1 at 6.

The Board proposes to amend Section 611.APPENDIX A as follows:

...Contaminant (units): Copper (ppm)
Traditional MCL in mg/l: TT, AL=1.3...
...Contaminant (units): Lead (ppb)
Traditional MCL in mg/l: TT, AL=0.010...

13. 35 Ill. Adm. Code 611.130(d)(1) and (d)(6) USEPA LCRI and LCRR Stringency concerns

USEPA suggests:

The proposed state rule does not require the PWS to “put in place” a monitoring program, consistent with the federal provision. EPA also recommends that the Board include in a note that the EPA Administrator is also authorized to require and approve a monitoring program. 35 Ill. Adm. Code 611.130(d)(2)[.] The supplier must monitor representative samples of the bottled water for all contaminants under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, then annually after that. 35 Ill. Adm. Code 611.130(d)(3)[.] The supplier must annually provide the results of its monitoring to the Agency...

The federal rule requires providing bottled water to every person, while the state rule qualifies this in only providing bottled water to those affected that are served by the PWS. Is qualifying the range a way to avoid providing bottled water to millions of people instead of only those at risk due to a specific situation subject to the variance or state exemption? What agency or entity decides which people are affected, and what are the criteria for that determination? (Will this be determined by the state as a term of the variance or adjusted standard?). PC 1 at 7.

Current 35 Ill. Adm. Code 611.130(d)(1), (2), and (3) provides as follows:

(1) The supplier must develop a monitoring program for Board approval providing reasonable assurances that the bottled water meets all MCLs in Sections 611.301 and 611.311, and the supplier must describe this program in its petition. The description must demonstrate how the supplier will comply with this subsection (d).

(2) The supplier must monitor representative samples of the bottled water for all contaminants under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, then annually after that.

(3) The supplier must annually provide the results of its monitoring to the Agency.

The Board declines to modify 35 Ill. Adm. Code 611.130(d)(1). The rule states, “the supplier must develop a monitoring program” and 35 Ill. Adm. Code 611.130(d)(2) and (d)(3) address annual results and reporting as specified in 40 CFR 142.62(g)(1). As such, the regulations in subsections(d)(1) through (3) are IIS and as stringent as NPDWRs.

35 Ill. Adm. Code 611.130(d)(6) states that “[t]he supplier must provide sufficient quantities of bottled water to every affected person the supplier serves via door-to-door bottled water delivery.” Therefore, the Board declines to modify 35 Ill. Adm. Code 611.130(d)(6) because the rule is identical-in-substance to the NPDWRs.

14. (a) 35 Ill. Adm. Code 611.1350(a)(1): USEPA LCR Stringency concern

USEPA suggests that the Board “[a]mend [the subsection] to read that ‘Subpart G, Subpart AG, and Subpart AH constitute NPDWRs for lead and copper.’” PC 1 at 8.

The Board proposes to amend 35 Ill. Adm. Code 611.1350(a)(1) as follows:

Applicability and Complying with this Subpart AG. Subpart G, Subpart AG, and Subpart AH ~~this Subpart A~~ constitute NPDWRs for lead and copper. Subpart G, Subpart AG, and Subpart AH ~~and this Subpart AG~~ apply to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).

14(b). 35 ll. Adm. Code 611.1350(a)(1)(D) BOARD NOTE: USEPA LCR Stringency concern

USEPA suggests that the Board:

Revise the Board Note to reflect the addition of LCRI in Subpart G, and the new paradigm of rules in Subparts G, AG, and AH. (e.g., “This requires the Board to codify two versions of the Lead and Copper Rule” should reflect the Board is now adopting three versions, and the Board should explain how those three interact and are laid out in the Illinois code.) Please verify that Subparts AG and AH will no longer be in effect (or will be repealed) when suppliers shift to complying with Subpart G, and that any provisions from LCRR and the other pre-existing lead rules that were not included in the LCRI federal register (such as 35 Ill. Adm. Code 611.353) are included in Subpart G, when the LCRI Federal Register indicates those older provisions are to be maintained in the whole of the lead and copper rules (e.g., the Federal Register includes an ellipse rather than reciting certain pre- existing provisions, such as 40 CFR 141.83, which are intended to remain). PC 1 at 8.

The Board proposes to amend 35 ll. Adm. Code 611.1350(a)(1)(D) BOARD NOTE as follows:

BOARD NOTE: USEPA’s LCRI apply to all suppliers on October 30, 2024. However, USEPA delays requiring compliance with LCRI until November 1, 2027, when any previously granted exemption expires, or as provided otherwise

by any of several specified rules for corrosion control treatment; lead service line replacement; public education, supplemental monitoring, and mitigation; monitoring; and reporting (corresponding with 35 Ill. Adm. Code 611.351, 611.354, 611.355, 611.356, or 611.360). USEPA's LCRR apply to all suppliers on December 16, 2021. However, USEPA delays requiring compliance with LCRR until October 16, 2024, when any previously granted exemption expires, or as provided otherwise by any of several specified rules for corrosion control treatment; lead service line replacement; public education, supplemental monitoring, and mitigation; monitoring; and reporting (corresponding with 35 Ill. Adm. Code ~~611.2351~~611.354, ~~611.2354~~611.354, ~~611.2355~~611.355, ~~611.2356~~611.356, or ~~611.2360~~611.360). Until a supplier must comply with the LCRR, USEPA requires the supplier to comply with subpart I of 40 CFR 141 (2020). This requires the Board to codify ~~three~~two versions of the Lead and Copper Rule: one in this Subpart AG, representing the Lead and Copper Rules prior to the LCRR (40 CFR 141 (2020)), Subpart AH representing the Lead and Copper rules prior to LCRI (40 CFR 141 (2024)), and ~~the other in~~ Subpart G, representing 40 CFR 141 incorporating the LCRI~~LCRR~~.

15-25. USEPA suggests the following LCR Stringency concerns. The Board describes its reasons for declining to make these amendments, below, after request 25.

15. 35 Ill. Adm. Code 611.1355(a)(1)

USEPA suggests the following:

State code does not incorporate the following text: "...must submit all written public education materials to the State prior to delivery". EPA also recommends IPCB add the following to reflect IEPA practice: "The State may require the system to obtain approval of the content of written public materials prior to delivery." EPA Note: Remains a stringency concern in Subpart AG. The state rule does not specify systems must submit PE to the State *prior to delivery*. IEPA policy raises a stringency concern in that the State reviews PE (public education) after it is distributed to the public. PC 1 at 8.

16. 35 Ill. Adm. Code 611.1355(a)(1)(E): USEPA suggests that the Board specify that "the requirement is mandatory in a Board note rather than the body of the state rule." PC 1 at 9.

17. 35 Ill. Adm. Code 611.1355(b)(1): USEPA suggests that "[t]he state rule does not specify that the State determines if there is a large portion of non-English speaking consumers that require PE in that language." PC 1 at 9.

18. 35 Ill. Adm. Code 611.1355(b)(3): USEPA suggests "Correct the timeframe in Section 611.1355(b)(3)(A) for the repeating 3 additional PE [Public Education] activities from the list by revising '(b)(2)(D)' to read '(b)(2)(F)', which is the equivalent to 40 CFR 141.85(b)(2)(vi). EPA Note: Still a stringency concern in Subpart AG.41." PC 1 at 9.

19. 35 Ill. Adm. Code 611.1355(b)(5): USEPA suggests that there is an “[i]ncorrect citation in optional practice that the state is electing to take. Revise citation to Section 611.1355(b)(2) to read 611.1355(b)(4). (Note: was formerly 35 Ill. Adm. Code 611.1355(b)(4)(C).)” PC 1 at 10.

20. 35 Ill. Adm. Code 611.1356(c)(2): USEPA suggests that “Section 611.1356(c)(2) refers to columns in Table D, but the table is not included in Section 611.1356. Insert the table found in the federal regulations at the end of 40 CFR § 141.86(c). (Partial correction of another issue – may to must – in LCR-MR.)” PC 1 at 10.

21. 35 Ill. Adm. Code 611.1356(d)(4)(B): USEPA suggests

Requirements for Agency eligibility review and notification do not cover annual monitoring and thus is less stringent than the federal equivalent 40 CFR 141.86(d)(4)(ii). EPA Note: The reduced monitoring in Section 611.1356(d)(4)(B) should be once per year, not triennial, in order to match 141.86(d)(4)(ii). Triennial monitoring is only allowed under the next subsection, 141.86(d)(4)(iii), for small/medium systems. PC 1 at 11.

22. 35 Ill. Adm. Code 611.1356(d)(4)(C): USEPA suggests

For select systems, triennial monitoring under the federal provision is contingent on meeting ALs (Action Level see below) AND OWQPs (Optimal Water Quality Parameters see below). The state section bases eligibility on OWQPs only. This is still a stringency issue in that the state regulation reads that small and medium systems can reduce monitoring if they either meet lead and copper action levels OR have OCCT in place. (For reference, see yellow box on page 18 of <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100DP2P.PDF?Dockey=P100DP2P.PDF>). PC 1 at 11.

23. 35 Ill. Adm. Code 611.1356(d)(4)(D)(i): USEPA suggests

The last sentence, 5th line from the bottom of the paragraph, should read “and/or” and not “or” may resume monitoring once every three...” EPA Note: The highlighted “or” should be expressed as “and/or” in that: A system that is on reduced monitoring for Pb/Cu, and has an ALE, goes back to standard monitoring for Pb/Cu. A system that is on reduced monitoring for Pb/CU, and has WQPs out of range (for more than 9 days in a 6-month period), goes back to standard monitoring for Pb/Cu. A system could be triggered back to standard Pb/Cu monitoring for either, or both, of the reasons above. PC 1 at 12.

24. 35 Ill. Adm. Code 611.1358(d)(1)(A): USEPA suggests that the “[f]ederal regulation cites paragraph (d)(1) of this section, while the state section specifies that the Agency makes its determination under Section 611.1353(b)(2) or (b)(4). The parallel state provision to 40 CFR § 141.88(d)(1) is this section at 35 Ill. Adm. Code 611.1358(d)(1).” PC 1 at 12.

25. 35 Ill. Adm. Code 611.1360(a)(3): USEPA suggests that the subsection “[o]mits

highlighted federal rule language requiring the State to review and approve additions of new sources or long-term changes in treatment before implemented by the water system.” PC 1 at 12.

USEPA suggests stringency concerns with multiple LCR rules in 15-25, above. The LCR standards were adopted in 2007 under the NPDWRs and subsequently replaced by the LCRR and then by the LCRI’s. Therefore, the original LCR standards promulgated in Subpart AG are sunset provisions. Any current LCR requirements exist in the LCRR or LCRI revisions promulgated in Subparts G, Lead and Copper, or AH, Interim Lead and Copper Rule Revisions 2024. As such, the Board declines to modify the regulations promulgated in Subpart AG, LCR sunset provisions, in the Illinois drinking water regulations.

26. 35 Ill. Adm. Code Section 611.2350(b): USEPA LCRR Stringency concern

The USEPA suggests the following:

Illinois Subpart AH was not revised per EPA’s comment in the former state LCRR proceeding to reflect that the maximum population under 35 Ill. Adm. Code 611.2350(b) should be “3,300”, rather than the updated “10,000” figure under LCRI, which is correct under the most recent 35 Ill. Adm. Code 611.350(b). Please revise the Subpart AH regulation to state “3,300” rather than “10,000” to be consistent with LCRR. PC 1 at 14.

The Board agrees and proposes to amend 35 Ill. Adm. Code Section 611.2350(b) as follows:

Small system supplier” or “small CWS supplier” means a CWS serving 3,300 ~~10,000~~ or fewer persons.

27-28. 35 Ill. Adm. Code 611.2352(c)(2)(D)(i) and 35 Ill. Adm. Code 611.2352(c)(2)(E): USEPA LCRR Stringency concern

The USEPA suggests concerns in 35 Ill. Adm. Code 611.2352(c)(2)(D)(i) and 35 Ill. Adm. Code 611.2352(c)(2)(E): “[t]he State’s phrase ‘screen or pipe loop/rig studies’ should be replaced with ‘screen and/or pipe loop/rig studies’. If a system uses both, it still must not exclude treatment strategies from studies.” PC 1 at 14.

As noted above in the USEPA stringency concern number 8, use of “and/or” verses “or”, the Board declines to modify subsections 35 Ill. Adm. Code 611.2352(c)(2)(D)(i) and 35 Ill. Adm. Code 611.2352(c)(2)(E).

29. 35 Ill. Adm. Code 611.2352(d) – USEPA LCRR Stringency concern

The USEPA suggests that the Board “[i]nset the last federal sentence; the substantive requirement is omitted from the state provision.” PC 1 at 15.

The Board proposes to amend 35 Ill. Adm. Code 611.2352(d) as follows:

Agency Approval of Optimized and Re-Optimized Corrosion Control Treatment. When designating OCCT, the Agency must consider the effects of additional corrosion control treatment on water quality parameters and other water quality treatment processes. The Agency must notify the supplier of the basis for designating OCCT in any SEP it issues under this subsection (d). If the Agency requests additional information to aid its review, the supplier must provide the information.

30. 35 Ill. Adm. Code Section 611.2352(f)(2) and (3) – USEPA LCRR Stringency concern

The USEPA suggests that “[t]he state section doesn’t specify that the State is allowed to select additional Water Quality Parameters other than what is listed in this section.” PC 1 at 15.

The Board proposes to amend 35 Ill. Adm. Code Section 611.2352(f)(2) and (3) as follows:

2) The values for the applicable water quality control parameters in subsection (f)(1) must be those the Agency determines reflect OCCT for the supplier. The Agency may designate values for additional water quality control parameters determined by the Agency to reflect *optimal corrosion control treatment* for the supplier. The Agency must notify the supplier in writing of these determinations and explain the basis for its decisions.

~~3) The Agency must explain these determinations and give the basis for its decisions when issuing a SEP.~~

31. 35 Ill. Adm. Code 611.2353(b)(6)(E): USEPA LCRR Stringency concern

The USEPA suggests the following:

The Agency determination on revising the determination in response to an interested person’s request is a final action, regardless of whether it is a positive or negative decision. Assuming that the final determination is reflected in a SEP, rather than a permit, clarify that third parties can appeal under the SEP provisions, rather than the permit provisions under Sections 39 and 40 of the Act. PC 1 at 15.

The Board proposes to amend 35 Ill. Adm. Code 611.2353(b)(6)(E) as follows:

Any interested person may submit information to the Agency in writing bearing on whether the Agency should exercise its discretion and issue a SEP modifying its determination under subsection (b)(2). An Agency determination issued in a SEP not to act on information an interested person submits is appealable under SEP provisions and not as an Agency determination under ~~for the purposes of~~ Sections 39 and 40 of the Act.

32. 35 Ill. Adm. Code 611.2354(d)(1)(C): USEPA LCRR Stringency concern

USEPA suggests that “[t]he section does not specify ‘certified by an American National Standards Institute accredited certifier’ for point-of-use treatment devices. Include this language in the state regulation.” PC 1 at 15.

The Board proposes to amend 35 Ill. Adm. Code 611.2354(d)(1)(C) as follows:

The supplier must provide the consumer with a pitcher filter or point-of-use treatment device certified by an American National Standards Institute accredited certifier to reduce lead, six months of replacement cartridges, and use instructions before returning the affected service line to service. If the affected service line serves more than one residence or non-residential unit (e.g., a multi-unit building), the supplier must provide a filter, six months of replacement cartridges and use instructions to every unit in the building.

33. 35 Ill. Adm. Code 611.2354(e)(3): USEPA LCRR Stringency concern

USEPA suggests that “[t]he section does not specify ‘certified by an American National Standards Institute accredited certifier’ for point-of-use treatment devices. Include this reference in the state rule.” PC 1 at 16.

The Board proposes to amend 35 Ill. Adm. Code 611.2354(e)(3) as follows:

The supplier must provide the consumer with a pitcher filter or point-of-use treatment device certified by an American National Standards Institute accredited certifier to reduce lead, six months of replacement cartridges, and use instructions before returning the replaced service line to service. If the lead service line serves more than one residence or non-residential unit (e.g., a multi-unit building), the supplier must provide a filter and six months of replacement cartridges and use instructions to every unit in the building.

34. 35 Ill. Adm. Code 611.2355(f)(2): USEPA LCRR Stringency concern

The USEPA suggests that the Board “[i]nset the highlighted federal text, which is omitted from the state rule: ‘certified by an American National Standards Institute accredited certifier to reduce lead’ for point-of-use treatment devices.” PC 1 at 16.

The Board proposes to amend 35 Ill. Adm. Code 611.2355(f)(2) as follows:

If a supplier disturbs a lead, galvanized requiring replacement, or lead status unknown service line while replacing an inline water meter, a water meter setter, or gooseneck, pigtail, or connector, the supplier must inform the persons the supplier serves through the service connection about the potential for an elevated lead concentration in their drinking water due to the supplier disturbing the service line, provide public education materials complying with subsection (a), a

pitcher filter or point-of-use treatment device certified by an American National Standards Institute accredited certifier to reduce lead, use instructions, and six months of replacement filter cartridges. The supplier must comply with this subsection (f)(2) before returning the affected service line to service.

35. 35 Ill. Adm. Code 611.2356(g)(2): USEPA LCRR Stringency concern

USEPA suggests that “[t]he “and/or” in the federal provision is inclusive, while the State’s use of “or” could be construed as exclusive. The system is to be free of both lead and copper material if both are present.” PC 1 at 16.

As noted above in the USEPA stringency concern number 8, use of “and/or” instead of “or”, the Board declines to modify subsection 35 Ill. Adm. Code 611.2356(g)(2) as suggested.

36. 35 Ill. Adm. Code 611.2350(g)(1): USEPA LCRR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. Refer to Section 611.2355(a) and (b) rather than just 611.2355, to parallel federal provision.” PC 1 at 16.

The Board proposes to amend 35 Ill. Adm. Code 611.2350(g)(1) as follows:

Any supplier exceeding the lead action level must implement the public education requirements under Sections 611.2355(a) and (b)~~Section 611.2355~~.

37. 35 Ill. Adm. Code 611.2351(d)(4)(A): USEPA LCRR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. Re-optimized OCCT is subsection 141.8(d)(2) and 611.2352(d)(2). Revise ‘subsection (d)(3)(A)’ to read ‘subsection 611.2352(d)(2).’” PC 1 at 16.

The Board proposes to amend 35 Ill. Adm. Code 611.2351(d)(4)(A) as follows:

The Agency must issue a SEP designating re-optimized OCCT (subsection 611.2352(d)(2)(d)(3)(A)) within six months after the supplier completes subsection 611.2352(d)(2)(d)(3)(A) (Step 3).

38. 35 Ill. Adm. Code 611.2351(e)(5): USEPA LCRR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. Revise ‘Section 611.2352(e)’ to read ‘Section 611.2352(e)(1).’” PC 1 at 17.

The Board proposes to amend 35 Ill. Adm. Code 611.2351(e)(5) as follows:

Step 5 The supplier must install OCCT (Section 611.2352(e)(1)~~611.2352(e)~~) within 24 months after the Agency designates OCCT under subsection (e)(2) or (e)(4) (Step 2 or Step 4).

39. 35 Ill. Adm. Code 611.2352(j)(3): USEPA LCRR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. Revise ‘(j)(1) and (j)(2)’ to read ‘(j)(3).’” PC 1 at 17.

The Board proposes to amend 35 Ill. Adm. Code 611.2352(j)(3) as follows:

Step 3: Evaluating Results and Recommending OCCT or Other Actions. Within six months after the end of the tap sampling period during which a supplier exceeds the lead action level, the supplier must evaluate the results of the monitoring conducted under subsection (j)(3)~~subsections (j)(1) and (j)(2)~~ to determine if the supplier must either locally or centrally adjust the OCCT or other distribution system actions are necessary and submit the recommendation to the Agency. Modifying corrosion control treatment might not be necessary to address every exceedance. Other distribution system actions may include flushing to reduce water residence time in the system. If known from the site assessment, the supplier must note the cause of the elevated lead level in its recommendation to the Agency because site-specific issues can be an important factor in why the supplier does not recommend any adjustment of corrosion control treatment or other distribution system actions. A supplier in the process of optimizing or re-optimizing OCCT under subsections (a) through (f) needs not recommend a find-and-fix treatment to the Agency.

40. 35 Ill. Adm. Code 611. 2356(c)(1) and (2): USEPA LCRR Stringency concern

USEPA suggests that “[t]he State cites to “Table D (labelled ‘reduced monitoring’)” in Section 611.2355(c). However, Section 611.2355(b) does not include the table. Insert the table as shown in the federal regulation into the state provision. (Comment originated in EPA comment letter regarding State LCRR rulemaking.)” PC 1 at 17. USEPA cites to Section 611.2355(c) and (b), however, the IIS regulation referencing monitoring samples is in 611.2356(c)(1) and (c)(2).

The Board proposes to amend 35 Ill. Adm. Code 611. 2356(c)(1) as follows:

- 1) A supplier must collect at least one sample each from the number of sites in the first column of Section 611. Table D~~Table D~~ (labelled “standard monitoring”) during each six-month tap monitoring period subsection (d) specifies.

The Board proposes to amend 35 Ill. Adm. Code 611. 2356(c)(2) as follows:

- 2) A supplier conducting reduced monitoring under subsection (d)(4) must collect at least one sample each from the number of sites in the second column of Section 611. Table D~~Table D~~ (labelled “reduced monitoring”) during each reduced tap monitoring period subsection (d)(4) specifies.

The reduced monitoring sites must represent the sites standard.

Both amendments above reference Section 611. Table D which includes the “reduced monitoring” section with the sample numbers referenced by USEPA.

41. 35 Ill. Adm. Code 611.2356(d)(1)(A): USEPA LCRR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. The federal crosswalk should cite to (d)(2) rather than (d)(82). The State regulation should cite to (d)(2) rather than (d)(1)(B).” PC 1 at 17.

The Board proposes to amend 35 Ill. Adm. Code 611.2356(d)(1)(A) as follows:

A supplier having lead service lines, including a supplier Section 611.2351(b)(3) deems to have optimized or re-optimized OCCT or a supplier that did not monitor complying with this Section (i.e., selecting sites under subsection (a), collecting samples under subsection (b), etc.) before January 16, 2024, must begin its first standard tap monitoring period on January 1, 2025. After completing the first standard monitoring cycle, the supplier must monitor under subsection (d)(2)~~(d)(1)(B)~~.

42. 35 Ill. Adm. Code 611.881(d): USEPA PFAS Stringency concern

USEPA suggests that there is an “[i]ncorrect citation.... Refer to Section 611.646(a) as to which contaminants are listed to parallel 40 C.F.R. 141.61(a). Typographical issue: Include comma after ‘(except for PFAS)’” PC 1 at 18.

The Board proposes to amend 35 Ill. Adm. Code 611.881(d) as follows:

For the purpose of this Subpart U, “detected” means the following: at or above the detection limit levels prescribed by Section 611.600(d) for inorganic contaminants; at or above the levels prescribed by Section 611.646(g) for the contaminants listed in Section 611.646(a), ~~for~~ Phase I, II, and V VOCs; at or above the levels prescribed by Section 611.648(r) for Phase II, IIB, and V SOC_s (except for PFAS), at or above the levels prescribed by Section 611.381(b)(2)(D) for the disinfection byproducts listed in Section 611.312; at or above the levels prescribed by Section 611.720(c)(2) for radioactive contaminants; and at or above the levels prescribed by Section 611.7902(a)(5) for PFAS listed in Section 611.311(c)(2).

43. 35 Ill. Adm. Code 611.883(d)(4)(E)(ii): USEPA CCR Stringency concern

USEPA suggests that there is an “[i]ncorrect citation. The text should cite to Section 611.211, since 611.211(b) does not exist.” PC 1 at 18.

The Board proposes to amend 35 Ill. Adm. Code 611.883(d)(4)(E)(ii) as follows:

If the supplier reports under Section ~~611.211~~~~611.211(b)~~: the highest monthly value. The report must explain the reasons for measuring turbidity.

44. 35 Ill. Adm. Code 611.883(e)(3) BOARD NOTE: USEPA CCR3 Stringency concern.

The USEPA suggests that the “[l]anguage regarding [the] EPA hotline and website is missing. Place in regulatory text or Board note.” PC 1 at 18.

The Board proposes to amend 35 Ill. Adm. Code 611.883(e)(3) BOARD NOTE as follows:

BOARD NOTE: To determine if results may indicate a health concern, USEPA recommends that suppliers find out if USEPA has proposed an NPDWR or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (800-426-4791) or an alternative method identified on the website epa.gov/safewater. USEPA considers detection above a proposed MCL or health advisory level to indicate a possible health concern.

45. 35 Ill. Adm. Code 611.883(h)(7)(A)(ii): USEPA CCR3 Stringency concern

USEPA suggests that the “State language should preface [the] section with omitted highlighted federal text: ‘Because we found coliforms during sampling’. State omits in second sentence that the level 1 assessment was ‘to identify possible sources of contamination.’” PC 1 at 18.

The Board proposes to amend 35 Ill. Adm. Code 611.883(h)(7)(A)(ii) as follows:

Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] assessment(s), also known as a Level 1 assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.~~During the past year we were required to conduct [insert number of Level 1 assessments] Level 1 assessment(s). [insert number of Level 1 assessments] Level 1 assessment(s) were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions.~~

46. 35 Ill. Adm. Code 611.883(h)(7)(A)(iii): USEPA CCR3 Stringency concern

USEPA suggests that the “State language should preface section with omitted highlighted federal text: ‘Because we found coliforms during sampling’. State omits in second sentence that the level 2 assessment was ‘to identify possible sources of contamination.’” PC 1 at 19.

The Board proposes to amend 35 Ill. Adm. Code 611.883(h)(7)(A)(iii) as follows:

Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] detailed assessments, also known as a Level 2 assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.~~During the past year [insert number of Level 2 assessments] Level 2 assessments were required to be completed for our water system. [insert number of Level 2 assessments] Level 2 assessments were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions.~~

47. 35 Ill. Adm. Code 611.130(b)(1): USEPA Stringency concern

USEPA suggests the following:

Omitted [the] federal process requirement – If the supplier demonstrates a *de minimis* reduction in contaminants, the State may issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance. Incorrect citation: The Board note only refers to BAT lists for each SOC and VOC at 40 CFR 142.62(a). The note omits reference to 40 CFR 142.62(b), which pertains to IOCs. In addition, 40 CFR 141.61(d) pertains to PFAS. EPA questions whether this citation should be to 40 CFR 141.62(c) for IOCs rather than 141.61(d). PC 1 at 19.

The Board proposes to amend 35 Ill. Adm. Code 611.130(b)(1) as follows:

A CWS or NTNCWS must first apply the appropriate BAT for the contaminant before the Board may grant any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC in Section 611.311(a) or (c) or any IOC in Section 611.301, unless the supplier demonstrates through comprehensive engineering assessments that applying BAT would achieve only a minimal and insignificant reduction in the contaminant level. The Agency may issue a schedule of compliance that requires the supplier to examine other treatment methods as a condition of the variance.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a) and (b) for the purposes of variances and exemptions (adjusted standards). That list is identical to the lists at 40 CFR 141.61(b) and ~~(c)(d)~~, which corresponds with Section 611.311(b).

48. Standard Methods - USEPA Stringency concerns

USEPA suggests removing unapproved standard methods 4500-CLO₂ D (00), 9222 A

(06), 9230(B) (93) 21st edition, and 9215 B (22) 24th edition listed below in 48-1 through 48-5. PC 1 at 20-22. The Board amends standard methods in the following subsections as follows:

48-1. The Board proposes to amend 35 Ill Adm. Code 611.102 as follows:

~~“SM 4500-ClO₂-D (00)” means Method 4500-ClO₂-D, “Chlorine Dioxide”, “DPD-Method”, only the version in the 21st edition. Referenced in Section 611.381.~~

~~“SM 9222 A (06)” means Method 9222 A, “Membrane Filter Technique for Members of the Coliform Group”, “Introduction”, only the version in the 22nd edition. Referenced in Section 611.531.~~

“SM 9230 B (93)” means Method 9230 B, “Fecal Streptococcus and Enterococcus Groups”, “Multiple-Tube Techniques”, only the version in the 20th edition and 21st editions. Referenced in Section 611.802.

48-2. The Board proposes to amend 35 Ill Adm. Code 611.381(c)(1)(D) as follows:

DPD. SM 4500-ClO₂ D (93) ~~or SM 4500-ClO₂-D (00).~~

48-3. The Board proposes to amend 35 Ill Adm Code 611.381 BOARD NOTE as follows:

Standard Methods Online, ~~Method~~ Methods 4500-ClO₂-D-00 and 4500-ClO₂ E-00 ~~appears~~ appear in the 21st, 22nd, and 23rd editions as ~~Method~~ Methods 4500-ClO₂-D and 4500-ClO₂ E. ~~This~~ These ~~appears~~ appear in this Section as ~~SM 4500-ClO₂-D (00) and SM 4500-ClO₂ E (00).~~

48-4. The Board proposes to amend 35 Ill Adm Code 611.531(a)(2)(A)(ii) as follows:

Total Coliform Membrane Filter Technique. SM 9222 A (91), SM 9222 A (94), SM 9222 A (97), ~~SM 9222 A (06)~~, SM 9222 A (15), SM 9222 A (22), SM 9222 B (91), SM 9222 B (94), SM 9222 B (97), ~~9222 B (06)~~, SM 9222 B (15), SM 9222 B (22), SM 9222 C (91), SM 9222 C (94), SM 9222 C (97), SM 9222 C (06), SM 9222 C (15), or SM 9222 C (22),.

48-5. The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(C)(i) as follows:

Pour Plate Method. SM 9215 B (88), SM 9215 B (94), SM 9215 B (00), SM 9215 B (04), SM 9215 B (16), ~~SM 9215 B (22).~~

49. 35 Ill. Adm. Code 611.531(a)(2)(A): USEPA Stringency concern

The USEPA suggests that, “[p]er 40 CFR 141.74 footnote 2, systems must hold samples below 10 degrees C during transit.” PC 1 at 21.

The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(A) as follows:

BOARD NOTE: The time from sample collection to beginning analysis for source (raw) water samples must not exceed eight hours. The supplier ~~must~~should ~~but needs not~~ hold samples below 10° C during transit.

50. 35 Ill. Adm. Code 611.531(a)(2)(A)(ii): USEPA Stringency Concern

The USEPA suggests that “9222 B (06) is not listed in the methods incorporated by reference in Section 611.102. The 22nd edition is not approved. This reference needs to be removed.” PC 1 at 21.

The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(A)(ii) as follows:

Total Coliform Membrane Filter Technique. SM 9222 A (91), SM 9222 A (94), SM 9222 A (97), SM 9222 A (06), SM 9222 A (15), SM 9222 A (22), SM 9222 B (91), SM 9222 B (94), SM 9222 B (97), ~~9222 B (06)~~, SM 9222 B (15), SM 9222 B (22), SM 9222 C (91), SM 9222 C (94), SM 9222 C (97), SM 9222 C (06), or SM 9222 C (15), or SM 9222 C (22).

51. 35 Ill. Adm. Code 611.531(a)(2)(B) and (a)(2)(C)(i) BOARD NOTE: USEPA Stringency concern

The USEPA suggests that, “[p]er 40 CFR 141.74, footnote 2, systems must hold samples below 10 degrees C during transit.” PC 1 at 21.

The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(B) as follows:

BOARD NOTE: The time from collecting the sample to beginning analysis of source (raw) water samples must not exceed eight hours. The supplier ~~must~~should ~~but needs not~~ hold samples below 10° C during transit.

The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(C)(i) BOARD NOTE as follows:

BOARD NOTE: The time from collecting the sample to beginning analysis must not exceed eight hours. The supplier ~~must~~should ~~but needs not~~ hold samples below 10° C during transit.

52. 35 Ill. Adm. Code 611.102 and 611.531(a)(2)(C)(i): USEPA Stringency concern

USEPA suggests that “SM 9215 B published in the 24th edition is not approved per the alternative testing methods for 141.74(a)(1). The Board note conflicts with 40 CFR 141.74, fn. 2, which states systems must hold samples below 10 °C during transit.” PC 1 at 21.

The Board proposes to amend 35 Ill. Adm. Code 611.102 as follows:

~~“SM 9215 B (22)” means Method 9215 B, “Heterotrophic Plate Count”, “Pour Plate Method”, only the version in the 24th edition. Referenced in Section 611.531.~~

The Board proposes to amend 35 Ill. Adm. Code 611.531(a)(2)(C)(i) as follows:

Pour Plate Method. SM 9215 B (88), SM 9215 B (94), SM 9215 B (00), SM 9215 B (04), SM 9215 B (16), ~~SM 9215 B (22).~~

53. 35 Ill. Adm. Code 611.611(a)(11): USEPA Stringency Concern

The USEPA suggests that “3111 B in the 20th edition of SM cannot be used per footnote 4 at 40 CFR 141.23(k)(1).” PC 1 at 22.

The Board declines to amend 611.611(a)(11). 35 Ill. Adm. Code 611.102 does not include the 20th edition of Standard Method 3111 B as a testing method.

54. 35 Ill. Adm. Code 611.102(a): USEPA Stringency concern

The USEPA suggests that there is an “[i]ncorrect citation. The method description in section 611.102 is incorrectly cited.” PC 1 at 22.

The Board proposes to amend 35 Ill. Adm. Code 611.102(a) as follows:

Hach 10312 (22)” means Hach Method 10312, “Spectrophotometric Measurement of Flouride in Finished Drinking Water Aluminum -Chromeazurol S Complex (AL-CAS) Using Planar Reagent-filled Cuvettes.” Loveland, CO: Hach Company” Revision 1.0 (August 2022). Referenced in Section 611.611.

55. 35 Ill. Adm. Code 611.351(d)(2): USEPA Typographical issue

The USEPA suggests that the Board “[r]evis[e] ‘led’ in second sentence to read ‘lead’.” PC 1 at 23.

The Board proposes to amend 35 Ill. Adm. Code 611.351(d)(2) as follows:

Step 2: Agency requires CCT study or Agency designates re-optimized OCCT. Within one year after the end of the tap sampling period in which a medium supplier without ~~lead~~ service lines or a small supplier exceeded the lead action level or copper action level, the Agency may require the supplier to perform corrosion control studies for re-optimization (Section 611.352 (c)(2)). If the Agency does not require the supplier to perform such studies, the Agency must specify re-optimized optimal corrosion control treatment (Section 611.352(d) within the timeframes in subsections (d)(2)(A) and (d)(2)(B). The Agency must provide its determination to the supplier in writing:

56. 35 Ill. Adm. Code 611.352(j)(1): USEPA Technical recommendation

The USEPA suggests that the “federal rule adds a zero before the decimal point. For clarity, consider inserting a leading zero for all decimal numbers (Specifically, revise ‘.010’ to be ‘0.010’).” PC 1 at 23.

The Board has already made this amendment. In the underlying rulemaking, R25-1, the Board modified and adopted 35 Ill. Adm. Code 611.352(j)(1) as follows:

Step 1: Corrosion control treatment assessment. Within five days of receiving the tap sampling results, the supplier must sample at a water quality parameter site in compliance with subsection (j)(1)(B) that is on the same-size water main, in the same pressure zone and located within a half mile radius of the site with the lead result that exceeds 0.010 mg /L. Suppliers without corrosion control treatment are not required to collect these samples.

57. 35 Ill. Adm. Code 611.355: USEPA Typographical issue

The USEPA suggests “removing [the] comma after ‘unknown’ in highlighted sentence.” PC 1 at 23.

The Board declines to modify 35 Ill. Adm. Code 611.355, the current rule text does not have a coma after “unknown” in the subsection.

58. 35 Ill. Adm. Code 611.360(d): USEPA Typographical issue

The USEPA suggests that the Board “[r]evis[e] ‘supplier’ to be ‘suppliers’.” PC 1 at 24.

The Board proposes to amend 35 Ill. Adm. Code 611.360(d) as follows:

Source water treatment reporting requirements. By the applicable dates in Section 611.353, ~~suppliers~~^{supplier} must provide the following information to the Agency:

59. 35 Ill. Adm. Code 611.360(f)(3)(A): USEPA Typographical issue

The USEPA suggests that the Board “[a]dd ‘that’ between the highlighted words ‘certification’ and ‘the’.” PC 1 at 24.

The Board has already made this amendment. In the underlying rulemaking, R25-1, the Board modified and adopted 35 Ill. Adm. Code 611.360(f)(3)(A) as follows:

No later than three months following the end of the tap sampling period, for tap samples used to calculate the 90th percentile value described in Section 611.356, a copy of the consumer notice provided and certification that the notice has been distributed consistent with the requirements of Section 611.355(d).

60. 35 Ill. Adm. Code 611.130(c): USEPA LCRI Technical concern.

The USEPA suggests that specific technical references are missing by highlighting the following sections in 40 CFR 142.62(f) “§§ 141.61 (a) and (c) and 141.62, §§ 141.81 and 141.82, and §§ 141.83 or 141.84.” PC 1 at 25.

35 Ill. Adm. Code 611.130(c), (c)(1), (c)(2), and (c)(3) state as follows:

- (c) Conditions Requiring Use of Bottled Water, a Point-of-Use Treatment Device, or a Point-of-Entry Treatment Device. When granting any variance or adjusted standard from the MCLs for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, a point-of-entry treatment device, or a point-of-use treatment device to avoid an unreasonable risk to human health, limited as subsections (d) and (e) provide.
 - (1) Relief from an MCL. When granting a variance or adjusted standard from an MCL in Section 611.301 or 611.311, the Board may impose a condition requiring a supplier to use bottled water, a point-of-entry treatment device, a point-of-use treatment device, or other means to avoid an unreasonable risk to human health.
 - (2) Relief from Corrosion Control Treatment. When granting an adjusted standard from the corrosion control treatment requirements for lead and copper under Sections 611.351 and 611.352, the Board may impose a condition requiring a supplier to use bottled water, a point-of-use treatment device, or other means but not a point-of-entry treatment device to avoid an unreasonable risk to human health.
 - (3) Relief from Source Water Treatment or Replacing Service Lines. When granting an exemption from the source water treatment and lead service line replacement requirements under Section 611.353 or 611.354, the Board may impose a condition requiring a supplier to use a point-of-entry treatment device to avoid an unreasonable risk to human health.

The Board declines to modify 35 Ill. Adm. Code 611.130(c). Subsections 611.130(c)(1) through 611.130(c)(3) address the USEPA’s technical concerns because they are identical in substance to 40 CFR 142.62.

61-62. The USEPA suggests issues with the following subsections:

61. 35 Ill. Adm. Code 611.1357(d)(1): USEPA LCR Typographical error

62. 35 Ill. Adm. Code 611.1357(e)(2): USEPA LCR Request for clarification

USEPA suggests that there is a “typographical error system supplier” and suggests that the “state rule omits the end of the last sentence of the federal section (‘following the end of the monitoring period in which the third consecutive year of monitoring occurs’). EPA recommends inserting the omitted federal text.” PC 1 at 25.

As noted above in USEPA LCR stringency concerns numbers 21-25, the Board declines to modify LCR subsections.

63. 35 Ill. Adm. Code 611.884(d)(1): USEPA Stringency concern

The USEPA suggests that the “revised state section omits the link or URL address to the Safewater website (...and steps you can take to minimize exposure is available at <https://www.epa.gov/safewater/lead>.) Please add it to the section.” PC 1 at 26. USEPA also suggests that “[t]here should be a space between infants and the parenthesis before ‘both’ in the first sentence. 1/29/26: citation corrected. Typo not corrected.” *Id.*.

The Board has already made this amendment. In the underlying rulemaking, R25-1, the Board modified and adopted 35 Ill. Adm. Code 611.884(d)(1) as follows:

A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

Lead can cause serious health effects in people of all ages, especially for pregnant people, infants (both formula-fed and breastfed), and young children. Lead in drinking water is primarily from materials and parts used in service lines and in home plumbing. [INSERT NAME OF SUPPLIER] is responsible for providing high quality drinking water and removing lead pipes, but cannot control the variety of materials used in the plumbing in your home. Because lead levels may vary over time, lead exposure is possible even when your tap sampling results do not detect lead at one point in time. You can help protect yourself and your family by identifying and removing lead materials within your home plumbing and taking steps to reduce your family’s risk. Using a filter, certified by an American National Standards Institute accredited certifier to reduce lead is effective in reducing lead exposures. Follow the instructions provided with the filter to ensure the filter is used properly. Use only cold water for drinking, cooking, and making baby formula. Boiling water does not remove lead from water. Before using tap water for drinking, cooking, or making baby formula, flush your pipes for several minutes. You can do this by running your tap, taking a shower, doing laundry or a load of dishes. If you have a lead service line or galvanized requiring replacement service line, you may need to flush your pipes for a longer period. If you are concerned about lead in your water and wish to have your water tested, contact [INSERT NAME OF SUPPLIER and CONTACT INFORMATION]. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at <https://www.epa.gov/safewater/lead>.

64. 35 Ill. Adm. Code 611.2354(g)(7): USEPA Technical concern

The USEPA suggests the following:

The proposed state regulatory language in this section and more broadly in 35 Ill. Adm. Code 611.2354(f) and (g) is not consistent with the State statute in that the proposed regulations do not reflect more stringent requirements under 415 ILCS 5/17.12. For instance, certain requirements under 415 ILCS 5/17.12(ff) are more stringent than the proposed regulation. Section 17.12(ff) expressly prohibits partial LSL replacements, except for limited circumstances, which when applicable, specific steps are provided to limit lead exposure are required. While the discrepancy is outside of this IIS proceeding, the difference between the IIS regulations and state statute will need to be reconciled. PC 1 at 27.

The Board declines to make changes to 35 Ill. Adm. Code 611.2354(g)(7); as noted by USEPA “the discrepancy is outside of this IIS proceeding.”

65. 35 Ill. Adm. Code 611.2358(a)(1)(D): USEPA Technical issue

USEPA suggests that, for clarity, the Board edit “the phrase ‘... a supplier must analyze...’ to instead read ‘... a supplier must have analyzed...’ to emphasize that while the supplier is responsible for making sure the samples are analyzed, the analytical work, including compositing, requires use of certified lab personnel.” PC 1 at 27.

The Board proposes to amend 35 Ill. Adm. Code 611.2358(a)(1)(D) as follows:

The Agency may issue a SEP reducing the total number of samples a supplier must have analyzed~~analyze~~ by allowing the use of compositing. Certified laboratory personnel must composite the samples. A composite sample may include a maximum of five samples. However, if the lead concentration in the composite sample is greater than or equal to 0.001 mg/ L or the copper concentration is greater than or equal to 0.160 mg/ L, the supplier must do either of two things:

66. 35 Ill. Adm. Code 611.311(c)(2): USEPA Technical recommendation

USEPA suggests that the “federal rule adds a zero before the decimal point. For clarity, consider inserting a leading zero for all decimal numbers – e.g., the MCL of HFPO-DA should be expressed as 0.00001 mg/L.” PC 1 at 28.

The Board has already made this amendment. In R25-1, the Board modified and adopted 35 Ill. Adm. Code 611.311(c)(2) by placing a zero before the decimal points in the MCL’s and HBWC’s for each contaminant.

67. 35 Ill. Adm. Code 611.882(d)(2): USEPA Typographical issue

USEPA suggests that the “text should include a semicolon after ‘parties’ rather than a colon.” PC 1 at 29.

The Board proposes to amend 35 Ill. Adm. Code 611.882(d)(2) as follows:

On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties; and

68. 35 Ill. Adm. Code 611.883(d)(4)(F): USEPA Typographical issue

USEPA suggests that “rounds should be round(s).” PC 1 at 29.

The Board proposes to amend 35 Ill. Adm. Code 611.883(d)(4)(F) as follows:

For lead and copper: the 90th percentile concentration of the most recent ~~round(s)~~rounds of sampling, the number of sampling sites exceeding the action level, and the range of tap sampling results;

69. 35 Ill. Adm. Code 611.611(b): USEPA Technical recommendation

USEPA suggests that the Board revise the highlighted phrase (when collecting them) “to state ‘at time of collection’.” PC 1 at 30.

The Board proposes to amend 35 Ill. Adm. Code 611.611(b) as follows:

For cyanide determinations, the supplier must adjust samples to pH 12 with sodium hydroxide to pH 12 at the time of collection ~~when collecting them~~. When a sample needs chilling, the supplier must ship and store the sample at 4° C or less. The supplier may acidify nitrate or metals samples using a concentrated acid or a dilute (50% by volume) solution of the concentrated acid. USEPA encourages acidifying samples for metals analysis and that the laboratory acidify, rather than at the time of sampling if the supplier follows the shipping time and other instructions in Section 8.3 of USEPA 200.7 (94), USEPA 200.8 (94), or USEPA 200.9 (94).

70. 35 Ill. Adm. Code 611.1052: USEPA Typographical error

USEPA suggests that “SM 9221 B (06) is listed twice.” PC 1 at 30.

As noted above in numbers 21-25, the Board declines to modify LCR regulations.

71. 35 Ill. Adm. Code 611.2359(a)(1): USEPA Technical recommendation

USEPA suggests that the Board revise “the highlighted text to state ‘provided by or acceptable to USEPA or the Agency’.” PC 1 at 30.

The Board proposes to amend 35 Ill. Adm. Code 611.2359(a)(1) as follows:

The laboratory must analyze lead- and copper-containing performance evaluation samples provided by or acceptable to USEPA or the Agency at least once a year by each method for which the laboratory seeks certification;

Below, the Board discusses IEPA's comments in PC 3 and identifies additional amendments.

72. 35 Ill. Adm. Code 611.311(d): IEPA Typographical error

IEPA suggests that "the references to section 1412 of the Safe Drinking Water Act should be revised to section 1415(a)(1)(A), consistent with the federal provision." PC 3 at 2.

The Board proposes to amend 35 Ill. Adm. Code 611.311(d) as follows:

USEPA, under section 1415(a)(1)(A) of SDWA~~1412 of SDWA~~ identifies in Table 1 to subsection (d) the BAT, treatment technique, or other means available for achieving compliance with the maximum contaminant levels for all regulated PFAS identified in subsection (c).

73. 35 Ill. Adm. Code 611.311(e): IEPA Typographical error

IEPA suggests that "the references to section 1412 of the Safe Drinking Water Act should be revised to section 1415(a)(1)(A), consistent with the federal provision." PC 3 at 2.

The Board proposes to amend 35 Ill. Adm. Code 611.311(d) as follows:

USEPA, under section 1415(a)(1)(A) of SDWA~~1412 of SDWA~~, identifies in Table 1 to subsection (e) the affordable technology, treatment technique, or other means available to suppliers serving 10,000 persons or fewer for achieving compliance with the MCLs for all regulated PFAS identified in subsection (c)(2).

74. Appendix A to 35 Ill. Adm. Code 611: IEPA Typographical error

IEPA suggests that

Appendix A to 35 Ill. Adm. Code 611 lists the perfluorooctanesulfonic acid ("PFOS") maximum contaminant level ("MCL") in Consumer Confidence Report ("CCR") units as "4." The corresponding MCL is 0.0000040 mg/L, which converts to 4.0 when multiplied by the specified conversion factor of 1,000,000. The omission of the trailing zero may create ambiguity regarding the intended precision of the value and may affect rounding or reporting in CCRs. PC 3 at 2.

The Board proposes to amend Appendix A to 35 Ill. Adm. Code 611 as follows:

....MCL in CCR units: 4.04

75. Appendix H to 35 Ill. Adm. Code 611: Typographical errors

IEPA suggests that:

Appendix H to 35 Ill. Adm. Code 611 lists the perfluorooctanoic acid (“PFOA”) and PFOS MCLs as “.000004.” The corresponding federal MCLs are expressed as “0.0000040.” The omission of the trailing zero may create ambiguity regarding the intended precision of the values and may affect rounding or reporting. Revising the values to “0.0000040” would also add the leading zero and conform the Board’s rule to the format of the corresponding federal MCLs. PC 3 at 2.

Also, the Board identified two additional errors.

The Board proposes to amend Appendix H to 35 Ill. Adm. Code 611 as follows:

.....59. PFOA	zero	<u>0.0000040-00004...</u>
.....60. PFOS	zero	<u>0.0000040-00004...</u>
....75a ²³²² ...		

....Footnote 23.....The above appendix HB has two contaminants assigned to 75, the second contaminant with the number 75, xylene, is numbered 75a to retain structural integrity with 40 CFR 141 Appendix B to subpart Q....

TIMETABLE TO COMPLETE RULEMAKING

Adopting this proposal for public comment today will allow the Board to complete this rulemaking by December 30, 2026, barring unforeseen delays. The Board intends to adhere to the following schedule:

Board order proposing amendments:	August 6, 2026
Submission for <i>Illinois Register</i> publication:	August 7, 2026
Estimated <i>Illinois Register</i> publication:	August 21, 2026
Estimated End of 45-day public comment period:	October 5, 2026
Board order adopting amendments:	December 3, 2026
Estimated filing date:	December 4, 2026
Estimated <i>Illinois Register</i> publication:	December 18, 2026

Extending the date of completion until December 30, 2026, includes time to allow for any request for extended public review or unforeseen delays.

PUBLIC COMMENTS

The Board will receive public comments on this proposal for at least 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adopting final amendments, making any necessary changes made evident through the public comments. The Board expects to file any adopted rules with the

Secretary of State immediately after adoption, likely by December 3, 2026.

The Board requests comment on whether the proposed amendments ensure that Illinois' primary drinking water regulations remain consistent with the NPDWRs.

ORDER

1. The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois Primary Drinking Water Regulations.

2. IEPA's motion for a status hearing is granted and the Board directs the hearing officer to schedule a status hearing with interested participants.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 6, 2026, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board