

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 652
COMMUNITY WATER SUPPLIES

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AUTHORITY: Implementing and authorized by Sections 4(aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4(aa) and 14 through 19].

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 41 Ill. Reg. 10462, effective July 28, 2017; former Part repealed at 44 Ill. Reg. 18561 and new Part adopted at 44 Ill. Reg. 18563, effective November 9, 2020.

SUBPART A: GENERAL

Section 652.100 Purpose

The purpose of this Part is to:

- a) specify electronic reporting requirements for community water supplies pursuant to Section 4(aa) of the Act;
- b) provide rules for the prevention of environmental degradation that might occur when carrying out corrosion prevention and mitigation methods under Section 14.7 of the Act; and
- c) provide capacity development requirements pursuant to Section 15 of the Act.

Section 652.110 Definitions

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5] shall apply to this Part. For purposes of this Part:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Environmental Protection Agency established by Section 4 of the Environmental Protection Act.

"Capacity" means the ability to plan for, achieve and maintain compliance with applicable drinking water standards. Capacity has three components: technical, managerial and financial. Adequate capability in all three areas is necessary for a system to have "capacity".

"Capacity development" is the process of water systems acquiring and maintaining adequate technical, managerial, and financial capabilities to consistently provide safe drinking water. The federal Safe Drinking Water Act amendments of 1996 (42 USC 300f et seq.) provide a framework for states and water systems to work together to ensure that systems acquire and maintain the technical, managerial and financial capacity needed to meet the Act's public health protection objectives. (See Section 652.300.)

"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.

"Corrosion prevention and mitigation methods" means the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system, including any or more of the following:

surface preparation and coating application on the exterior or interior of a community water supply; or

shop painting of structural steel fabricated for installation as part of a community water supply.

"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods. Corrosion prevention project does not include clean-up related to surface preparation. [415 ILCS 5/14.7(b)]

"Effective external linkage" is the ability of a water system to communicate and exchange information with water customers, regulators, technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Infrastructure" means all mains, pipes including water service lines, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"New public water supply" means, beginning October 1, 1999, all new community water supplies and new non-transient non-community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 25 persons at least 60 days per year. Any water system not currently PWS that adds persons so that the total served is 25 persons or more without constructing additional infrastructure will become a PWS, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 652.310 unless the PWS is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Protective coatings personnel" means personnel employed or retained by a contractor providing services covered by this Part to carry out corrosion prevention or mitigation methods or inspections. [415 ILCS 5/14.7(b)]

"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or "a non-community water supply". [415 ILCS 5/3.365]

"Community water supply" means a public water supply which serves or is intended to serve at least 15 service

connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]

"Non-community water supply" means a public water supply that is not a community water supply. The requirements of the Act shall not apply to non-community water supplies. [415 ILCS 5/3.145]

"Resident" means a person who dwells or has a place of abode which is occupied by that person for 60 days or more each calendar year. [415 ILCS 5/3.415]

"State" means the State of Illinois.

"Water Service Lines" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user. Each water service line must also meet the applicable requirements of 35 Ill. Adm. Code 651 through 654 and the applicable requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

Section 652.120 Electronic Reporting Requirements

- a) All community water supplies must submit the following information to the Agency electronically:
 - 1) monitoring data necessary to comply with the Safe Drinking Water Act and the National Primary Drinking Water Regulations in 40 CFR 141;
 - 2) the water distribution system material inventory pursuant to Section 17.11(c) of the Act.
- b) Any community water supply unable to submit the information specified in subsection (a) electronically may request an electronic submission waiver from the Agency. Any request for a waiver pursuant to this Section must be submitted 90 days before the information specified in subsection (a) is required to be submitted to the Agency. Each waiver granted by the Agency expires 30 days after the information in subsection (a) is required to be submitted to the Agency.

Section 652.130 Incorporation by Reference

- a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Section to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"AWWA" means those standards published by American Water Works Association.

"NSF" means those standards published by the National Sanitation Foundation International.

- b) The Agency incorporates the following materials by reference:

AWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

NSF/ANSI 60-2014 Drinking Water Treatment Chemicals - Health Effects, April 2014.

NSF/ANSI 61-2014 Drinking Water System Components - Health Effects, March 2014.

NSF/ANSI 372-2011 Drinking Water System Components - Lead Content, July 2013.

SSPC. The Society for Protective Coatings/NACE International Joint SSPC Standard/NACE Standard Practice. Industrial Coating and Lining Application Specialist Qualification and Certification. SSPC ACS-1/NACE No. 13, effective March 28, 2016.

- c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

SUBPART B: CORROSION PREVENTION

Section 652.200 Applicability

- a) Except as provided in subsection (b), Subpart B applies only to

community water supplies conducting corrosion prevention projects.

- b) Subpart B does not apply to:
 - 1) *buried pipelines, including, but not limited to, pipes, mains, and joints;*
 - 2) *routine maintenance activities of community water supplies, including, but not limited to, the use of protective coatings applied by the owner's utility personnel during the course of performing routine maintenance activities. Routine maintenance activities include, but are not limited to, the painting of fire hydrants; routine over-coat painting of interior and exterior building surfaces such as floors, doors, windows, and ceilings; and routine touch-up and over-coat application of protective coatings typically found on water utility pumps, pipes, tanks, and other water treatment plant appurtenances and utility owned structures [415 ILCS 5/14.7]; and*
 - 3) equipment or material purchased through a third-party manufacturer or fabricator that is coated prior to purchase or delivery to the community water supply.

Section 652.210 Corrosion Prevention Standards

The Agency identifies the following standards for corrosion prevention and mitigation, incorporated by reference in Section 652.130:

- a) AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage;
- b) AWWA D107-10, Composite Elevated Tanks for Water Storage;
- c) NSF/ANSI 60-2014 Drinking Water Treatment Chemicals – Health Effects;
- d) NSF/ANSI 61-2014 Drinking Water Treatment Components – Health Effects;
- e) NSF/ANSI 372-2011 Drinking Water System Components – lead Content; and
- f) SSPC ACS-I/NACE No. 13 Industrial Coating and Lining Application Specialist Qualification and Certification.

Section 652.220 Corrosion Prevention at Community Water Supplies

- a) A community water supply must use *protective coatings personnel to carry out corrosion prevention and mitigation methods* on the following:
 - 1) *exposed water treatment tanks, exposed non-concrete water treatment structures, exposed water treatment pipe galleys;*
 - 2) *exposed pumps; and*
 - 3) *generators.* [415 ILCS 5/14.7(a)(2)(A)]
- b) A community water supply must use *inspectors to ensure that best practices and standards specified in Section 652.210 are adhered to on each corrosion prevention project* under this Part [415 ILCS 5/14.7(a)(2)(B)].

SUBPART C: PUBLIC WATER SUPPLY CAPACITY

Section 652.300 System Capacity

All new public water supplies must demonstrate technical, financial, and managerial capacity to ensure compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F. The owner of the public water supply is responsible for demonstrating and maintaining capacity. Technical, financial, and managerial capacity shall be based on the following criteria:

- a) "Technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Technical capacity means the physical infrastructure of the water system and includes, but is not limited to, adequacy of source water and treatment, storage and distribution components, and the ability of system personnel to adequately operate and maintain the system.
- b) "Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Managerial capacity includes the system's institutional and administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with customers, external resource agencies, and regulators.
- c) "Financial capacity" means the ability of a water system to acquire

and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

Section 652.310 Supporting Data for Public Water Supply Capacity Demonstration

Each public water supply subject to the capacity requirements shall demonstrate technical capacity, managerial capacity, and financial capacity by submission of the following compliance records to the Agency.

- a) For technical capacity, each public water supply must demonstrate the following:
 - 1) compliance with the standards for design, construction, and operation of public water supplies as required by 35 Ill. Adm. Code 604;
 - 2) selection of a source that is economically reasonable, reliable and adequate in quantity, and technically treatable to meet all proposed and existing State and federal drinking water standards, based upon an evaluation of potential of potable water;
 - 3) compliance with the ownership, certified operator, and responsible operator rules of 35 Ill. Adm. Code 603 and 681; and
 - 4) compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F.
- b) Each public water supply must demonstrate managerial capacity by providing the following:
 - 1) an organizational chart of the system that identifies responsible personnel, including both management and operational personnel;
 - 2) an operational management plan that:
 - A) describes operating procedures;
 - B) identifies the personnel responsible for operation and management of the system;

- C) includes a description of the process to be used to identify and implement changes to current procedures; and
 - D) identifies the process to be used to ensure that changes in responsible personnel are reported and implemented;
 - 3) an emergency management plan that includes:
 - A) identification of potential natural and human-caused risks to the water system;
 - B) identification of personnel responsible for response actions, notification procedures, and public/press relations; and
 - C) measures for averting or avoiding emergencies and the means for implementing the emergency response plan; and
 - 4) a training plan that assures on-going training participation by all personnel.
- c) Each public water supply must demonstrate financial capacity by submitting the following:
 - 1) a budget developed for a five-year period that includes, at a minimum, revenue income, operating expenses, capitalization expenses, reserves, capital improvements, and an emergency reserve fund;
 - 2) a description of income, investment and disbursement procedures and fiscal management reports that ensure adequate fiscal management; and
 - 3) a financial plan that projects growth, potable water demands, and regulatory compliance.