

ILLINOIS POLLUTION CONTROL BOARD  
June 23, 1992

IN THE MATTER OF: )  
 ) R91-3  
SAFE DRINKING WATER ACT UPDATE ) (Identical in Substance Rules)  
(7-1-91 through 12-31-91) )

EXTENSION OF TIME

ORDER OF THE BOARD (by J. Anderson):

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA drinking water rules adopted pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523), as amended (SDWA). The term "identical in substance" has been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that adoption of the regulations in this docket, already once delayed (as explained below), must be further delayed. The Board is therefore entering this Order to extend the time.

The USEPA SDWA rules are located at 40 CFR 141 through 143. These have been the subject of three recent amendments: 56 Fed. Reg. 636 (Jan. 8, 1991), 56 Fed. Reg. 1556 (Jan. 15, 1991) and 56 Fed. Reg. 3578 (Jan. 30, 1991), in addition to two subsequent, closely-related federal actions, at 57 Fed. Reg. 1850 (Jan. 15, 1992) and 57 Fed. Reg. 24744 (June 10, 1992). The federal amendments of January 8, 1991, January 15, 1991, January 15, 1992, and June 10, 1992 relate to total coliform monitoring. The federal amendments of January 30, 1991 are the federal Phase II rules, instituting maximum contaminant levels and monitoring requirements for numerous criteria.

By our order of January 9, 1992, the Board found that delays in preparing draft text of a proposed rule warranted an extension of time. A Notice of Public Information appeared in the Illinois Register on February 14, 1992, at 16 Ill. Reg. 2708. That notice explained the delay and estimated that the Board would prepare a Proposal for Public Comment by March 1, 1992 and complete this rulemaking by June 4, 1992. The Board adopted a Proposal for Public Comment on March 11, 1992, which appeared at 16 Ill. Reg. 5582, on April 10, 1992.

Because of unusual difficulties in adapting the federal SDWA regulations to the Illinois program, further delay in adopting final rules is unavoidable in this matter. First, the Board has received numerous public comments in response to this proposal and is engaged in an extensive review of the proposal as a

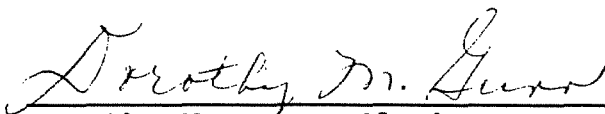
result. Second, this is a complex rulemaking, and clarification of numerous issues by USEPA is necessary to assuring the resulting rules are identical in substance to the federal regulations. The Agency and the Board have addressed questions to USEPA for this purpose. The Board received draft answers in June to questions addressed to USEPA in November, 1991, and answers to questions addressed in September, 1991 are still outstanding. The unusual posture of this proceeding and the need to afford USEPA more time to respond with clarifications will result in additional delay in adopting these rules. The Board projects that we will be able to complete Board action on this rulemaking by October 1, 1992, for subsequent publication in the Illinois Register.

For the foregoing reasons, the Board hereby finds that an extension of time is necessary.

Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 23<sup>rd</sup> day of June, 1992, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board