



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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217/782-1020

ROD R. BLAGOJEVICH, GOVERNOR RINEE CIPRIANO, DIRECTOR

September 8, 2003

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street 11-500
Chicago, Illinois 60601

ORIGINAL

PC#1

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CLERK'S OFFICE

SEP 10 2003

STATE OF ILLINOIS
Pollution Control Board

Re: SDWA Update USEPA Amendments July 1, 2002 through December 31, 2002 Docket R03-15

Dear Ms. Gunn:

Thank you for providing an opportunity to comment upon proposed changes to the Illinois drinking water regulations. As nearly all the drinking water regulations are open in R03-15, the Agency would like to take the opportunity to complete some updates that are needed.

On July 17, 2003, Charlene Denys, Region 5 USEPA Ground Water and Drinking Water Branch Chief, sent a letter to the Agency clarifying the regulation of aldicarb. USEPA neglected to remove a footnote in 40 CFR 141.24(h) that indicates that monitoring must be completed, but did delete the contaminant group from monitoring requirements in 40 CFR 141.24, moving them to 40 CFR 141.40, unregulated contaminants. Ms. Denys' letter clearly states that it is not necessary for Illinois to include the MCLs, analytical methods, or monitoring requirements for the aldicarb compounds in its regulations, nor is it necessary for laboratories to be certified to analyze for these compounds until USEPA takes further regulatory action on them. A copy of the letter from Ms. Denys is attached. Accordingly, Illinois EPA respectfully requests that the Illinois Pollution Control Board repeal the aldicarb group from definition in 611.102, 611.311(b); delete the BAT listings and the MCL listed for the aldicarbs under 611.311(c); delete the methods cited for aldicarb contaminants under 611.510(b)(11); delete the aldicarbs from the definition under Phase II(b) SOCs; delete the Board note at 611.648(b) that indicates that suppliers must continue to monitor for the aldicarbs; delete the aldicarbs from the list of related contaminants at 611.648(g)(5)(B)(i); delete the method detection limits for aldicarb at 611.648(r) (2); delete laboratory certification requirements at 611.648 (s) (2); and delete the aldicarbs from the federal effective dates in Table Z.

The Agency also requests that the following revisions be made to parts open under this docket. These revisions have been requested by USEPA during the primacy approval process, as USEPA has reviewed primacy packages submitted by the Agency.

1. USEPA noted that "more than" is missing from the entry for "microbiological contaminant" in Appendix A to Part 611 (corresponding with appendix A to 40 CFR 141 subpart O). The federal language restates the fecal coliform MCL as "5% of monthly samples" for systems that collect "[greater than or equal to] 40 samples/month" and "1 positive monthly sample" for those collecting "<40 samples/month." The October 5, 2000 proposal for public

comment duplicated the federal language. Thus, USEPA points to an implicit error in the federal language that the Board incorporated into the Illinois rules. The language as it exists today in the Illinois regulation states "fewer than 5% of monthly samples" for systems that collect "[greater than or equal to] 40 samples/month" and "fewer than 1 positive monthly sample" for those collecting "<40 samples/month." The Agency recommends that the Board change this to "five percent or fewer of monthly samples" for a supplier that collects "40 or more samples/month" and "one or fewer positive monthly samples" for those collecting "fewer than 40 samples/month."

2. "PWS" in 35 Ill. Adm. Code 611.883(b)(2) should be changed to "supplier" to agree with "operator" that appears at corresponding 40 CFR 141.153(b)(2).
3. USEPA had questions regarding rules for the detection of a contaminant. Specifically, 40 CFR 141.151(d) refers to other rules for definition of "detection" of a contaminant. This section refers to 141.23(a)(4) for the IOCs. The list of detection limits actually appears at 40 CFR 141.23(a)(4)(i), which corresponds with the list at 35 Ill. Adm. Code 611.600(d). 40 CFR 141.24(f)(7) defines "detection." This corresponds with the definitions of "detect" and "detection" at 35 Ill. Adm. Code 611.646(a). 40 CFR 141.24(h)(18) lists the detection limits of Aroclors and SOCs. This corresponds with 35 Ill. Adm. Code 611.648(r). 35 Ill. Adm. Code 611.831(d), which corresponds with 40 CFR 141.151(d), refers to 35 Ill. Adm. Code 611.600(d) for the IOCs, 611.646 for VOCs, and 611.686(r) for the Alaclors and SOCs. The only discrepancy is that 35 Ill. Adm. Code 611.831(d) should perhaps more specifically refer to 35 Ill. Adm. Code 611.646(a). The Agency respectfully requests that the Board make this change.

Thank you for considering these comments.

Sincerely,



Lou Allyn Byus
Assistant Manager – Field Operations
Division of Public Water Supplies

cc: Office of Legal Services
Illinois Department of Natural Resources
524 S. Second St.
Springfield, IL 62701-1787

Rita Garner
USEPA, Region V
77 West Jackson
Chicago, IL 60604



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WG-15J

Roger Selburg, Manager
Division of Public Water Supplies
Illinois Environmental Protection Agency
1021 North Grand Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

RECEIVED
Division of Legal Counsel
JUL 21 2003 JUL 17 2003
Environmental Protection
Agency
State of Illinois

Dear Mr. Selburg:

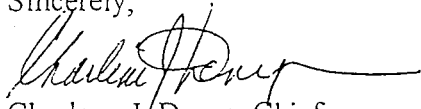
This letter is being sent to you regarding the regulatory status of the three aldicarb compounds (aldicarb, aldicarb sulfone, and aldicarb sulfoxide) under the National Primary Drinking Water Regulations (NPDWRs). These compounds were originally part of the NPDWRs that were promulgated for synthetic organic compounds in 1992. These NPDWRs included monitoring requirements, analytical methods, and maximum contaminant levels (MCLs) for the aldicarb compounds.

Before they became effective the United States Environmental Protection Agency (USEPA) stayed the MCLs, and they have never taken effect. USEPA also changed the monitoring requirements for these compounds, and moved them from the SOC monitoring section (40 Code of Federal Regulations (CFR) Section 141.24) to the unregulated contaminant monitoring section (40 Code of Federal Regulations, Section 141.40), which required 4 quarterly samples for these compounds to be completed by December 31, 1995. Once the deadline for this monitoring had past, and Section 141.40 was revised to include new unregulated contaminants (in 1999), the aldicarb compounds were removed from the Section.

Unfortunately, when this revision took place, USEPA neglected to remove a footnote in the NPDWRs (at 40 CFR Section 141.24(h)) that directs public water systems to monitor for the aldicarb compounds in accordance with Section 141.40, which no longer includes the aldicarb compounds, so there has been confusion as to what is currently required for the aldicarb compounds. Adding to the confusion is that although the MCLs for these compounds have been stayed, their MCLs are still listed in the current NPDWRs and there is nothing in the CFR to indicate that the MCLs are still stayed, therefore someone reading the most recent CFR could incorrectly determine that the MCLs are in effect.

This letter is being sent to clarify USEPA's position on the alicarb compounds. Since the MCLs are currently stayed, and monitoring for the aldicarb compounds has been completed, there is no need to include the MCLs, analytical methods, or monitoring requirements in State regulations until such time as USEPA takes further actions under a NPDWR regarding these compounds. In addition, there is no need for laboratories to be certified to analyze these compounds until USEPA takes further regulatory action on them. Should you have any questions, please feel free to contact Miguel Del Toral, of my staff, at (312) 886-5253.

Sincerely,



Charlene J. Denys, Chief
Ground Water and Drinking Water Branch

cc: State Directors
Kelley Moore
Janet Kuefler