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STATE OF ILLINOIS
Pollution Control Board

LINE NUMBERED VERSION

~~_____ of the agency's rulemaking process in _____.~~

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code citation: 35 Ill. Adm. Code 611
- 3)

<u>Section numbers</u> :	<u>Proposed Action</u> :
611.102, 611.231, 611.233	Amend
611.241, 611.242, 611.250	Amend
611.261, 611.262, 611.301	Amend
611.382, 611.383, 611.526	Amend
611.532, 611.533, 611.720	Amend
611.732, 611.953, 611.956	Amend
611.Appendix G, 611.Appendix H	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27
- 5) A complete description of the subjects and issues involved:

This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2004 though June 30, 2004, and on August 25, 2004. The amendments approve one new analytical method for analysis of total coliforms and *E. coli* and three new methods for analysis of uranium in drinking water. Another amendment makes a number of minor corrections to various federal rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

A fuller discussion of the issues involved in this rulemaking appears in the October 7, 2004 opinion and order in docket R05-6. The following briefly summarizes the federal actions considered in this rulemaking.

USEPA amended the federal SDWA regulations three times during the period January 1, 2004 though June 30, 2004. These actions are summarized below:

February 13, 2004 (69 Fed. Reg. 7156)

USEPA approved an additional analytical method for coliforms and *E. coli* in drinking water.

June 2, 2004 (69 Fed. Reg. 31068)

By a direct final rule, USEPA approved three additional analytical methods for uranium in drinking water. (This rule was withdrawn on

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August 25, 2004, as described below.)

June 29, 2004 (69 Fed. Reg. 38850)

USEPA adopted a number of minor corrections to various rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

The Board engages in ongoing monitoring of federal actions. As of the October 7, 2004 opinion and order, the Board had identified two simultaneous and related USEPA actions since June 30, 2004, that further amend the SDWA rules. Both actions relate directly to the subject matter of the June 2, 2004 amendments that are involved in this docket. Those two actions are described as follows:

August 25, 2004 (69 Fed. Reg. 52176)

By a final rule, USEPA approved the three additional analytical methods for uranium in drinking water that it had approved on June 2, 2004, by a direct final rule. (Note the June 2, 2004 notice of proposed rule at 69 Fed. Reg. 31068.)

August 25, 2004 (69 Fed. Reg. 52181)

In response to adverse public comments, USEPA withdrew its June 2, 2004 direct final rule that approved three additional analytical methods for uranium in drinking water.

Tables appear in the Board's opinion and order of October 7, 2004, in docket R05-6 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the October 7, 2004, opinion and order in docket R05-6.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace any emergency amendments currently in effect?

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from the Board's Website at <http://www.ipcb.state.il.us>.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act, [30 ILCS 805/3(b) (2002)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act, [30 ILCS 805/3(b) (2002)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act, [30 ILCS 805/3(b) (2002)].

13) Regulatory agenda on which this rulemaking was summarized: July 2004

The full text of the Proposed Amendments begins on the next page:

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