

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
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JUL 09 2007

IN THE MATTER OF: )

SDWA UPDATE, USEPA AMENDMENTS )  
(January 1, 2006 through June 30, 2006) )

R07-2  
Identical-in-Substance  
Rulemaking-Public Water Supply)

STATE OF ILLINOIS  
Pollution Control Board

SDWA UPDATE, USEPA AMDENDMENTS )  
(July 1, 2006 through December 31, 2006 )

R07-11  
(Identical-in-Substance  
Rulemaking-Public Water Supply)  
(Consolidated)

*PC#2*

NOTICE

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

General Counsel  
Illinois Dept. Of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

Matt Dunn  
Environmental Bureau Chief  
Office of the Attorney General  
James R. Thompson Center  
100 W. Randolph, 12<sup>th</sup> Floor  
Chicago, IL 60601

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's Comments in the above captioned matter, a copy of which is herewith served upon you.

Date: July 5, 2007

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

By: *Stefanie N. Diers*

Stefanie N. Diers  
Assistant Counsel  
Division of Legal Counsel

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**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS EPA'S COMMENTS

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its comments on the amendments proposed in the Board's May 3, 2007 Opinion and Order.

The Illinois EPA believes a table is the best way to convey the comments to the Board. Therefore, a table is attached and labeled as "Attachment A".

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
 Stefanie N. Diers  
 Assistant Counsel  
 Division of Legal Counsel

July 5, 2007

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

<b>Subpart A General</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
Section 611.101 Definitions	<p><u>“Wellhead Protection Area” (“WHPA”) means the surface and subsurface recharge area surrounding a community water supply well or well field delineated outside of any applicable setback zones (pursuant to Section 17.2 of the Act (415 ILCS 5/17.2)) and in accordance with Illinois’ Approved Wellhead Protection Program (incorporated by reference at Section 611.102) and Guidance Document for Conducting Groundwater Protection Needs Assessments developed pursuant to Section 17.2 of the Act (415 ILCS 5/17.2), incorporated by reference at Section 611.101, through which contaminants are reasonably likely to move toward such well or well field.</u></p>	<p>This definition was included because sanitary surveys are now required, pursuant to Section 611.801(b) of this regulation, to include source water assessments. Illinois’ source water assessments, for groundwater systems, were conducted within delineated WHPA(s). It is essential to include this term in Section 611.801(b), and its definition under this section to explain the scope of the inspection requirements approved by U.S. EPA. In addition, WHPA delineation is a key part of the hydrogeologic sensitivity assessment as required under this regulation. Further, public water supply officials are familiar with this term. It has been used since 1991, under Illinois’ approved Wellhead Protection Program (“WHPP”) (see existing Board WHPP definition under this section).</p>
	<p>“Initial distribution system evaluation” –  “Derived from 40 CFR-611.921(c) <u>141.601(b)</u> (2006)”  p.69</p>	<p>BOARD NOTE incorrectly reads. It is believed that the numbers should be changed to 141.601(b).</p>

<b>Subpart A General</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
Section 611.102(b) Incorporations by Reference	<p><u>“Illinois Environmental Protection Agency,” R.O. Box 19276, 1028 North Grand Avenue East, Springfield, Illinois 62794-9276, (217) 785-4787</u></p> <p><u>“Guidance Document for Groundwater Protection Needs Assessments,” Agency, Illinois State Water Survey, and Illinois State Geologic Survey Joint Report, January, 1995.</u></p> <p><u>“The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act,” Agency, # 22480, October, 1992.</u></p>	<p>These new incorporations by reference are needed to support the proposed WHPA definition. In addition, these documents provide further detail to supplement the requirements of Section 611.801(b) to the regulated community and other interested groups.</p> <p>Moreover, these incorporations by reference provide a nexus with the existing Board definition of WHPP, and the associated Board note regarding Groundwater Protection Needs Assessments.</p> <p>The Agency has also added the Agency’s address to indicate where the documents can be obtained.</p>

<b>Subpart A General</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.161 Preamble	of this Part at <u>as</u> they apply p.68	Grammatical
611.161(c)	distribution system <u>after</u> or any other factors p.69	Streamline the language

<b>Subpart F <u>Maximum Contaminant Levels (MCLs) and Maximum Residual Disinfectant Levels (MRDLs)</u></b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
Header	<del>“SUBPART I. DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS “SUBPART E. MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)”</del> p.69	Header is incorrect.

**Subpart I Disinfectant Residuals, Disinfection Byproducts,  
And Disinfection Byproduct Precursors**

Section	Old and New Language (Note: New language and deletions are highlighted in yellow)	Basis for the Proposed Change
	Add <u>SUBPART I:</u> to the header. p.73	Missing the Subpart
611.381(b)(2)(D)(xiii)	<del>State</del> "Agency" p.78	Illinois specific
611.381(c)(1)(C)(ii)	<del>"E"</del> "E" p.80	Method 4500 Cl(E)
611.382(b)(1)(D)	A supplier that does not meet these levels must resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section ( <del>minimum monitoring frequency column</del> ) in the quarter immediately following the monitoring period in which the supplier exceeds 0.060 mg/l for TTHMs or 0.045 mg/l for HAA5 p.87	Removed language from the federal rule that does not correspond to IPCB narrative method of presenting the federal table.
611.382(b)(1)(D)	For a supplier <del>using that</del> uses only groundwater not under the direct influence of surface water and <del>which serves</del> fewer than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/l or the HAA5 annual average is greater than 0.060 mg/l, the supplier must go to increased monitoring identified in subsection (b)(1)(A) of this Section ( <del>sample location column</del> ) in the quarter immediately following the monitoring period in which the supplier exceeds 0.080 mg/l for TTHMs or 0.060 mg/l for HAA5. p.87	Removed language from the federal rule that does not correspond to IPCB narrative method of presenting the federal table.
611.382(b)(3)(B)(ii)	remove lower case <del>'delta'</del> notation and replace with " $\leq$ " or revise wording to say "...bromate samples <del>no greater than</del> 0.0025 mg/L p.89	Technical

<b>Subpart S Ground Water Rule</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
<u>Section 611.800(c)(5)</u> General Requirements and Applicability	BOARD NOTE: The Board moved the definition of "hydrogeologic sensitivity assessment" to the definitions provision of this Part: Section 611.1012 p.106	The definitions are found in Section 611.101 not Section 611.102. This is a typo.
<u>Section 611.801(b)</u>	<u>For the purposes of this Subpart S, a "sanitary survey," as conducted by the Agency, includes but is not limited to, an onsite review of the water sources delineated WHPA(s) (identifying sources of contamination within the WHPA(s) and evaluation of the hydrogeologic sensitivity of the delineated WHPA(s) conducted under source water assessments or utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.</u>  p.106	These edits were made for technical clarity. For groundwater systems, Illinois' source water assessment program, as approved U.S. EPA, conducted an on-site review of the delineated WHPA. The entire water source (e.g., aquifer was not reviewed).  Further, the WHPA delineation process itself is a major component of conducting hydrogeologic sensitivity assessment.
<u>Section 611.802(a)(4)</u>	4) <u>Consecutive and wholesale systems.</u>  A) <u>In addition to the other requirements of this subsection (a), a consecutive GWS supplier that has a total coliform-positive sample collected pursuant to Section 611.521 must notify the wholesale system within 24 hours of being notified of the total coliform-positive sample.</u> p.109	The cross reference was changed from a federal to a Board citation.

Section 611.802(a)(4)(B)(i)	i) <u>A wholesale GWS supplier that receives notice from a consecutive system it serves that a sample collected pursuant to Section <del>141.21(a)</del> 611.521 is total coliform-positive must, within 24 hours of being notified, collect a sample from its groundwater sources pursuant to subsection (a)(2) of this Section and analyze it for a fecal indicator pursuant to subsection (c) of this Section.</u> p.109	The cross reference was changed from a federal to a Board citation.
Section 611.802(e)(2)	<u>If the supplier's system configuration does not allow for sampling at the well itself, the <del>supplier</del> may collect a sample at a Agency-approved location to meet the requirements of subsection (a) of this Section if the sample is representative of the water quality of that well.</u> p.113	Grammatical – The term “it” was replaced with the term supplier
<b>SUBPART S GROUND WATER RULE</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
Section 611.803(b)(3)(A)(i)	<u>GWS suppliers serving greater than 3,300 people. A GWS supplier that serves greater than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods specified in Section 611.531(b) at a location approved by the Agency and must record the lowest residual disinfectant concentration each day that water from the groundwater source is served to the public. The GWS supplier must determine and maintain an Agency <del>determined</del> approved residual disinfectant concentration every day it serves water from the groundwater source to the public.</u> p.114	The Agency does not determine the residual but we do approve the residuals. Thus, “determined” is proposed to be replaced by “approved”. Also this change seems to improve the readability of the sentence.



<b>Subpart S Ground Water Rule</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
<u>Section 611.803(b)(3)(A)(ii)</u>	<p>GWS suppliers serving 3,300 or fewer people. A GWS supplier that serves 3,300 or fewer people must monitor the residual disinfectant concentration using analytical methods specified in Section 611.531(b) at a location approved by the Agency and record the residual disinfection concentration each day that water from the groundwater source is served to the public. The GWS supplier must <del>determine and maintain the an</del> <u>Agency approved</u> <del>determined</del> residual disinfectant concentration every day the it serves water from the groundwater source to the public. The GWS supplier must take a daily grab sample during the hour of peak flow or at another time specified by the Agency. If any daily grab sample measurement falls below the <del>Agency-determined</del> <u>approved</u> residual disinfectant concentration, the GWS supplier must take follow-up samples every four hours until the residual disinfectant concentration is restored to the supplier determined and Agency-<del>approved determined</del> level. Alternatively, a GWS supplier that serves 3,300 or fewer people may monitor continuously and meet the requirements of subsection (b)(3)(A)(i) of this Section.</p> <p><b>p.118</b></p>	<p>Same basis as provided above.</p>

### Subpart S Ground Water Rule

Section	Old and New Language (Note: New language and deletions are highlighted in yellow)	Basis for the Proposed Change
<p style="text-align: center;">Section 611.803(b)(3)(C)(i) and 611.803(b)(3)(C)(ii)</p>	<p>i) <del>It must m</del>Monitor the alternative treatment in accordance with all Agency-specified monitoring requirements; and</p> <p>ii) <del>It must o</del>Operate the alternative treatment in accordance with all <del>operational compliance</del> requirements <del>determined by the supplier and approved by that</del> the Agency <del>determines</del> to be necessary to achieve at least 4-log treatment of viruses.</p> <p>p.119</p>	<p>These proposed edits streamline the language. In addition, the proposed edits to 611.803(b)(3)(C)(ii) are based the fact that the supplier and engineering consultant determine the alternative treatment but the Agency's role is to either approve or deny such a request via permit. However, this is a final determination at that point.</p>
<p style="text-align: center;">611.803(c)</p>	<p><u>Discontinuing treatment. A GWS supplier may discontinue 4-log treatment of viruses (using inactivation, removal, or a Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source if the <del>Agency supplier</del> determines and documents in writing and <del>The Agency approves</del> that 4-log treatment of viruses is no longer necessary for that groundwater source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of Section 611.802 of this Subpart S.</u></p> <p>p.119</p>	<p>Same basis as above.</p>

<b>Subpart S Ground Water Rule</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
<u>Section 611.804</u>	<p>a) <u>A GWS supplier with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Agency) of receiving written notice from the Agency of the significant deficiency, the system <del>does not do either of the following</del></u></p> <p>1) <u><del>It</del> Does not complete corrective action in accordance with any applicable Agency plan review processes or other Agency guidance and direction, including Agency specified interim actions and measures, or</u></p> <p>2) <u><del>It</del> is not in compliance with a Agency-approved corrective action plan and schedule.</u> <b>p.119</b></p>	The basis for these proposed changes is to streamline the language.
<u>Section 611.805(b)(5)(A) and 611.805(b)(5)(C)</u>	<p>5) <u>For a supplier, including a wholesale system supplier, that are required to perform compliance monitoring pursuant to Section 611.803(b), the following information:</u></p> <p>A) <u>Records of the <del>supplier</del> <del>Agency</del> specified <del>Agency approved</del> minimum disinfectant residual. Documentation shall be kept for a period of not less than ten years:.....</u> <b>p.121</b></p> <p>C) <u>Records of <del>supplier</del> <del>Agency</del> specified <del>Agency approved</del> compliance requirements for membrane filtration and of parameters specified by the <del>Agency</del> <del>supplier</del> for Agency-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation shall be kept for a period of not less than five years.</u> <b>p.122</b></p>	The Agency's role is to approve the residual and the treatment parameters specified by the supplier.

**Subpart V Public Notification Of Drinking Water Violations**

<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.911(a)	<del>“141.203(b)”</del> <u>“611.903(b)”</u> <b>p.138</b>	The cross reference was changed from a federal to a Board citation.
611.911(b)	Comply with <u>State an Agency</u> – approved schedule...” <b>p.138</b>	Illinois specific
611.911(b)	<del>141.203(b)</del> <u>611.903(b)</u> <b>p.138</b>	The cross reference was changed from a federal to a Board citation

<b>Subpart W Initial Distribution System Evaluations</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.920(c)(1)(G)	– Replace “ <del>this column</del> ” two times with “... <u>subsection (c)(1)(A) through (c)(1)(D) of this Section</u> _____ p.141	Provides appropriate cross references.
611.920(d)	it must <u>conduct</u> a system-specific study p.142	Incomplete without the proposed change.
611.920(d)(1)	if the supply <del>meets meet</del> reduced monitoring” p.142	Grammatical
611.921(b)(1)(D)	which <del>does not operate</del> operates a consecutive system...” p.144	Change to be consistent with the federal regulation.
611.921(b)(1)	611.921(b)(1)(M) through 611.921(b)(1)(P) – “ <del>and which operates a consecutive system</del> ” in each item p.145	The Agency suggests including the federal table as an appendix instead of trying to do a narrative here. The Agency believes the table would be more helpful to the regulated community. However, if the Board chooses to keep the narrative the strikeout is needed to be consistent with the federal regulation.
611.921(b)(3)	<u>If the number of entry points to the distribution system is fewer than the specified number of entry point monitoring locations, excess entry point samples must be replaced with equally at high TTHM and HAA5 locations. If there is an odd extra location number, the supplier must take a sample at a high TTHM location. If the number of entry points to the distribution system is more than the specified number of entry point monitoring locations, the supplier must take samples at the entry points to the distribution system that have the highest annual water flows.</u>	Change to be consistent with the federal regulation and for clarity.

	<b>p.146</b>	
611.921(b)(4)	<u>The supplier's monitoring under this subsection (b) may not be reduced under the provisions of Section 611.500, and the Agency may not reduce the supplier's monitoring using the provisions of Section <del>622.161</del>. 611.161</u> <b>p.146</b>	Typo
611.922(b)(2)	Change <del>(a)(2)(ii)</del> to <u>(a)(2)(B)</u> <b>p.153</b>	Incorrect citation.
611.925(e)	Line 4 "...month, and if the supplier <u>is</u> <del>are</del> required to conduct..." p.158	Grammatical

<b>Subpart Y Stage 2 Disinfection Byproducts Requirements</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.970(c)(7)	“...that the additional <u>time</u> is needed...” p.160	Incomplete without the proposed change.

<b>Subpart Z Enhanced Treatment For Cryptosporidium</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.1001(a)(3)(B)	Change <del>State</del> to <u>Agency</u> p.174	Illinois specific
611.1002(b)(1)	Change <del>State</del> to <u>Agency</u> p.178	Illinois specific
611.1007(c)(1)	Change <del>(c)(1)(D)</del> to <u>(c)(1)(F)</u> p.185	Consistent with USEPA regulations
611.1007(f)(2)(D)	“...matrix spike, <u>initial precision and recovery (IPR), ongoing precision and recovery (OPR), (OPR), and ...</u> ” p.187	Technical
611.1007(g)	Change <del>State</del> to <u>Agency</u> p.187	Illinois specific
611.1009(c)(2)	remove <del>611.172</del> ; insert <u>611.1008(c)(2)</u> p.189	Illinois specific
611.1010(b)(3)	is equal to the <u>highest</u> arithmetic mean p.191	Technical
611.1015(b)(3)(c)	Change <del>State</del> to <u>Agency</u> p.200	Illinois specific
611.1017(a)(3)(A)	Change <del>log<sub>10</sub></del> to <u>log<sub>10</sub></u> in both places p.204	Illinois specific
611.1017(c)	and is <del>are</del> not eligible p.204	Grammatical
611.1018(b)	remove <del>611.174</del> and <del>611.560</del> ; change to read “...described in Section <u>611.744</u> or Section <u>611.956</u> , as applicable.” p.207	Illinois specific
611.1019(b)(3)(A)	Remove <del>“supplier”</del> ; change to read “...from the rest of the <u>treatment system</u> for the purposes p.212	The subject is not the “supplier” (owner or operator of the public water supply); rather the subject is a treatment system that is part of the treatment plant.



<b>Subpart Z Enhanced Treatment For Cryptosporidium</b>		
<b>Section</b>	<b>Old and New Language (Note: New language and deletions are highlighted in yellow)</b>	<b>Basis for the Proposed Change</b>
611.1019(b)(4)	Change <u>State</u> to <u>Agency</u> p.214	Illinois specific
611.1019(d)	"A supplier <del>is</del> <u>are</u> eligible to receive p.215	Grammatical
611.1020(d)(1)	Remove <del>"s"</del> in front of "system" p.217	Typo
611.1020 (d)(2)(A)	Remove <del>"supplier"</del> ; change to read "...or other critical <u>treatment system</u> components p.217	The subject is not the "supplier" (owner or operator of the public water supply); rather the subject is a treatment system that is part of the treatment plant.
611.1021(f)(10)(B)(ii)	Change <u>State</u> to <u>Agency</u> p.222	Illinois specific
<b>611. Appendix G</b>		
611. Appendix G	<p><del>12. This endnote 12 corresponds with endnote 12 of the table in Appendix A of Subpart Q of 40 CFR (2003) (2006) which states a past effective date. This statement maintains structural consistency with the federal regulations.</del></p> <p><u>12. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.</u></p> <p>p.252</p>	This is to maintain consistency with CFR Appendix A to Subpart Q of Part 141 endnote. This is not part of the R07-2 / R07-11 major rulemaking but was discovered during review of minor revisions.

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF SANGAMON )

**PROOF OF SERVICE**

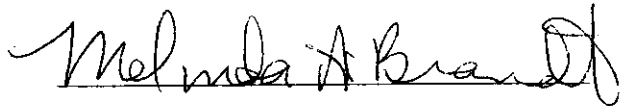
I, the undersigned, on oath state that I have served the attached Illinois Environmental Protection Agency's Comments upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
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General Counsel  
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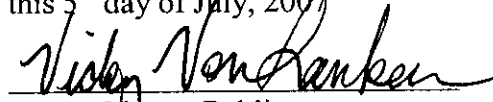
Matt Dunn  
Environmental Bureau Chief  
Office of the Attorney General  
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Chicago, IL 60601

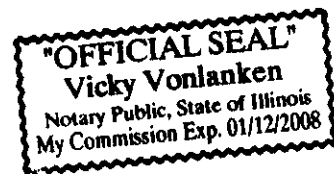
and mailing it First Class Mail from Springfield, Illinois on July 5, 2007, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 5<sup>th</sup> day of July, 2007

  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**