

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R15-22
PUBLIC WATER SUPPLIES: PROPOSED)
AMENDMENTS TO 35 ILL. ADM CODE) (Rulemaking-Water)
PARTS 601,602, AND 603)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have electronically filed today with the Illinois Pollution Control Board Illinois EPA's TESTIMONY OF W. DAVID MCMILLAN for the above captioned rulemaking, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

DATED: May 28, 2105

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TESTIMONY OF W. DAVID MCMILLAN

My name is Dave McMillan. I began my current role as Illinois' Drinking Water Administrator in December of 2010. In this position, I have led a collaborative program of four sections staffed by environmental engineers, geologists and specialists. The Permit, Compliance Assurance, Groundwater and Field Operations Sections ensure the safety of the Illinois' drinking water supplies. Together the staff of the Division of Public Water Supplies oversees allocation of resources to conduct inspections, evaluate source water protection programs, issue permits and ensure the safety and compliance of community water systems.

My advancement to Manager of the Division of Public Water Supplies began in 1985 when I graduated from Bradley University, with a Bachelor of Science Degree in Geology. I began my career in a Field Office of the Illinois EPA in the newly formed Groundwater Section. I worked my way through the ranks and eventually took on a Unit Manager role in 1992 and moved into the Central Office in Springfield. In 2004, I became the interim Manager of the Field Operations Section of the Division of Public Water Supplies, a position that later became permanent. My curriculum vita is attached as Exhibit 1.

Today I would like to address the need to update Illinois' regulations for community public water supplies. It is my belief that updating these regulations is the first step in a more concise and understandable framework for ensuring the protection of Illinois water consumers.

The approach taken in this rulemaking is based as much on common sense as sound engineering practices.

The Illinois EPA recognizes the ongoing lack of funding available to Illinois water supplies. For this reason, we believe making the proposed revisions to the regulations is more necessary than ever in advancing health protection through increasing regulatory discernment without cost to Illinois tax payers. Specifically, updating the provisions in Part 601 and Part 603 and consolidating many of the provision of Part 652 into Part 602 will make the regulations more concise and more user friendly. We believe that this will reduce confusion and increase understanding with an end result of enhanced health protection.

With this in mind, the Illinois EPA proposes adding a description of the "Organization of the Chapter" to Section 601.102. Additionally, the general provisions provided in Part 601 do not properly incorporate documents by reference as required by the Illinois Administrative Procedure Act. To address this deficiency, the Agency's proposal creates a new section, Section 601.115, where the documents referenced in Parts 601-603 are properly incorporated by reference. The Illinois EPA proposes to incorporate by reference the most commonly used design standards. For example, we included standards for the disinfection of water mains and design standards for water wells. In the event that there is a standard that is not incorporated by reference which a community water supply wishes to use, the community water supply may do so if it can prove the standard will produce constantly satisfactory results.

Furthermore, the provisions in Part 603 do not reflect the 2014 revisions to the Public Water Supplies Operations Act. Amendments to this Act added new language to describe certified operators responsible for the water supply. This individual is now called the "Responsible Operator In Charge" or "ROINC". The Agency's proposal updates the terminology

in Part 603 to include Responsible Operator In Charge or ROINC. Additionally, because the Public Water Supplies Operations Act add a ROINC it removed the concept of responsible person. Therefore, our regulatory proposal does likewise.

The Agency's proposal does add a new category of responsible personnel. Administrative contacts would be designated as agents of the community water supply. These individuals could then receive notices from the Illinois EPA and make decisions for the community water supply's owners or official custodians. For example, if we consider the City of Chicago's community water supply, most likely: the Owner is the City of Chicago; the Official Custodian is the Mayor; the Responsible Operator in Charge is the Deputy Commissioner of the Department of Water Management; and the Administrative Contact is the Commissioner of the Department of Water Management. Because of the complex administrator nature of large community water supplies, the Illinois EPA believes that addition of Administrative Contact is necessary for efficient correspondence and communication between the state and local entity.

At this time, the Illinois EPA relies upon the permitting rules for community water supplies in Part 652 in addition to the provisions of Part 602. The Agency seeks to consolidate the permitting rules into one part. Under this proposal, Part 602 will reflect these consolidated permitting rules. The Illinois EPA also proposes some relatively minor updates and has added some detail regarding what must be submitted with permit applications. The intention of these updates and added detail is to reflect the actual needs of the Illinois EPA with regard to permit decision making process. In actuality, most of these changes are already present in the Agency's business practices. David Cook will provide additional detail on the Part 602 regulatory proposal.

III. Conclusion

I thank the Board for allowing me to file testimony in this matter. I will supplement the testimony as needed during the hearing, and I am happy to address any questions.

Respectfully submitted,

By: /s/ W. David McMillan

W. David McMillan, P.G.
Manager, Division of Public
Water Supplies

DATED: May 27, 2015

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Date: 04/10/2015

CURRICULUM VITAE OF WILLIAM D. MCMILLAN, P.G.

I. Education and Professional Registration

- 2014 to Present U.S. EPA Region 5 Association of State Drinking Water Administrators Board Representative
- 1998 to Present Illinois Professional Geologist Licensure (License No. 196-000255)
- 1986 to Present Continuing Education: Illinois Central College-Water Plant Operations & Environmental Law course work. Miscellaneous state and federal short courses and seminars: including supervisory level training in DHS National Incident Management System, CMS Interview Training, 40 hour OSHA Safety Training and CPR/First Aid Training.
- 1981 to 1985 Bachelor of Science in Geological Sciences-Bradley University
- 1984 Field Mapping course completed with Texas Tech University

II. Summary of Experience

Approximately twenty-nine years of experience working as a professional geologist in hydrogeology/environmental geology at the Illinois Environmental Protection Agency. Interdisciplinary experience with progressive responsibility as manager of the Division of Public Water Supplies (DPWS), the Field Operations Section- DPWS and the Planning and Assessment Unit of the Groundwater Section- DPWS.

III. Chronological Experience

- 12/10 to Present **MANAGER DIVISION OF PUBLIC WATER SUPPLIES**
Manage four sections staffed by environmental engineers, geologists and specialists who ensure the safety of the Illinois' drinking water supplies. Oversee allocation of resources to conduct inspections, evaluate source water protection programs, issue permits and ensure safety and compliance of community water systems.
- 9/05 to 12/10 **MANAGER FIELD OPERATIONS SECTION**
Manage six field offices staffed by environmental engineers and specialists who ensure the safety of the Illinois' drinking water supplies. Oversee allocation of resources to conduct operational visits, engineering evaluations, response to emergencies, investigation of consumer complaints, provision of technical assistance to water supply officials, inspection of State Revolving Fund loan projects, and other special investigations.

Specifically, establish the frequency and content of evaluations of community water supply facilities to ensure that safety and adequacy of Illinois' drinking water. Coordinate with the Illinois Emergency Management Agency and Illinois EPA Office of Chemical Safety during community water supply service interruptions resulting emergencies/disasters. Coordinate with the Illinois EPA Division of Legal Council and Office of the Attorney General to ensure community water supply compliance with state law and Illinois Pollution Control Board regulations. Coordinate with other Illinois EPA managerial staff regarding multi-jurisdictional issues and resolutions.

2/04 to 9/05

ACTING MANAGER FIELD OPERATIONS SECTION

Temporarily Manage the Division of Public Water Supplies' Field Operations Section. This interim position provided oversight to six field offices as previously described.

10/98 to 2/04

MANAGER OF THE PLANNING AND ASSESSMENT UNIT

Manage a diverse professional and technical staff. Coordinate and provide administrative support of scientific studies or projects pertaining to groundwater/source water protection. Gather and analyze data to effectively manage groundwater monitoring, inspections, assessment efforts and special technical studies. Address and confer with diverse groups within the regulated community and public to assist in the preparation of concise written and verbal reports and prioritize groundwater protection implementation efforts. Perform short and long term information management/planning in conjunction with knowledge of hydrogeology and watershed hydrology. Act on behalf of the Groundwater Section manager in his/her absence and assist in making policy decisions. Provide technical and administrative support to other Illinois EPA Units and Sections, as well as, U.S. Environmental Protection Agency staff which directly and indirectly relate to the implementation of groundwater protection programs.

9/92 to 10/98

SUPERVISOR OF THE PLANNING AND ASSESSMENT UNIT

Supervise professional and technical staff engaged in groundwater monitoring, inspections, assessment efforts and special technical studies. Provide coordination and design of data management efforts. Consult with professional staff on complex groundwater assessment related activities. Coordinate inter and intra-Agency activities involving the assessment and planning related activities of the groundwater program. Oversee implementation of assessments under groundwater rules and regulations. Additionally, provide assistance and support to the Groundwater Section manager on specialized programmatic issues.

9/89 to 9/92

ENVIRONMENTAL PROTECTION SPECIALIST III.

Assisted in developing more complex functions and acted as a lead worker for graduate student interns and statewide field staff involved in routine and special monitoring; conducted legislative mandated well site surveys and reports; developed, reviewed and revised field procedures; assisted in conducting training seminars and workshops; assigned work - based on individual subordinate abilities and helped evaluate work performance. Assisted in coordination and acted as a local contact for the Central Illinois Groundwater Protection Planning Committee meetings.

11/87 to 9/89

ENVIRONMENTAL PROTECTION SPECIALIST II.

Assisted in monitoring program coordination, development and implementation by field staff. Act as lead worker for field staff and intern; related to staff new/revised responsibilities; evaluated field procedures, prepared reports; completed U.S. Environmental Protection Agency's National Pesticide Study. Assisted Section Manager in design and implementation of monitoring and surveying programs and conducted water quality monitoring in the Peoria Region.

11/86 to 11/87

ENVIRONMENTAL PROTECTION SPECIALIST I.

Conducted water quality monitoring of groundwater wells in the Peoria Region - including specialized field testing; maintained equipment, logs, field journals, QC records. Submitted accurate and timely monitoring/inspection forms, written records, and sampling records. Analyzed scientific data, conducted special intensive groundwater surveys. Attended and participated in meetings conferences, etc., performed all other duties as assigned.

11/85 TO 11/86

LIFE SCIENCE CAREER TRAINEE

Under direct supervision, learned to conduct field monitoring of wells, operated test equipment and transported samples to the laboratory; learned to independently conduct well monitoring, QC, etc., in a timely and effective manner; learned field office reporting procedures, logs, record keeping, requisitions and conduct necessary to accomplish goals; learned equipment calibration and maintenance; participated in design and operation of routine and special studies.

CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING; and TESTIMONY OF W. DAVID MCMILLAN upon persons listed on the Service List by mailing, unless otherwise noted on the Service List, a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on May 28, 2015.

By: /s/Joanne M. Olson
Joanne M. Olson
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Division of Legal Counsel

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