

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 FIRST NOTICE COMMENTS 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: December 9, 2015

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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IN THE MATTER OF:)
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PUBLIC WATER SUPPLIES: PROPOSED)
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ILLINOIS EPA's FIRST NOTICE COMMENTS

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”) and submits the following comments on the First Notice Proposal dated October 15, 2015 and published in the Illinois Register on November 6, 2015.

Comments on Board’s First Notice Proposal

The Illinois EPA supports the rules proposed by the Illinois Pollution Control Board (“Board”) in its First Notice Proposal dated October 15, 2015 (“Board’s Order”) and requests that the Board proceed with adopting the rules. However, the Illinois EPA would like to request the following changes to the rules.

- 1) On page 14229 as published in the Illinois Register and page 25 of the Board’s Order, Illinois EPA requests that the deleted language “for the specific parameters to be examined” in the definition of Certified Laboratory be reinstated as originally proposed.
- 2) On page 14232 as published in the Illinois Register and page 27 of the Board’s Order, Illinois EPA requests that the deleted language “*acts as the owner’s agent in matters concerning the community water supply*” in the definition of Official Custodian be reinstated as originally proposed. This definition should be the same as in the Public Water Supply Operations Act at 415 ILCS 45/9.4.

- 3) On page 14233 as published in the Illinois Register and page 28 of the Board's Order, Illinois EPA requests that the language "as defined as the ratio of the pore volume to the total volume of a representative sample of the medium" be added to the definition of Porosity as proposed in the comments of Jeff Groncki at PC #3.
- 4) On page 14234 as published in the Illinois Register and page 29 of the Board's Order, Illinois EPA requests that the definition of Transmissivity be changed to "means the rate in gallons per minute (gpm), at which water is transmitted horizontally through a unit width by the total saturated thickness of an aquifer, in feet (ft), under a unit hydraulic gradient (gpm./ft)" as proposed in the comments of Jeff Groncki at PC #3.
- 5) On page 14244 as published in the Illinois Register and page 34 of the Board's Order, Illinois EPA requests that the language "except for provisions defined in Section 602.104" be added to 602.101(b) as proposed in the comments of Jeff Groncki at PC #3.
- 6) On page 14244 as published in the Illinois Register and page 35 of the Board's Order, Illinois EPA believes the language added as Section 602.101(c) is in error as this language is a reiteration of Section 602.104(a) and the Illinois EPA requests that Section 602.101(c) be removed.
- 7) On page 14258 as published in the Illinois Register and page 46 of the Board's Order, the Illinois EPA disagrees with the repeal of Section 602.114 and respectfully requests that this Section be reinstated as the Board Order gives no reason for its repeal. Under the Environmental Protection Act , 415 ILCS 5/39(a), the Agency has the authority to impose conditions necessary to accomplish the

purposes of the Act, as long as the conditions are not inconsistent with the Board's rules. Section 602.114, as currently promulgated and proposed by the Agency, reflects the Agency's statutory authority to place conditions in permits issued by the Agency under Part 602. The Illinois EPA requests that the Board retain Section 602.114 as proposed.

- 8) On page 14259 as published in the Illinois Register and page 48 of the Board's Order, the Illinois EPA disagrees with the repeal of Section 602.120 and respectfully requests that this Section be reinstated as the Board Order gives no reason for its repeal. The Illinois EPA requests that the changes in its proposal to this Section be included in the reinstatement.
- 9) On page 14266 as published in the Illinois Register and page 53 of the Board's Order, the Illinois EPA disagrees with the change in language at Section 602.225(f)(1) from the proposed "chosen site" to "recommended ones" and respectfully requests that the language as originally proposed be reinstated as the Board Order gives no rationale for the change.
- 10) On page 14266 as published in the Illinois Register and page 54 of the Board's Order, the Illinois EPA disagrees with the change in language at Section 602.225(g) from the language proposed and respectfully requests that the language as originally proposed by the Illinois EPA be reinstated as the Board Order gives no rationale for the change.
- 11) On page 14294 as published in the Illinois Register and page 75 of the Board's Order, Illinois EPA requests that the second sentence of Section 603.103(f) be stricken. This language was at Section 603.103(c) and was proposed to be stricken

by the Illinois EPA in its original proposal to the Board. The language does not make sense as part of Section 603.103(f).

WHEREFORE, The Illinois EPA respectfully submits these comments, and requests the Board to proceed expeditiously to Second Notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
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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 ILLINOIS EPA's FIRST NOTICE COMMENTS upon persons listed on the Service List by placing a true copy in an envelope duly addressed bearing proper first class postage in the United States mail at Springfield, Illinois on December 9, 2015, or by sending an email from my email account (joanne.olson@illinois.gov) to the email addresses designated on the Service List with the following documents attached

PDF with 8 pages

in an e-mail transmission on or before 5:00 pm on December 9, 2015.

/s/Joanne M. Olson

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