

ILLINOIS POLLUTION CONTROL BOARD  
October 6, 1988

IN THE MATTER OF: )  
 )  
REVISION OF THE FLUORIDE ) R88-13  
DRINKING WATER STANDARD; )  
AMENDMENTS TO 35 ILL. ADM. )  
CODE 604.202 AND 604.203 )

ORDER OF THE BOARD (by J. Anderson):

On April 21, 1988, the Board opened this Docket for the purpose of modifying the public water supply regulations to establish a maximum contaminant level of 4.0 mg/l for fluoride, to achieve consistency with United States Environmental Protection Agency (USEPA) amendments at 51 Fed. Reg. 11396. On August 4, 1988, the Illinois Environmental Protection Agency (Agency) filed a public comment which contained a draft of a proposal to modify the fluoride standard to achieve consistency with USEPA. This effort made apparent the difficulty of attempting to do this prior to adopting a comprehensive set of "identical in substance" regulations for the entire drinking water program. The reason is the interrelation between the standards and various sampling and notice requirements.

P.A. 85-1048 (SB 1834), effective January 1, 1989, requires the Board to adopt a set of regulations which are "identical in substance" with USEPA regulations adopted pursuant to the Safe Drinking Water Act. These will include the fluoride regulations. This rulemaking should be completed at least as quickly as would a rulemaking addressing only fluoride, because of the difficulties noted above. On September 22, 1988, the Board reserved a docket number, R88-26, for the Safe Drinking Water Act rules.

Also, P.A. 85-1330 (HB 4009), effective August 31, 1988, mandates that the public water supply standard for fluoride shall be identical to the "enforceable maximum concentration limits" established by USEPA regulation.\* The 4 mg/l limit now

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\* The relevant statutory language is:

Sec. 17.6. The maximum allowable concentration of barium, radium and fluoride in Illinois public water supplies shall be the enforceable maximum concentration limits promulgated from time to time by the Administrator of the U.S. Environmental Protection Agency to implement Sections 1401 and 1412 of the federal Safe Drinking Water Act, as amended.

The Board notes that its barium and radium regulatory limits are compatible with the USEPA limits and will continue to be enforceable until and unless the USEPA promulgates regulations changing federal limits.

supersedes the Board's existing more stringent fluoride regulatory limits of 1.8/2.0 mg/l (35 Ill. Adm. Code 604.202 and 604.203(a)) by operation of law.

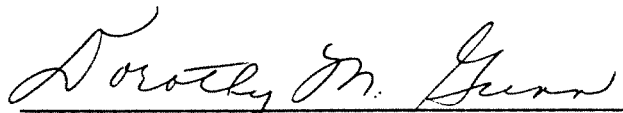
Thus, as of August 31, 1988, and assuming that fluoride is the water supply's only contaminant at issue, and as long as fluoride is not above 4 mg/l, variance relief is no longer needed from the Board's standards or from 35 Ill. Adm. Code 602.105(a) Standard for Issuance (of an Agency permit).

The Board also wishes to note that P.A. 85-1330 also affects the Board's "Restricted Status" rule, 35 Ill. Adm. Code 602.106. Section 602.106(a) defines restricted status as an Agency determination that construction permits may not be issued "without causing a violation of the Act or this Chapter". As imposition of restricted status is linked to violation of the applicable "maximum concentration limits", P.A. 85-1330 has effectively raised the "restricted status limit" to 4.0 mg/l for fluoride.\*

For these reasons, R88-13 is dismissed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6<sup>th</sup> day of October, 1988, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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\* The Board notes that this was one of the Agency's goals in submitting its proposal in R85-14, a predecessor docket which was dismissed when this docket was opened, relating solely to the restricted status rule as it pertains to fluoride and radium.