

ILLINOIS POLLUTION CONTROL BOARD  
April 16, 1987

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO ) R85-14  
PUBLIC WATER SUPPLY )  
REGULATIONS, 35 ILL. ADM. )  
CODE 602.105 AND 602.106 )

PROPOSED RULE. SECOND FIRST NOTICE.

ORDER OF THE BOARD (by J. Anderson):

This proceeding was initiated by the regulatory proposal filed by the Agency on June 13, 1985. On the same day, the Board ordered first notice publication in the Illinois Register, which notice appeared at 9 Ill. Reg. 10594. On August 15, 1985, after two public hearings, the Board adopted the proposal as emergency rules which expired January 11, 1986.

The Board is again directing first notice publication of this proposal, as required by the Administrative Procedures Act when a rule has not been adopted within one year of first notice publication.

The Clerk of the Board is directed to cause first notice publication in the Illinois Register of the following amendments to 35 Ill. Adm. Code 602.105 and 602.106 (new language is underlined). These amendments are the same amendments as proposed by the Agency and published in the prior first Notice.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

Section 602.105 Standards for Issuance

- a) Except as provided in Section 602.105(d), the Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply will be constructed, modified or operated so as not to cause a violation of the Environmental Protection Act (Ill. Rev. Stat. ~~1981~~ 1985, ch. 111 1/2, pars. 1001 et seq.) (Act), or of this Chapter.

- b) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply facility conforms to the design criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other criteria which the applicant proves will produce consistently satisfactory results.
- c) The Agency shall not grant any construction permit required by this Part unless the applicant submits proof that any plan documents required by this Section and Section 602.108 have been prepared by a person qualified under the Illinois Architecture Act (Ill. Rev. Stat. ~~1981~~ 1985, ch. 111, pars. 201 et seq.), the Illinois Professional Engineering Act (Ill. Rev. Stat. ~~1981~~ 1985, ch. 111, pars. 5101 et seq.), the Illinois Structural Engineering Act (Ill. Rev. Stat. ~~1981~~ 1985, ch. 111, pars. 6501 et seq.), or any required combination thereof.
- d) Until January 1, 1989, the Agency shall not deny to any applicant any construction or operating permit required by this Part for the following reasons:
  - 1) the public water supply having a fluoride concentration less than or equal to 4 mg/l; or
  - 2) the public water supply having a combined radium 226 and radium 228 concentration less than or equal to 20 pCi/l; or
  - 3) the public water supply having gross alpha particle activity (including radium-226, but excluding radon and uranium) concentration less than or equal to 60 pCi/l.

(Source: Amended at 11 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_).

Section 602.106      Restricted Status

- a) Restricted status shall be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a public water supply facility may no longer be issued a construction permit without causing a violation of the Act or this Chapter.
- b) Except as provided in Section 602.106(d), the Agency shall publish and make available to the public, at intervals of not more than six months, a comprehensive and, up-to-date list of supplies subject to restrictive status and the reasons why.

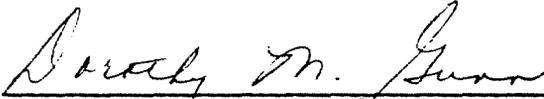
- c) The Agency shall notify the owners or official custodians of supplies when the supply is initially placed on restricted status by the Agency.
- d) Until January 1, 1989, the Agency's published list of supplies subject to restricted status shall not include supplies whose only violations are within the parameters stated in Section 602.105(d), nor shall said published list include violations which fall within said parameters.

(Source: Amended at 11 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

IT IS SO ORDERED.

J. D. Dumelle and B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16<sup>th</sup> day of April, 1987 by a vote of 4-2.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board