

John Therriault - R01-1/R10-17/R11-6 SDWA Update Proposal for Public Comment

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Date: 9/21/2010 7:26 PM
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CC: Crowley, Kathleen; Girard, Tanner; Johnson, Tom; McGill, Richard; Therriault, John
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John Therriault: Please enter a copy of this e-mail into the referenced docket as a public comment.

Earlier today I tried to contact the Agency, USEPA, and the Illinois Department of Public Health to update the mailing list for the R10-1/R10-17/R11-6 SDWA (consolidated) drinking water update. In addition to obtaining names, I learned that issues may exist relating to USEPA's October 19, 2009 Aircraft Drinking Water Rule (ADWR). Some may require resolution in the near-future. I memorialize my conversations for the record, briefly describe the ADWR requirements for the benefit of DPH, outline potential issues relative to the ADWR, and forward pertinent key documents relating to the ADWR to DPH, the Agency, and USEPA.

The Aircraft Drinking Water Rule

SDWA authorizes USEPA to regulate the water systems on public conveyances. The ADWR is USEPA's first foray into regulating water systems on public conveyances. Since aircraft water systems are all non-community water systems, any implementation of State ADWR-based rules in Illinois would involve the Department of Public Health.

Under the ADWR, air carriers are required to assemble written procedures for boarding water, for sanitizing and monitoring the cleanliness of its aircraft water systems, for conducting further testing when sampling indicates potential problems, and notifying passengers and crew when specified events occur that indicate that contamination of the water system has occurred. A different notification is required when the air carrier has not followed the written procedures, so that the air carrier cannot affirmatively show that an aircraft water system has not been contaminated. The ADWR requires that an air carrier assemble a Coliform Monitoring Plan and an Aircraft Water System Operations and Maintenance Plan for all of its aircraft water systems and notify USEPA of its fleet composition and completion of these plans by April 19, 2011. Full compliance with all operational, monitoring, record keeping, and reporting requirements is required by October 19, 2011.

Board Proposal of Illinois ADWR-Based Rules

On August 5, 2010, the Board proposed amendments to the Illinois SDWA-based drinking water rules. Involved are numerous amendments to the analytical methods provisions, but more a more significant segment relates to USEPA's October 19, 2009 adoption of the ADWR. On August 19, 2010, the Board adopted a supplemental opinion and order highlighting an additional issue relating to the ADWR upon which the Board requested comments. Attached are electronic copies of the Board's August 5, 2010 opinion and order and August 19, 2010 supplemental opinion and order. Also attached is a copy of the October 19, 2009 *Federal Register* notice in which USEPA adopted the ADWR.

The Notice of Proposed Amendments for this consolidated docket should appear in the October 8, 2010 issue of the Illinois Register. If this occurs, it would mean that the **public comment period would end on November 23, 2010**. (Difficulty upon discovery of minor errors in the text, the extreme time needed to document the revisions in the text that were not directly based on the literal text of the underlying federal amendments, and other factors resulted in the delay in publication.)

State Implementation of ADWR Requirements

Although the October 19, 2009 *Federal Register* notice clearly contemplates state implementation of the ADWR, USEPA may not expect the states to adopt their own versions of the ADWR, even though the ADWR is a national primary drinking water regulation. Contact with USEPA Region 5 to obtain a mailing address resulted in the observations by Janet Kuefler that USEPA may not view the ADWR as an essential element of a state SDWA program. Ms. Kuefler indicated that USEPA contemplated implementing the regulation.

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