

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
AMENDMENTS TO PRIMARY ) R14-09  
 ) (Rulemaking- Water)  
DRINKING WATER STANDARDS: )  
35 Ill. Adm. Code 611.490 )

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Illinois Environmental Protection Agency's ILLINOIS EPA'S FIRST NOTICE COMMENTS, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

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**ILLINOIS EPA'S FIRST NOTICE COMMENTS**

NOW COMES the Illinois Environmental Protection Agency, ("Illinois EPA" or "Agency") by and through its counsel, and hereby submits its First Notice Comments in the above captioned rulemaking.

1) The Agency proposed changes to Section 611.490 allow community water supplies to use laboratories certified by other states with primacy enforcement responsibility when there are no Illinois certified laboratories for a particular parameter. The Agency does not seek to limit the use of laboratories certified by sister primacy states to instances when there is no USEPA certified laboratories and no Illinois Certified laboratories. See Board Opinion and Order December 19, 2013, p.6. The language proposed by the Board in its first notice opinion achieves the Agency's objective, and limits instances to when a laboratory certified by a primacy sister state may be used to those instances when there are no Illinois certified laboratories for a particular parameter.

2) In Section 611.490(a)(3), the Board proposes deleting "if the standards used for the certification, registration, accreditation, licensure or other approval of that laboratory are substantially equivalent to the certification standards of Section 4(o) of the Act" and replacing it with "unless the Agency has, by rule or written notice, informed the supplier that a particular laboratory or laboratories may not be used;" The Agency agrees with the Board's proposed

change, except that it will not promulgate a rule to inform CWSs that a particular out of state laboratory may not be used. Therefore, the Agency requests that “rule or” be stricken from the first notice proposal.

3) In the Board’s December 19, 2013, Opinion and Order, the Board provides the text of the proposed changes to Section 611.490(a)(3) on page 6 and on page 47. The text on these two pages does not match. The Agency believes the Board should adopt the language on page 6. The text on page 47 is confusing. Additionally, the Agency recommends that the Board delete “for that contaminant” and that the phrase “the supplier may submit the samples for analysis” be changed to “The samples may be analyzed by”.

4) In Section 611.490(a)(1), the Agency recommends that the Board delete “for that contaminant”, and that the phrase “The supplier submits the samples for analysis” be changed to “The samples are analyzed by”. The substantive requirement should be that the samples are analyzed by a certified laboratory, not that the samples are submitted to a certified laboratory.

5) In Section 611.490(a)(2), the Agency recommends that the Board delete “for that contaminant”, and that the phrase “The supplier submits the samples for analysis” be changed to “The samples are analyzed by”. The substantive requirement should be that the samples are analyzed by a certified laboratory, not that the samples are submitted to a certified laboratory.

6) In Section 611.490(a)(4), the Agency recommends that the Board strike “the supplier submits samples for analysis “ and replace it with “the samples may be analyzed”

7) In summary, the Agency recommends the Board make changes to its first notice proposed Section 611.490(a) to conform to the following:

- a) For the purpose of determining compliance with Subparts G, K through O, Q and S of this Part, samples will be considered only under the following conditions:

- 1) The samples are analyzed by a laboratory certified pursuant to Section 4(o) of the Act [415 ILCS 5/4(o)];
  - 2) The samples are analyzed by a laboratory certified by USEPA; or
  - 3) When no laboratory has been certified pursuant to subsection (a)(1) of this Section to analyze a particular contaminant, the samples may be analyzed by a laboratory certified, registered, accredited, licensed, or otherwise approved by another state with primary enforcement responsibility, or an agency of the federal government, unless the Agency has by written notice informed the supplier that a particular laboratory or laboratories may not be used; or
  - 4) For measurements of alkalinity, calcium, conductivity, disinfectant residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and pH, the samples may be analyzed by a person under the supervision of a certified operator (35 Ill. Adm. Code 603.103).
- 6) The Agency thanks for the Board for its prompt and thorough action on this rulemaking proposal.

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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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 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 February 19, 2014.

By: /s/Joanne M. Olson

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