

ILLINOIS POLLUTION CONTROL BOARD

June 4, 2015

IN THE MATTER OF:)
)
AMENDMENTS TO PRIMARY DRINKING) R15-23
WATER STANDARDS) (Rulemaking - Water)
35 ILL. ADM. CODE 611)

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by D. Glosser):

On May 20, 2015, the Illinois Environmental Protection Agency (IEPA) filed a new rulemaking to amend the fluoridation requirement in the Board's public water supply regulations. IEPA included a statement of reasons (SR) and a motion for expedited review (Mot. Exp). IEPA also filed a motion asking the Board to adopt the proposal as an emergency rule (Emergency) while proceeding with expedited review.

For the reasons discussed below: 1) the Board accepts the proposal without commenting on the merits of the proposal and directs the Clerk to provide first notice of the proposal; 2) the Board grants the motion for expedited review, consistent with the Board's resources; and 3) the Board reserves ruling on the motion to adopt an emergency rule, requests that IEPA provide additional information, and invites public comment on the matter.

The Board first summarizes the proposal and then the motion for expedited consideration. The Board then summarizes the motion for emergency rulemaking.

IEPA'S PROPOSAL

IEPA explains that the Board's rules at Section 611.125 require all community water supplies to maintain a fluoride ion concentration of 0.9 to 1.2 milligrams per liter (mg/L) in the community water supply distribution system. SR. at 1; 35 Ill. Adm. Code 611.125. IEPA continues that the state requirement is based on a statutory fluoridation requirement found in the Public Water Supply Regulation Act, 415 ILCS 40 (2014). SR. at 1. A statutory change in 2011 removed the fluoridation range from the statute and replaced it with a reference to the optimal fluoridation levels recommended by the United States Department of Health and Human Services (HHS). On May 1, 2015, HHS adopted a recommended fluoridation ion concentration of 0.7 mg/L. SR. at 1, 4. IEPA proposes to change the Board's rules to adopt the current HHS recommendation, which will result in a reduction of community water supply's cost of having to meet the existing higher fluoridation levels. IEPA recommends the Board amend the rules to reflect a fluoridation ion concentration of 0.7 mg/L. SR. at 1. In addition, IEPA is proposing that the Board reinstate a secondary fluoride standard in Section 611.858 that IEPA opines to have been inadvertently repealed in 2001. SR. at 1, citing SDWA Update, USEPA Amendments (January 1, 2000, through June 30, 2000), R01-07 (Jan. 4, 2001).

Fluoridation Requirement

By way of background, IEPA explains that on April 5, 1962, the United States Department of Health, Education, and Welfare, the predecessor of HHS, adopted Drinking Water Standards, which included recommended optimal control limits for fluoride concentrations. SR. at 2, and Exhibit A. Statutorily, beginning on July 17, 1967, public water supplies in Illinois were required to add fluoride to drinking water to maintain a fluoride content between 0.9 and 1.2 mg/L. SR. at 2, citing Laws 1967 p. 1769, S.B. No. 516; Illinois Revised Statutes Ch. 111 ½ ¶ 121g1. IEPA further explains that the 1967 law required the Illinois Department of Public Health (IDPH) to promulgate rules to require the addition of fluoride. *Id.* In August 1967, IDPH promulgated rules and regulations requiring the addition of fluoride to maintain a fluoride ion concentration of 0.9 to 1.2 mg/L. SR. at 2; *see also* Exhibit B.

IEPA notes that IEPA was created in 1970 with the adoption of the Environmental Protect Act (Act). The General Assembly found that “state supervision of public water supplies is necessary in order to protect the public from disease and to assure an adequate supply of pure water for all beneficial uses.” 415 ILCS 5/14 (2014). Under Title IV of the Act, the Board and IEPA began regulating public water supplies. IEPA initially operated the public water supply program under the rules developed by the IDPH. SR. at 3; *see also* Exhibit C. In 1975, the Board adopted rules governing public water supplies. Public Water Supplies, R73-13 (Jan. 3, 1975). This rule added a fluoridation requirement, stating “[t]his rule reinforces the existing law requiring fluoridation of public water supplies. The Environmental Protection Agency will by this rule cooperate with the Public Health Department, and by its field personnel insure proper operation of equipment and enforcement of the rule.” SR. at 3, quoting R73-13, slip op. at 38.

The fluoridation requirement was re-codified at 35 Ill. Adm. Code 604.405 pursuant to the Illinois Administrative Procedure Act (IAPA). In 1990, the fluoridation requirement was moved to Section 611.125 when the Board adopted regulations implementing the Safe Drinking Water Act. In its Proposed Order, the Board stated, “The Board has moved the mandatory fluoridation requirement from 35 Ill. Adm. Code 604.405. This is an additional state requirement. Since mandatory fluoridation is enforced by the Department of Public Health, the Board solicits comment as to whether it should retain this provision in the regulations.” Safe Drinking Water Act Rules, R88-26, slip op. at 20 (Oct. 5, 1989). The Board did not receive any comments, and retained the mandatory fluoridation in Part 611. R88-26, slip op. at 59 (Aug. 9, 1990).

IEPA indicates that the law in Illinois regarding mandatory fluoridation remained unchanged until June 28, 2011, when Public Act 97-43 amended Section 7a of the Public Water Supply Regulation Act by removing the required range of fluoride content. SR. at 4, citing P.A. 97-43; 415 ILCS 40/7a (2014). IEPA offers that the statute now requires IDPH to promulgate rules to require public water supplies to add fluoride to meet the recommendation on optimal fluoridation for community water levels as proposed and adopted by HHS. *Id.* At the time of the 2011 amendment, the only adopted recommendation from HHS was from 1962. SR. at 4; U.S. Department of Health, Education, and Welfare *Drinking Water Standards* (1962) (SR. Exh A).

IEPA states that on January 13, 2011, HHS proposed a new recommendation for fluoride concentration in drinking water: “HHS proposes that community water systems adjust their fluoride content to 0.7 mg/L.” SR. at 4; *see also* Exhibit D. HHS accepted comments on the proposed fluoride recommendation until April 15, 2011. 76 Fed. Reg. 10899 (Feb. 29, 2011). IEPA indicates that on May 1, 2015, HHS issued its recommendation for fluoride concentration in drinking water:

For community water systems that add fluoride to their water, [HHS] recommends a fluoride concentration of 0.7 mg/L (parts per million [ppm]) to maintain caries prevention benefits and reduce the risk of dental fluorosis. SR. at 4; *see also* Exhibit E, 80 Fed. Reg. 24936-24947 (May 1, 2015).

Fluoride Secondary Standard

IEPA states that in the Board’s final order in R01-7, the Board repealed Section 611.858. SR. at 4, citing R01-07, slip op. at 117. IEPA notes that the Board’s final opinion struck the text of Section 611.858, but did not provide any discussion of its repeal. SR. at 5, citing R01-7. IEPA further notes that the Board stated that it intended to repeal Sections 611.832, 611.851 through 611.856, and existing Appendix A to Part 611, but did not discuss repeal of Section 611.858. *Id.*, citing R01-7, slip op. at 12. IEPA indicates that Sections 611.901, 611.904, and 611.908 were added in the same final order repealing Section 611.858, but each of these sections contained a cross reference to Section 611.858. *Id.* citing R01-07, slip op. at 137, 143. IEPA offers that the Code of Federal Regulations published in July 2001 still contained the secondary standard for fluoride of 2.0 mg/L. SR. at 5; *see also* Exhibit F. IEPA opines that based on the forgoing, the repeal of Section 611.858 appears to be an inadvertent error, and IEPA proposes that the Section be reinstated.

MOTION FOR EXPEDITED REVIEW

Since the adoption of the HHS recommendation, IEPA has received numerous calls asking when the standard will change. Mot. Exp. at 2. IEPA asks for expedited consideration of the general rule as the adoption of the new fluoridation requirement could reduce the fluoride chemical addition costs to community water supplies by as much as 30%. *Id.* Specifically, a moderately sized surface water treatment plant that is required to add fluoride could save \$8,000 to \$10,000 per year. *Id.* The City of Chicago estimates that it will save almost \$1,000,000 a year. IEPA asserts that material prejudice will not result from granting the motion, and the City of Chicago, Illinois American Water Company, and Aqua support the motion to expedite. *Id.*

MOTION FOR EMERGENCY RULE

IEPA is asking that the Board adopt the amendment to Section 611.125 as an emergency amendment. IEPA offers that this rulemaking proposal was prompted by the HHS revised recommendation for optimal fluoridation, which recommends fluoridation at a concentration of 0.7 mg/L. Emergency at 1. HHS adopted this recommendation on May 1, 2015. *Id.* IEPA notes that the Board’s current rule requires maintaining fluoride concentration between 0.9 to 1.2 mg/L, based on HHS’s previous recommendation. *Id.* at 2.

IEPA states that the Public Water Supply Regulation Act (415 ILCS 40/7a (2014)) requires the IDPH to adopt regulations requiring the addition of fluoride based on the recommendation on optimal fluoridation for community water levels as proposed and adopted by HHS. Emergency at 2. IEPA opines that until the Board changes its fluoride requirement found in Section 611.125, community water supplies across the state will be required to maintain a fluoride concentration between 0.9 to 1.2 mg/l despite the HHS recommendation and any regulations promulgated by the IDPH. *Id.*

IEPA regulates 1,744 community water supplies of which approximately 817 add fluoride to their water to meet the standard in Section 611.125. Emergency at 2. IEPA projects that the new standard will reduce or eliminate costs associated with fluoride addition. *Id.* Those costs reductions are projected to be 20% to 30% for community water supplies that add fluoride. IEPA notes that moderately sized surface water treatment plants could save \$8,000 to \$10,000 annually. *Id.* IEPA indicates that one private community water supplier indicated that revising the fluoridation requirement will save them approximately \$150,000 per year, and the City of Chicago estimates an annual savings of almost \$1,000,000. *Id.* IEPA estimates that the savings per year on a statewide basis is \$2,100,000. *Id.*

IEPA believes that the Board's rulemaking process, even if expedited, may take up to six months or more. Emergency at 3. IEPA opines that delaying the effectiveness of the new fluoride requirement in Section 611.125 by six months will cost community water supplies approximately \$1,050,000. *Id.* IEPA notes that the majority of community water supplies are publicly owned and supported by taxpayer dollars. The remainder is mostly privately owned water supplies that serve public customers. *Id.* IEPA opines that the continued increased fluoridation costs for all these community water supplies reasonably constitute a threat to the public interest or welfare.

DISCUSSION

The Board first discusses the proposal for general rulemaking and then the motion for expedited review. The Board then discusses its reason for deferring a ruling on the motion for emergency rulemaking.

First Notice and Hearing

The Board finds that IEPA has satisfied the content requirements of Section 102.202 of its procedural rules (35 Ill. Adm. Code 102.202), and therefore grants the motion for acceptance and accepts IEPA's proposal for hearing. The Board notes that the actual rule text has the new fluoridation requirement as 0.07 mg/L while the text of the statement of reasons and the HHS standard are 0.7 mg/L. The Board changes the rule text to 0.7 mg/L.

The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Act (415 ILCS 5/27, 28 (2014)) and the Board's procedural rules (35 Ill. Adm. Code 102). The Board will hold at least two hearings on the proposal under Section 28 of the Act. 415 ILCS 5/28 (2014). The assigned hearing officer will establish dates

and locations for the hearings. The Board directs its hearing officer to avoid unnecessary delay in scheduling hearings.

Motion for Expedited Review

IEPA asks that the Board expedite the review of the general rulemaking as the adoption of the new fluoridation requirement will result in cost savings for community water supplies. IEPA indicates that no material prejudice will result from granting the motion.

Requests for expedited review are addressed in Section 101.512 of the Board's procedural rules. *See* 35 Ill. Adm. Code 101.512. In deciding a motion for expedited review, the Board considers statutory requirements and whether material prejudice will result from the motion being granted or denied. 35 Ill. Adm. Code 101.512(b). The Board will only grant a motion for expedited review consistent with available resources. *See* 35 Ill. Adm. Code 101.512(c).

The Board grants IEPA's motion for expedited review, consistent with the Board's resources. Accordingly, the Board proceeds to first notice publication without commenting on the substantive merits of the proposal. Further, the Board directs its hearing officer to avoid unnecessary delay in scheduling hearings or otherwise completing the record.

Motion for Emergency Rulemaking

The Board sets forth the statutory and legal background for emergency rulemaking and then discusses the claimed threat to the public interest, safety or welfare such that an emergency rule is necessary.

Statutory and Legal Background

When adopting emergency rules, the Board must follow the dictates of both the Act, 415 ILCS 5 *et seq.* (2014) and the IAPA, 5 ILCS 100 *et seq.* (2014).

Section 27 (a) and (c) of the Act provides in part:

- (a) The Board may adopt substantive regulations as described in this Act. * *
- * In promulgating regulations under this Act, the Board shall take into account the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution.

* * *

- (c) On proclamation by the Governor, pursuant to Section 8 of the Illinois Emergency Services and Disaster Act of 1975, that a disaster emergency

exists, or when the Board finds that a severe public health emergency exists, the Board may, in relation to any proposed regulation, order that such regulation shall take effect without delay and the Board shall proceed with the hearings and studies required by this Section while the regulation continues in effect.

When the Board finds that a situation exists that reasonably constitutes a threat to the public interest, safety or welfare, the Board may adopt regulations pursuant to and in accordance with Section 5-45 of the IAPA. 415 ILCS 5/27(a) and (c) (2014).

Section 5-45 of the IAPA provides in part:

- (a) “Emergency” means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.
- (b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.
- (c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. * * * 5 ILCS 100/5-45 (2014).

The IAPA goes on to provide that, after filing, emergency rules will be reviewed by the Joint Committee on Administrative Rules (JCAR). Under Section 5-120, JCAR examines an emergency rule “to determine whether the rule is within the statutory authority on which it is based and whether the rule is in proper form.” 5 ILCS 100/5-120(a) (2014). If JCAR determines a rule is non-compliant, JCAR may file an objection, to which the adopting agency can respond. If JCAR is not satisfied with the response, it can take various actions, including suspension of the rule. 5 ILCS 100/5-120 and 5-125 (2014).

As the Board has stated:

While emergency rulemaking by the Board is not unprecedented, it is not an ordinary occurrence. During the past 20 years, the Board has been requested to

adopt emergency rules only a dozen or so times. As discussed below, in some instances, the Board has been presented with sufficient evidence and argument to allow it to find that “a situation exists which reasonably constitutes a threat to the public interest, safety or welfare” within the meaning of Section 27(c) of the Act and Section 5-45 of the IAPA. In other instances, the Board has not, resulting in use of the regular rulemaking process to address the situation presented.

Emergency Rulemaking Regarding Regulations of Coke/Bulk Terminals: New 35 Ill. Adm. Code 213, R14-20, slip op. at 42 (Jan. 23, 2014).

In the R14-20 opinion, the Board included an analysis of its emergency rulemaking history. *Id.* The Board noted that it has adopted emergency rules based in part on an alleged hardship by the interplay of state and federal rules. R14-20, slip op. at 43, 44, referring to Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d), R93-12 (May 20, 1993); Emergency Rule Amending the 7.2 psi Reid Vapor Pressure Requirement in the Metro-East Area, 35 Ill. Adm. Code 219.585(a), R95-10 (Feb. 23, 1995).

The Board included a discussion of cases where the Board did not proceed with emergency rules and also a discussion of Citizens for a Better Environment v. PCB, 152 Ill. App. 3d 105, 505 N.E.2d 166 (1st Dist. 1987) (CBE). *Id.* at 42-47. In CBE, the only Board emergency rule appellate case, the Appellate Court found that the Board had failed to justify emergency rulemaking, reasoning:

[A]n “emergency” is present, which would justify the employment of the emergency rulemaking procedures under section 5.02, when there *exists* a situation which reasonably constitutes a *threat* to the public interest, safety, or welfare. Stated differently, the need to adopt emergency rules in order to alleviate an administrative need, which, by itself, does not threaten the public interest, safety, or welfare, does not constitute an “emergency.” CBE, 152 Ill. App. 3d at 109-10.

Threat to Public Interest, Safety or Welfare

IEPA argues that a threat to the public interest, safety or welfare exists because the new fluoridation requirement will allow for a cost savings to community water supplies, many supported by taxpayer dollars. However, other than IEPA’s assertions concerning potential savings, it provides no data to support the request.

While the Board is of the opinion that the immediate adoption of the new fluoride requirement may be in the public interest, it is bound by the statutory and regulatory requirements concerning emergency rulemaking. As stated above the courts have held:

[A]n “emergency” is present, which would justify the employment of the emergency rulemaking procedures under section 5.02, when there *exists* a situation which reasonably constitutes a *threat* to the public interest, safety, or welfare. Stated differently, the need to adopt emergency rules in order to alleviate

an administrative need, which, by itself, does not threaten the public interest, safety, or welfare, does not constitute an “emergency.” CBE, 152 Ill. App. 3d at 109-10.

Here, the Board cannot determine that the adoption of an emergency rule is required based on this record. The record lacks support for the Board to find a threat to the public interest, safety or welfare and the Board seeks additional information before making its decision.

The Board requests IEPA to address the following:

- 1) Provide the number of households or individuals served by the community water suppliers that add fluoride;
- 2) Provide the basis upon which the calculations of savings were made;
- 3) Address whether, and if so, why, the prospect of community water suppliers not realizing the estimated cost savings for a 5 month period reasonably constitutes a threat to the public interest, safety or welfare;
- 4) Provide specific hardships or detrimental effects to community water suppliers that are more likely than not to result if an emergency rule is not granted; and
- 5) Indicate what, if any, significant public health impacts would result to the customers of community water systems if the amount of fluoridation were reduced as proposed.

Additionally, while IEPA indicates that its motion to expedite was supported by the City of Chicago, Illinois American Water Company and Aqua, there is no indication in the record that these parties or any other community water suppliers support an emergency rule. Also, although the motion for expedited review included an affidavit, the motion for an emergency amendment was not accompanied by an affidavit. Not all the facts in the motion for an emergency amendment are included in the motion to expedite. Thus, some of the statements are unsworn. Therefore, the Board reserve ruling on the emergency amendment at this time, and invites IEPA to supplement the motion or provide additional comment in support of the motion. *See e.g. Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area*, 35 Ill. Adm. Code 219.586(d), R93-12 (May 20, 1993) (R93-12).

The Board also invites the community water suppliers and the public to provide comment. The Board will accept comment until June 25, 2015. However if IEPA provides the information on a more expedited basis, the Board may consider this motion at the June 18, 2015 Board meeting.

CONCLUSION

The Board accepts IEPA’s proposal to amend the fluoride standard and agrees to proceed expeditiously. In regards to the motion for an emergency rule, the Board takes no action on the

existing record and requests that the Agency provide additional information no later than June 25, 2015. It also invites community water suppliers and the public to comment on this matter, also by June 25, 2015.

ORDER

The Board directs the Clerk to cause the publication of the following rule in the *Illinois Register* for first notice:

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

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	
611.100	Purpose, Scope, and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.105	Electronic Reporting
611.107	Agency Inspection of PWS Facilities
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Relief Equivalent to SDWA Section 1415(a) Variances
611.112	Relief Equivalent to SDWA Section 1416 Exemptions
611.113	Alternative Treatment Techniques
611.114	Siting Requirements
611.115	Source Water Quantity
611.120	Effective Dates
611.121	Maximum Contaminant Levels and Finished Water Quality
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead
611.130	Special Requirements for Certain Variances and Adjusted Standards
611.131	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160	Composite Correction Program
611.161	Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

SUBPART B: FILTRATION AND DISINFECTION

Section	
611.201	Requiring a Demonstration

611.202	Procedures for Agency Determinations
611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.220	General Requirements
611.230	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-Specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration
611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
611.271	Protection during Repair Work
611.272	Disinfection Following Repair
611.276	Recycle Provisions

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	
611.280	Point-of-Entry Devices
611.290	Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section	
611.295	General Requirements
611.296	Acrylamide and Epichlorohydrin
611.297	Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	
611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants
611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants
611.330	Maximum Contaminant Levels for Radionuclides

611.331 Beta Particle and Photon Radioactivity (Repealed)

SUBPART G: LEAD AND COPPER

Section

611.350 General Requirements
 611.351 Applicability of Corrosion Control
 611.352 Corrosion Control Treatment
 611.353 Source Water Treatment
 611.354 Lead Service Line Replacement
 611.355 Public Education and Supplemental Monitoring
 611.356 Tap Water Monitoring for Lead and Copper
 611.357 Monitoring for Water Quality Parameters
 611.358 Monitoring for Lead and Copper in Source Water
 611.359 Analytical Methods
 611.360 Reporting
 611.361 Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section

611.380 General Requirements
 611.381 Analytical Requirements
 611.382 Monitoring Requirements
 611.383 Compliance Requirements
 611.384 Reporting and Recordkeeping Requirements
 611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480 Alternative Analytical Techniques
 611.490 Certified Laboratories
 611.491 Laboratory Testing Equipment
 611.500 Consecutive PWSs
 611.510 Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.521 Routine Coliform Monitoring
 611.522 Repeat Coliform Monitoring
 611.523 Invalidation of Total Coliform Samples
 611.524 Sanitary Surveys
 611.525 Fecal Coliform and E. Coli Testing

611.526	Analytical Methodology
611.527	Response to Violation
611.528	Transition from Subpart L to Subpart AA Requirements
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.560	Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.591	Violation of a State MCL
611.592	Frequency of State Monitoring
611.600	Applicability
611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency
611.603	Inorganic Monitoring Frequency
611.604	Nitrate Monitoring
611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring
611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS (REPEALED)

Section	
611.680	Sampling, Analytical, and other Requirements (Repealed)
611.683	Reduced Monitoring Frequency (Repealed)
611.684	Averaging (Repealed)
611.685	Analytical Methods (Repealed)
611.686	Modification to System (Repealed)
611.687	Sampling for THM Potential (Repealed)
611.688	Applicability Dates (Repealed)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.720	Analytical Methods
611.731	Gross Alpha
611.732	Beta Particle and Photon Radioactivity
611.733	General Monitoring and Compliance Requirements

SUBPART R: ENHANCED FILTRATION AND DISINFECTION: SYSTEMS THAT
SERVE 10,000 OR MORE PEOPLE

Section	
611.740	General Requirements
611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration
611.744	Filtration Sampling Requirements
611.745	Reporting and Recordkeeping Requirements

SUBPART S: GROUNDWATER RULE

Section	
611.800	General Requirements and Applicability
611.801	Sanitary Surveys for GWS Suppliers
611.802	Groundwater Source Microbial Monitoring and Analytical Methods
611.803	Treatment Technique Requirements for GWS Suppliers
611.804	Treatment Technique Violations for GWS Suppliers
611.805	Reporting and Recordkeeping for GWS Suppliers

SUBPART T: REPORTING AND RECORDKEEPING

Section	
611.830	Applicability
611.831	Monthly Operating Report
611.832	Notice by Agency (Repealed)

611.833	Cross Connection Reporting
611.840	Reporting
611.851	Reporting MCL, MRDL, and other Violations (Repealed)
611.852	Reporting other Violations (Repealed)
611.853	Notice to New Billing Units (Repealed)
611.854	General Content of Public Notice (Repealed)
611.855	Mandatory Health Effects Language (Repealed)
611.856	Fluoride Notice (Repealed)
611.858	Fluoride Secondary Standard (Repealed)
611.860	Record Maintenance
611.870	List of 36 Contaminants (Repealed)

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section	
611.881	Purpose and Applicability
611.882	Compliance Dates
611.883	Content of the Reports
611.884	Required Additional Health Information
611.885	Report Delivery and Recordkeeping

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section	
611.901	General Public Notification Requirements
611.902	Tier 1 Public Notice: Form, Manner, and Frequency of Notice
611.903	Tier 2 Public Notice: Form, Manner, and Frequency of Notice
611.904	Tier 3 Public Notice: Form, Manner, and Frequency of Notice
611.905	Content of the Public Notice
611.906	Notice to New Billing Units or New Customers
611.907	Special Notice of the Availability of Unregulated Contaminant Monitoring Results
611.908	Special Notice for Exceedence of the Fluoride Secondary Standard
611.909	Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System
611.910	Notice by the Agency on Behalf of a PWS
611.911	Special Notice for Cryptosporidium

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section	
611.920	General Requirements
611.921	Standard Monitoring
611.922	System-Specific Studies
611.923	40/30 Certification
611.924	Very Small System Waivers

611.925 Subpart Y Compliance Monitoring Location Recommendations

SUBPART X: ENHANCED FILTRATION AND DISINFECTION—SYSTEMS SERVING
FEWER THAN 10,000 PEOPLE

Section

611.950 General Requirements
611.951 Finished Water Reservoirs
611.952 Additional Watershed Control Requirements for Unfiltered Systems
611.953 Disinfection Profile
611.954 Disinfection Benchmark
611.955 Combined Filter Effluent Turbidity Limits
611.956 Individual Filter Turbidity Requirements
611.957 Reporting and Recordkeeping Requirements

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section

611.970 General Requirements
611.971 Routine Monitoring
611.972 Subpart Y Monitoring Plan
611.973 Reduced Monitoring
611.974 Additional Requirements for Consecutive Systems
611.975 Conditions Requiring Increased Monitoring
611.976 Operational Evaluation Levels
611.977 Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based
on Subpart I Results
611.978 Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based
on Subpart I Results
611.979 Reporting and Recordkeeping Requirements

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section

611.1000 General Requirements
611.1001 Source Water Monitoring Requirements: Source Water Monitoring
611.1002 Source Water Monitoring Requirements: Sampling Schedules
611.1003 Source Water Monitoring Requirements: Sampling Locations
611.1004 Source Water Monitoring Requirements: Analytical Methods
611.1005 Source Water Monitoring Requirements: Approved Laboratories
611.1006 Source Water Monitoring Requirements: Reporting Source Water Monitoring
Results
611.1007 Source Water Monitoring Requirements: Grandfathering Previously Collected
Data
611.1008 Disinfection Profiling and Benchmarking Requirements: Requirements When
Making a Significant Change in Disinfection Practice
611.1009 Disinfection Profiling and Benchmarking Requirements: Developing the
Disinfection Profile and Benchmark

611.1010	Treatment Technique Requirements: Bin Classification for Filtered Systems
611.1011	Treatment Technique Requirements: Filtered System Additional Cryptosporidium Treatment Requirements
611.1012	Treatment Technique Requirements: Unfiltered System Cryptosporidium Treatment Requirements
611.1013	Treatment Technique Requirements: Schedule for Compliance with Cryptosporidium Treatment Requirements
611.1014	Treatment Technique Requirements: Requirements for Uncovered Finished Water Storage Facilities
611.1015	Requirements for Microbial Toolbox Components: Microbial Toolbox Options for Meeting Cryptosporidium Treatment Requirements
611.1016	Requirements for Microbial Toolbox Components: Source Toolbox Components
611.1017	Requirements for Microbial Toolbox Components: Pre-Filtration Treatment Toolbox Components
611.1018	Requirements for Microbial Toolbox Components: Treatment Performance Toolbox Components
611.1019	Requirements for Microbial Toolbox Components: Additional Filtration Toolbox Components
611.1020	Requirements for Microbial Toolbox Components: Inactivation Toolbox Components
611.1021	Reporting and Recordkeeping Requirements: Reporting Requirements
611.1022	Reporting and Recordkeeping Requirements: Recordkeeping Requirements
611.1023	Requirements to Respond to Significant Deficiencies Identified in Sanitary Surveys Performed by USEPA or the Agency

SUBPART AA: REVISED TOTAL COLIFORM RULE

Section

611.1051	General
611.1052	Analytical Methods and Laboratory Certification
611.1053	General Monitoring Requirements for all PWSs
611.1054	Routine Monitoring Requirements for Non-CWSs That Serve 1,000 or Fewer People Using Only Groundwater
611.1055	Routine Monitoring Requirements for CWSs That Serve 1,000 or Fewer People Using Only Groundwater
611.1056	Routine Monitoring Requirements for Subpart B Systems That Serve 1,000 or Fewer People
611.1057	Routine Monitoring Requirements for PWSs That Serve More Than 1,000 People
611.1058	Repeat Monitoring and E. coli Requirements
611.1059	Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination
611.1060	Violations
611.1061	Reporting and Recordkeeping
611.APPENDIX A	Regulated Contaminants
611.APPENDIX B	Percent Inactivation of G. Lamblia Cysts

611.APPENDIX C	Common Names of Organic Chemicals
611.APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water
611.APPENDIX E	Mandatory Lead Public Education Information for Community Water Systems
611.APPENDIX F	Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems
611.APPENDIX G	NPDWR Violations and Situations Requiring Public Notice
611.APPENDIX H	Standard Health Effects Language for Public Notification
611.APPENDIX I	Acronyms Used in Public Notification Regulation
611.TABLE A	Total Coliform Monitoring Frequency
611.TABLE B	Fecal or Total Coliform Density Measurements
611.TABLE C	Frequency of RDC Measurement
611.TABLE D	Number of Lead and Copper Monitoring Sites
611.TABLE E	Lead and Copper Monitoring Start Dates
611.TABLE F	Number of Water Quality Parameter Sampling Sites
611.TABLE G	Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters
611.TABLE H	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Chlorine Dioxide
611.TABLE I	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Ozone
611.TABLE J	UV Dose Table for Cryptosporidium, Giardia lamblia, and Virus Inactivation Credit
611.TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30,

2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-23 at 39 Ill. Reg. _____, effective _____).

SUBPART A: GENERAL

Section 611.125 Fluoridation Requirement

All CWSs that are required to add fluoride to the water must maintain a fluoride ion concentration, reported as F, of 0.7 to 1.2 mg/ℓ in its distribution system, ~~as required by Section 7a of the Public Water Supply Regulation Act [415 ILCS 40/7a].~~

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART T: REPORTING AND RECORDKEEPING

Section 611.858 Fluoride Secondary Standard

The secondary standard for fluoride is 2.0 mg/L.

BOARD NOTE: Derived from 40 CFR 143.3 (2014).

(Source: Section repealed at 25 Ill. Reg. 1329, effective January 11, 2001, new section adopted at 39 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

Board Member J.A. Burke concurs.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 4, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board