



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

August 29, 2018

RECEIVED
CLERK'S OFFICE

AUG 31 2018

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

STATE OF ILLINOIS
Pollution Control Board

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 42, Issue 36 of the Illinois Register, dated 9/7/2018.

PROPOSED RULES

Operation and Record Keeping (Repealer)

35 Ill. Adm. Code 607

16472

Point of Contact: Nancy Hoepfner

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Operation and Record Keeping
- 2) Code Citation: 35 Ill. Adm. Code 607
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
607.103	Repealed
607.104	Repealed
- 4) Statutory Authority: Implementing Section 17 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27, 28].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 604 entitled "Design, Operation and Maintenance Criteria," including emergency operation and cross connection requirements. IEPA proposes to repeal the corresponding two sections of Part 607, which are the final two sections remaining in the Part.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: In the Statement of Reasons filed with its proposed rules, IEPA stated that it "did not consult with a published study or research report when developing this proposal." IEPA added that it "did not perform any new studies, nor did the Agency contract with any outside entities to perform any studies for the development of this rulemaking proposal."
- 7) Will this proposed repealer replace an emergency rule currently in effect? No.
- 8) Does this repealer contain an automatic repeal date? No.
- 9) Does this proposed repealer contain incorporations by reference? No.
- 10) Are there any other proposed rulemaking pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the Illinois Register. Public comments must be filed with the Clerk of the Board.

RECEIVED

AUG 22 2018

SOS-CODE DIV.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov). Public comments should refer to docket R18-17. Comments may also be submitted to:

Clerk's Office
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may obtain copies of the Board's opinion and order in R18-17 from the Board's website (pcb.illinois.gov) and may also call the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposal may affect any entity that owns, operates, or serves as official custodian for a community water supply, although it proposes to repeal Part 607.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed revisions repeal Part 607 and require no procedures for compliance.
 - C) Types of Professional skills necessary for compliance: The proposed revisions repeal Part 607 and do not require professional skills for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

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

PART 607
OPERATION AND RECORD KEEPING

Section

607.101	Protection During Repair Work (Repealed)
607.102	Disinfection Following Repair or Reconstruction (Repealed)
607.103	Emergency Operation (<u>Repealed</u>)
607.104	Cross Connections (<u>Repealed</u>)
607.105	Laboratory Testing Equipment (Repealed)
607.106	Record Maintenance (Repealed)

607.APPENDIX A References to Former Rules (Repealed)

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

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R88-26 at 14 Ill. Reg. 16512, effective September 20, 1990; amended in R95-17 at 20 Ill. Reg. 14423, effective October 22, 1996; amended in R96-18 at 21 Ill. Reg. 6553, effective May 8, 1997; amended in R18-17 at 42 Ill. Reg. _____, effective _____.

Section 607.101 Protection During Repair Work (Repealed)

Section 607.102 Disinfection Following Repair or Reconstruction (Repealed)

Section 607.103 Emergency Operation (Repealed)

- a) ~~Whenever contamination is determined to persist in a public water supply, as demonstrated by microbiological analysis results, the owners or official custodians of the supply shall notify all consumers to boil for five minutes all water used for drinking or culinary purposes. This boil order shall remain in effect until microbiological samples demonstrate that the water is safe for domestic use, or until appropriate corrective action approved by the Agency is taken. If the owner or official custodian of the supply fails to take such action on~~

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

~~his own or at the recommendation of the Agency, the Agency may issue a boil order directly to the consumers affected.~~

- b) ~~Any emergency which results in water pressures falling below twenty pounds per square inch on any portion of the distribution system shall be reason for immediate issuance of a boil order by the owner or official custodian of the supply to those consumers affected unless:~~
- ~~1) There is a historical record of adequate chlorine residual and approved turbidity levels in the general area affected covering at least twelve monthly readings;~~
 - ~~2) Samples for bacteriological examination are taken in the affected area immediately and approximately twelve hours later; and~~
 - ~~3) Tests for residual chlorine and turbidity taken at not more than hourly intervals in the affected area for several hours do not vary significantly from the historical record. If significant decrease in chlorine residual or increase in turbidity occurs, a boil order shall be issued.~~
- e) ~~Whenever the safety of a supply is endangered for any reason, including but not limited to spillage of hazardous substances, the Agency shall be notified immediately by the owner, official custodian or his authorized representative, and the supply officials shall take appropriate action to protect the supply. The owner, official custodian or his authorized representative shall notify all consumers of appropriate action to protect themselves against any waterborne hazards. If the owner or official custodian of the supply fails to take such action on his own or at the recommendation of the Agency, the Agency shall notify directly the consumers affected.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 607.104 Cross Connections (Repealed)

- a) ~~No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency, except as provided for in subsection (d) of this Section.~~

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- b) ~~There shall be no arrangement or connection by which an unsafe substance may enter a supply.~~
- e) ~~Control of all cross-connections to a supply is the responsibility of the owner or official custodian of the supply. If a privately owned water supply source meets the applicable criteria, it may be connected to a water supply upon approval by the owner or official custodian and by the Agency. Where such connections are permitted, it is the responsibility of the public water supply officials to assure submission from such privately owned water supply source or sources samples and operating reports, as required by 35 Ill. Adm. Code 611 as applicable to the cross-connected source.~~
- d) ~~The Agency may adopt specific conditions for control of unsafe cross-connections, which shall be complied with by the supplies of this State, as applicable. These conditions shall be adopted and/or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.~~
- e) ~~Each community water supply exempted pursuant to 35 Ill. Adm. Code 603.104 or Section 17(b) of the Act shall provide an active program approved by the Agency to continually educate and inform water supply consumers regarding prevention of the entry of contaminants into the distribution system. Conditions under which the Agency will approve this active program shall be adopted or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 607.105 Laboratory Testing Equipment (Repealed)

Section 607.106 Record Maintenance (Repealed)

Section 607.APPENDIX A References to Former Rules (Repealed)