

ILLINOIS POLLUTION CONTROL BOARD
July 27, 2020

IN THE MATTER OF:)
)
RULEMAKING FOR CROSS CONNECTION) R20-21
CONTROL DEVICE INSPECTORS OF) (Rulemaking – Public Water Supply)
PUBLIC WATER SUPPLIES 35 ILL. ADM.)
CODE 604.1520)

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by B. F. Currie):

On May 21, 2020, the Board adopted amendments to the renewal period for cross connection control device inspectors (CCCDI) First Notice and submitted the proposed rules for publication in the *Illinois Register*. Considering the entire record, the Board in its order below proposes the amendments to Part 604 for second notice and submits the proposal to the Joint Committee on Administrative Rules (JCAR) for second-notice review. *See* 5 ILCS 100/5-40(c) (2018).

Below, the Board describes the procedural background of this proceeding, followed by a summation of the regulatory background. The Board then discusses the testimony received on the first notice proposal and concludes by explaining the Board’s reasons for proceeding to second notice with the proposal, without making substantive changes to the rule language.

FIRST NOTICE PROCEDURAL HISTORY

On May 21, 2020, the Board adopted a first notice opinion and order amending the renewal period for CCCDI licensure due to COVID-19. *See* 44 Ill. Reg. 9352 (June 5, 2020) (Part 604). The proposal will replace emergency rules adopted on April 16, 2020, with an effective date of April 17, 2020. *In re* R20-20, April 16, 2020; 44 Ill. Reg. 7777 (May 1, 2020). The emergency rule expires on September 13, 2020.

The Board received pre-filed testimony from two witnesses, Steve Vance with the Illinois Environmental Protection Agency (IEPA) (Ex. 1), and Matthew Maas of the Environmental Resources Training Center (ERTC), Southern Illinois University Edwardsville (SIUE). (Ex. 2). Through an interagency agreement, IEPA tasks the ERTC with training licensed plumbers to become CCCDIs. Ex. 2 at 1. The Board received no public comments.

FIRST NOTICE TESTIMONY

On June 4, 2020, Steve Vance, the Field Operations Section Manager for the Division of Public Water Supplies within the Bureau of Water at the IEPA, pre-filed testimony. Ex. 1 at 1. Mr. Vance further testified that cross connection devices must be inspected annually by a person approved by the IEPA or a designee. *Id.* at 2. Mr. Vance then testified that because CCCDIs are

required to be licensed plumbers, and the Illinois Department of Public Health (IDPH) published an emergency rule extending the deadline for plumbers' license renewals, an extension of CCCDI licensure is necessary. *Id.* at 2-3. Mr. Vance warns that without an extension to the certification period, 2,500 candidates could be unable to renew their licenses. *Id.* at 5.

On June 3, 2020, Matthew Maas, the Director of the ERTC at SIUE, pre-filed testimony in favor of extending the CCCDI license renewal period. *See generally* Ex. 2. Further, Mr. Mass states that plumbers seeking CCCDI licensure could be affected by the COVID-19 pandemic. *Id.* at 2. For example, due to the pandemic, the ERTC canceled a continuing education course which had 27 registrants. *Id.* As of May 29, 2020, there were 3,298 active certified CCCDIs in the ERTC database, 2,044 had yet to apply for license renewal. *Id.* Mr. Maas testified that because a valid plumbing license is required for CCCDI renewal, the ERTC is in favor of extending the renewal period. *Id.* This, Mr. Maas states, would allow CCCDIs to remain licensed, and continue to protect Illinois water distribution systems. *Id.*

BOARD DISCUSSION

On April 16, 2020, the Board found that the rulemaking proposal would reduce the possibility of job loss during the pandemic. 4/16/20 Order at 3-4. The record after First Notice further establishes this finding.

The Board also finds that extending the CCCDI license renewal period concurrent with IDPH's plumber's license period is necessary to ensure CCCDIs remain licensed and able to monitor Illinois' public water distribution systems.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Economic Impact Study

As required by Section 27(b) of the Act (415 ILCS 5/27(b)), the Board in a letter dated May 5, 2020, that DCEO conduct an economic impact study of IEPA's proposed rules. The Board requested DCEO determine by June 22, 2020, whether it would conduct such a study. The Board received no response to this request. No person at the second hearing testified or commented on the Board's request or the lack of a response to it from DCEO. Tr. 2 at 7-8.

Technical Feasibility

IEPA states that the proposal is technically feasible. SR. at 5. The first notice comments have not further addressed the technical feasibility of the Board's proposal. Accordingly, the Board concludes that its second-notice proposal is technically feasible.

Economic Reasonableness

IEPA states that it does not expect any negative economic impacts to occur from extending the certification deadline. SR at 5. Further, Mr. Vance also testified that he did not expect any negative impacts from extending the certification deadline. Ex. 1 at 5. Mr. Vance

also states that extending the deadline will ensure CCCDIs can renew their certification and could net a positive economic impact on the state. *Id.*

Based on the record after first notice comment, the Board concludes the proposed amendments to Part 809 are economically reasonable.

CONCLUSION

The Board proposes for second notice amendments to Part 604 of the Board's regulations governing design, operation, and maintenance of public water supplies for JCAR review.

ORDER

The Board directs the Clerk to submit its proposal to JCAR for second-notice review.

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

PART 604
DESIGN, OPERATION AND MAINTENANCE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	Purpose
604.100	Purpose
604.105	General Requirements
604.110	Location
604.115	Usage
604.120	Piping Identification
604.125	Automatic Equipment
604.130	Operational Testing Equipment
604.135	Repair Work and Emergency Operation
604.140	Nitrification Action Plan
604.145	Exceptions for Community Water Supplies
604.150	Protection of Community Water Supply Structures
604.155	Electrical Controls and Standby Power
604.160	Safety
604.165	Monthly Operating Report
604.170	Security

SUBPART B: SOURCE DEVELOPMENT

Section	Purpose
604.200	General Requirements
604.205	Surface Water Quantity

604.210	Surface Water Quality
604.215	Surface Water Structures
604.220	Invasive Mussel Control
604.225	Reservoirs
604.230	Groundwater Quantity
604.235	Groundwater Quality
604.240	General Well Construction
604.245	Well Testing and Records
604.250	Aquifer Types and Construction Methods
604.255	Well Pumps, Discharge Piping and Appurtenances

SUBPART C: SOURCE WATER PROTECTION PLAN

Section	
604.300	Purpose
604.305	Source Water Protection Plan Requirement and Contents
604.310	Vision Statement
604.315	Source Water Assessment
604.320	Source Water Protection Plan Objectives
604.325	Action Plan
604.330	Submission
604.335	Agency Approval
604.340	Evaluation and Revision

SUBPART D: AERATION

Section	
604.400	General Requirements for Aeration
604.405	Forced or Induced Draft Aeration
604.410	Spray Aeration
604.415	Pressure Aeration
604.420	Packed Tower Aeration
604.425	Other Methods of Aeration

SUBPART E: CLARIFICATION

Section	
604.500	General Clarification Requirements
604.505	Coagulation
604.510	Flocculation
604.515	Sedimentation
604.520	Solids Contact Unit
604.525	Tube or Plate Settlers
604.530	Other High Rate Clarification Processes

SUBPART F: FILTRATION

Section	
604.600	Filtration
604.605	Rapid Rate Gravity Filters
604.610	Rapid Rate Pressure Filters
604.615	Deep Bed Rapid Rate Gravity Filters
604.620	Biologically Active Filtration

SUBPART G: DISINFECTION

Section	
604.700	Disinfection Requirement
604.705	Chlorination Equipment
604.710	Points of Application
604.715	Contact Time
604.720	Inactivation of Pathogens
604.725	Residual Chlorine
604.730	Continuous Chlorine Analyzers
604.735	Chlorinator Piping

SUBPART H: SOFTENING

Section	
604.800	Lime or Lime-soda Process
604.805	Cation Exchange Process

SUBPART I: STABILIZATION

Section	
604.900	General Stabilization Requirements
604.905	Carbon Dioxide Addition
604.910	Phosphates
604.915	Split Treatment

SUBPART J: OTHER TREATMENT

Section	
604.1000	Presedimentation
604.1005	Anion Exchange
604.1010	Iron and Manganese Control
604.1015	Taste and Odor Control
604.1020	Powdered Activated Carbon

SUBPART K: CHEMICAL APPLICATION

604.1100	General Chemical Application Requirements
604.1105	Feed Equipment and Chemical Storage
604.1110	Protective Equipment
604.1115	Chlorine Gas
604.1120	Acids and Caustics
604.1125	Chlorine Dioxide
604.1130	Sodium Chlorite
604.1135	Sodium Hypochlorite
604.1140	Ammonia
604.1145	Potassium Permanganate
604.1150	Fluoride

SUBPART L: PUMPING FACILITIES

604.1200	General
604.1205	Pumping Stations
604.1210	Pumps
604.1215	Booster Pumps
604.1220	Automatic and Remote-Controlled Stations
604.1225	Appurtenances

SUBPART M: STORAGE

604.1300	General Storage Requirements
604.1305	Overflow
604.1310	Access to Water Storage Structures
604.1315	Vents
604.1320	Level Controls
604.1325	Roof and Sidewalls
604.1330	Painting and Cathodic Protection
604.1335	Treatment Plant Storage
604.1340	Elevated Storage
604.1345	Hydropneumatic Storage
604.1350	Combination Pressure Tanks and Ground Storage

SUBPART N: DISTRIBUTION

604.1400	General Distribution System Requirements
604.1405	Installation of Water Mains
604.1410	Materials
604.1415	System Design
604.1420	Valves
604.1425	Hydrants
604.1430	Air Relief Valves
604.1435	Valve, Meter and Blow Off Chambers
604.1440	Sanitary Separation for Finished Water Mains

- 604.1445 Sanitary Separation for Raw Water Mains
- 604.1450 Surface Water Crossings
- 604.1455 Water Service Line
- 604.1460 Water Loading Stations

SUBPART O: CROSS CONNECTIONS

Section

- 604.1500 Cross Connections
- 604.1505 Cross Connection Control Program
- 604.1510 Cross Connection Control Device Inspectors
- 604.1515 Agency Approved Cross Connection Control Measures
- 604.1520 COVID-19 Emergency Provisions

604.TABLE A Steel Pipe

AUTHORITY: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R18-17 at 43 Ill. Reg. 8064, effective July 26, 2019; emergency amendment in R20-20 at 44 Ill. Reg. 7777 (May 1, 2020), effective April 17, 2020, for a maximum of 150 days; amended in R20-21 at 44 Ill. Reg. _____, effective _____.

SUBPART O: CROSS CONNECTIONS

Section 604.1520 COVID-19 Emergency Provisions

Due to the public health emergency related to the COVID-19 outbreak, the CCCDI approval renewal application deadlines for 2020 pursuant to Section 604.1510(b)(2) are extended. For renewal year 2020, CCCDIs must-renew their CCCDI Approval between August 31 and October 30. An application for CCCDI renewal will be sent by the Agency or its designee and must be completed and returned by October 30, 2020.

(Source: Added at 44 Ill. Reg. _____, effective _____.)

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 27, 2020, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board