

ILLINOIS POLLUTION CONTROL BOARD  
May 21, 2015

IN THE MATTER OF: )  
)  
PUBLIC WATER SUPPLIES: PROPOSED ) R15-22  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Water)  
PARTS 601, 602, AND 603 )

ORDER OF THE BOARD (by G.M. Keenan):

On May 8, 2015, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend Parts 601, 602, and 603 of the Board’s rules governing public water supplies (35 Ill. Adm. Code 601, 602, 603). Accompanying the proposal were a Statement of Reasons (SR) and a Motion for Acceptance of the proposal. *See* 35 Ill. Adm. Code 102.202 (Proposal Contents for Regulations of General Applicability).

The Agency states that the proposed amendments are intended to (1) update Parts 601 through 603; (2) consolidate the community water supply permitting rules in Parts 652 and 602; and (3) amend Part 603 to be consistent with recent amendments to the Public Water Supply Operations (PWSO) Act, 415 ILCS 45 (2012). SR at 1. Part 601 would be amended to add a new section for incorporation by reference of national standards published by the American Water Works, the American Society for Testing and Materials, the American National Standards Institute, the National Sanitation Foundation International, and the Recommended Standards for Water Works. SR at 6-7; *see also id.* at 32-33 (listing 20 documents proposed for incorporation by reference). According to the Agency, “[m]any” of these documents contain design standards that, under the proposed rules, would have to be met for a construction permit to issue. *Id.*

The Agency further explains that currently, the Board’s permitting rules are found in Part 602, while the Agency’s permitting requirements are located in Part 652 (35 Ill. Adm. Code 652); the amendments would consolidate all permitting requirements into a single part—Part 602, with five new subparts—after which the Agency would repeal Part 652 except for Sections 652.701 and 652.702. SR at 2-3. The Agency explains that the latter two sections concern capacity development and are not proposed for inclusion in amended Part 602. SR at 5. According to the Agency, the proposed amendments will give community water supplies a “succinct, compact set of permitting regulations” in Part 602 and make Agency review of permit applications more efficient. SR at 4-5.

The updates regarding the PWSO Act include adding the new term Responsible Operator in Charge (ROINC), a position that a community water supply must designate to the Agency and that directly supervises the water treatment facilities or distribution facilities, or both, of the community water supply. SR at 5-6. The proposal would also spell out the ROINC’s duties and areas of responsibility. SR at 6. The Agency further proposes a new concept: an “administrative contact” that a community water supply could designate to serve as agent of the owner or official custodian; notice by the Agency on the administrative contact would be considered notice on the owner or official custodian. *Id.*

The Agency asserts that the proposed regulations seek to streamline the permitting rules and update the existing regulations to be consistent with recent statutory changes. SR at 27. Thus, according to the Agency, the rules should “mak[e] compliance easier,” reducing compliance costs rather than imposing new economic burdens. The proposed amendments do not, according to the Agency, require the installation of any particular drinking water treatment technology and do not modify the permitting standards already in place. SR at 27.

The Board finds that the Agency 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 the Agency’s proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act (415 ILCS 5/27, 28 (2012)) and the Board’s procedural rules (35 Ill. Adm. Code 102). After conducting hearings on the proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 21, 2015, by a vote of 5-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board