



## OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

July 18, 2023

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

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 47, Issue 28 of the Illinois Register, dated 7/14/2023.

### **OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

Notice of Public Information

Point of Contact: Shannon Bilbruck

10671

### **PROPOSED RULES**

Primary Drinking Water Standards

35 Ill. Adm. Code 611

Point of Contact: Shannon Bilbruck

9557

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

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code Citation: 35 Ill. Adm. Code 611

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
611.100	Amendment
611.101	Amendment
611.102	Amendment
611.103	Amendment
611.105	Amendment
611.108	Amendment
611.109	Amendment
611.110	Amendment
611.111	Amendment
611.112	Amendment
611.113	Amendment
611.114	Amendment
611.120	Repealed
611.121	Amendment
611.125	Amendment
611.126	Amendment
611.130	Amendment
611.131	Amendment
611.160	Amendment
611.161	Amendment
611.201	Repealed
611.202	Repealed
611.211	Amendment
611.212	Amendment
611.213	Amendment
611.220	Amendment
611.230	Repealed
611.231	Amendment
611.232	Repealed
611.233	Amendment
611.240	Amendment
611.241	Repealed
611.242	Amendment
611.250	Amendment
611.261	Amendment

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611.262	Amendment
611.276	Amendment
611.280	Amendment
611.290	Amendment
611.295	Amendment
611.296	Amendment
611.300	Amendment
611.301	Amendment
611.310	Amendment
611.311	Amendment
611.312	Amendment
611.313	Amendment
611.325	Amendment
611.330	Amendment
611.350	Amendment
611.351	Amendment
611.352	Amendment
611.353	Amendment
611.354	Amendment
611.355	Amendment
611.356	Amendment
611.357	Amendment
611.358	Amendment
611.359	Amendment
611.360	Amendment
611.361	Amendment
611.362	New Section
611.363	New Section
611.380	Amendment
611.381	Amendment
611.531	Amendment
611.532	Amendment
611.533	Amendment
611.560	Repealed
611.591	Amendment
611.592	Amendment
611.600	Amendment
611.611	Amendment
611.641	Amendment

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611.645	Amendment
611.648	Amendment
611.720	Amendment
611.731	Amendment
611.732	Amendment
611.733	Amendment
611.740	Amendment
611.741	Amendment
611.742	Amendment
611.801	Amendment
611.802	Amendment
611.840	Amendment
611.883	Amendment
611.884	Amendment
611.901	Amendment
611.902	Amendment
611.923	Amendment
611.954	Amendment
611.1001	Amendment
611.1002	Amendment
611.1006	Amendment
611.1013	Amendment
611.1015	Amendment
611.1052	Amendment
611.1350	New Section
611.1351	New Section
611.1352	New Section
611.1353	New Section
611.1354	New Section
611.1355	New Section
611.1356	New Section
611.1357	New Section
611.1358	New Section
611.1359	New Section
611.1360	New Section
611.1361	New Section
611.APPENDIX G	Amendment
611.APPENDIX H	Amendment
611.TABLE F	Amendment

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611.TABLE G	Repealed
611.TABLE R	New Section
611.TABLE Z	Amendment

- 4) Statutory 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].
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R21-10 rulemaking which amends Part 611. A comprehensive description is contained in the Board's opinion and order of June 1, 2023, proposing amendments in docket R21-10/R22-2, which opinion and order is available from the address below.

The Board today proposes amendments to Illinois regulations that are "identical in substance" (IIS) to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA) in the second half of 2020 and first half of 2021. USEPA took two actions relating to lead in drinking water and granted summary approval to about 17 additional alternative test procedures (ATPs) for analyzing contaminants in drinking water. The Board now adds these provisions to the Illinois drinking water rules. The Board also includes corrections and revisions that are not directly based on the present USEPA actions, but are needed, and adds them to this proposal. The most significant pertain to the Radionuclides Rule and removing several rules applicable to unfiltered system suppliers using surface water sources and groundwater under the direct influence of surface water. The Board also proposes stylistic changes, including many of the type ordinarily requested by JCAR, and corrections to errors in the text. Finally, the Board finds that additional time is needed to complete the amendments and extends the adoption deadline to October 1, 2023.

Sections 7.2 and 17.5 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2020)) provide for quick adoption by the Board of regulations that are IIS to regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2021)). The National Primary Drinking Water Regulations (NPDWRs) implement these sections of SDWA. SDWA regulations are found at 40 C.F.R. 141 through 143.

The Board specifically requests public comment on the USEPA amendments requiring lead-free drinking water fixtures, revising the Lead and Copper Rule, and incorporating new ATPs into the Illinois rules. The Board also specifically requests comments on

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Board-initiated revisions: correcting the Radionuclides Rule, removing rules pertaining to unfiltered system suppliers, and making other corrections and changes.

The following paragraphs summarize USEPA's actions considered in this consolidated rulemaking in chronological order. Each includes a brief description of any Board action in response. The Board does not generally review the substance of USEPA actions in IIS rulemakings. Rather, the Board considers USEPA rules to ensure appropriate incorporating of the USEPA's requirements into the Illinois rules. Any person interested in the full substance and basis of USEPA's rules should begin by reviewing the associated Federal Register notices and other USEPA resources.

September 1, 2020 (85 Fed. Reg. 54235). USEPA revised standards for lead in plumbing fixtures and plumbing materials. The revised standards are consistent with the 2011 statutory revisions. The Board must incorporate USEPA's changes into the Illinois rules. January 15, 2021 (86 Fed. Reg. 4198). USEPA adopted the Lead and Copper Rule Revisions (LCRR), revising the Lead and Copper Rule (LCR). The Board must incorporate USEPA's changes into the Illinois rules.

March 12, 2021 (86 Fed. Reg. 14003). USEPA delayed the effective date of the January 15, 2021, LCRR until June 17, 2021. The delayed effective date has passed, requiring no Board action. Nevertheless, the Board notes USEPA's delayed date.

May 19, 2021 (86 Fed. Reg. 27226). USEPA updated the Clean Water Act (CWA) methods for effluent analyses. The Board must update the incorporation by reference to 40 C.F.R. § 136.3(a) in 35 Ill. Adm. Code 611.102(b) to include USEPA's updates in Illinois' rules.

May 26, 2021 (86 Fed. Reg. 28277). USEPA designated 17 additional ATPs for 4 analyzing drinking water samples. Included are methods for inorganic, volatile organic, synthetic organic, radiochemical, and microbiological contaminants and disinfectant residuals. The Board must incorporate these new methods into Illinois' rules.

June 2, 2021 (86 Fed. Reg. 29526). USEPA corrected its May 26, 2021 designation. The Board must incorporate these corrections into the amendments.

June 16, 2021 (86 Fed. Reg. 31939). USEPA delayed the effective and compliance dates of the LCRR. USEPA delayed the effective date until December 16, 2021, and the January 16, 2024, compliance date until October 16, 2024. The Board must incorporate the delayed compliance date into the Illinois rule.

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Lead-Free Fixtures Rule USEPA replaced the former rule banning using lead pipes, solder, and flux in 40 C.F.R. § 141.43 with extensive new rules in subpart B of 40 C.F.R. 143. Statutory changes in SDWA in 2011 and 2013 prompted USEPA's action. The 2011 change revised the definition of "lead free" in the statutory prohibition on lead plumbing and fixtures. The 2013 change exempted fire hydrants from the ban. USEPA's rule prohibits using any pipe, plumbing fitting or fixture, or lead solder or flux (plumbing material) that is not lead-free as defined under the rule. The rule prohibits introducing any plumbing material to commerce that is not lead-free and requires certification of products sold as lead-free. There are exemptions focused on non-potable use or use where human consumption is unlikely, and the rule does not apply to lead joints necessary to repair cast iron pipes. Any solder containing lead or flux must bear a label stating its use in plumbing providing water for human consumption is illegal. USEPA's rule requires states to implement its use prohibitions and those in the SDWA. USEPA's rule provides that noncompliance may subject a person to enforcement action, and it authorizes USEPA to request information "to determine whether a person has acted or is acting in compliance." It also provides that "[i]nformation, such as records requested, must be provided to the Administrator at a time and in a format as may be reasonably determined by the Administrator." The Board previously altered the Illinois prohibition against leaded plumbing materials to rely on a national standard. SDWA required USEPA to aid "third-party certifiers" to develop a consensus standard for lead in plumbing materials. After USEPA announced that the National Sanitation Foundation (NSF) Standard 61 was that standard, the Board incorporated that standard by reference in the Illinois rule. The Board later revised the prohibition in response to the federal statutory changes. These changes prompted USEPA's recent new rule prohibiting anything but lead-free plumbing materials. To avoid tying Illinois' rule to an evolving standard, the Board opted to remove the reference to it and define "lead free" using the statutory standard in SDWA. USEPA's new lead-free rule requires manufacturers and importers to certify their products before the latter of September 1, 2023, or when they introduce them into commerce. Manufacturers or importers must have an accredited third-party certification or self-certify their products. Certification requires the products to comply with USEPA's definition of "lead free," but does not require certification to a particular national standard. Although USEPA's discussion of the rule cites NSF/ANSI 37220 several times, the rule refers to the standard as an example in its definition of "accredited third party certification." This is convenient for the Board because USEPA's definition of "lead free" provides the standard and the method for determining compliance. The definition of "accredited third party certification body" determines what entity (other than the manufacturer or importer) may provide the required certification. USEPA's rule specifies standards for records retention for certifications and providing them to USEPA for

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inspection on request, but it does not require that certified products bear any marks substantiating certification or that the manufacturer or importer make this information publicly available.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes

“ASTM D1293-18” means “Standard Test Methods for pH of Water”, approved 2018, referenced in Section 611.611.

“ASTM D1688-17 A” means “Standard Test Methods for Copper in Water”, “Test Method A—Atomic Absorption, Direct”, approved 2017, referenced in Section 611.611.

“ASTM D1688-17 C” means “Standard Test Methods for Copper in Water”, “Test Method C—Atomic Absorption, Graphite Furnace”, approved 2017, referenced in Section 611.611.

“ASTM D3223-17” means “Standard Test Method for Total Mercury in Water”, approved 2017, referenced in Section 611.611.

“ASTM D3454-18” means “Standard Test Method for Radium-226 in Water”, approved 2005, referenced in Section 611.720.

“ASTM D3697-17” means “Standard Test Method for Antimony in Water”, approved 2017, referenced in Section 611.611.

“ASTM D4327-17” means “Standard Test Method for Anions in Water by Ion Chromatography”, approved 2017, referenced in Section 611.611.

“ASTM D6919-17” means “Standard Test Method for Determination of Dissolved Alkali and Alkaline Earth Cations and Ammonium in Water and Wastewater by Ion Chromatography”, approved 2017, referenced in Section 611.611.

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Maine Methods. Available from Maine Health and Environmental Testing Laboratory, 221 State Street, Augusta, ME 04333 (207-287-2727).

“ME 531 (19)” means “Measurement of N-Methylcarbamoyloximes and N-Methylcarbamates in Drinking Water by LC-MS/MS”, version 1.0 (September 2019). Referenced in Section 611.645.

“Modified Colitag™ (20)” means “Modified Colitag™ Test Method for Simultaneous Detection of Total Coliforms and E. coli in Water”, Version 2.0, (June 2020). Available from Neogen Corporation, 620 Lesher Place, Lansing, MI 48912. Referenced in Sections 611.802 and 611.1052.

“Palintest 1001 (20)” means “Method 1001: Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry”, May 2020, Revision 1.1, referenced in Section 611.611.

BOARD NOTE: Also available from USEPA, OGWDW (under “Inorganic Contaminants and Other Inorganic Constituents (PDF)”).

“Palintest ChlordioX Plus (20)” means “Chlorine Dioxide and Chlorite in Drinking Water by Amperometry using Disposable Sensors”, Version 1.1 (February 2020), referenced in Sections 611.381 and 611.531.

“Palintest ChloroSense (20)” means “Free and Total Chlorine in Drinking Water by Amperometry using disposable sensors”, Revision 1.1 (February 2020), referenced in Sections 611.381 and 611.531.

“RAPID'E. coli (20)” means “Simultaneous Detection of Total Coliform Bacteria and Escherichia coli Using RAPID'E. coli 2 (REC2) in Drinking Water” (May 2020). Available from Bio-Rad Laboratories, 2000 Nobel Drive, Hercules, California 94547. Referenced in Sections 611.802 and 611.1052.

“USEPA 127 (21)” means “Method 127: Determination of Monochloramine Concentration in Drinking Water”, document number EPA 815-B-21-004, Version 1.0 (January 2021). Available from USEPA, NSCEP (search for “815B21004”). Referenced in Section 611.531.

BOARD NOTE: Also individually available from NEMI.

“USEPA 903.0 (21)” means “Method 903.0, Revision 1.0: Alpha-Emitting Radium Isotopes in Drinking Water”, doc. no. EPA 815-B-21-002 (January

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2021). Available from USEPA, NSCEP ([nepis.epa.gov](http://nepis.epa.gov); search: "815B21002"). Referenced in Section 611.720.

"USEPA 903.1 (21)" means "Method 903.1, Revision 1.0: Radium-226 in Drinking Water Radon Emanation Technique", doc. no. EPA 815-B-21-003 (January 2021). Available from USEPA, NSCEP ([nepis.epa.gov](http://nepis.epa.gov); search: "815B21003"). Referenced in Section 611.720.

19 CFR 101.1 (2022) (Definitions), referenced in Section 611.126.

40 CFR 3.3 (2021) (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

40 CFR 3.10 (2021) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

40 CFR 3.2000 (2021) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

40 CFR 136.3(a) (2021), referenced in Section 611.1004.

Appendix B to 40 CFR 136 (2021), referenced in Sections 611.359, 611.609, and 611.646.

40 CFR 141.21(f)(6)(i) and (f)(6)(ii) (2021), referenced in Section 611.802.

40 CFR 142.20(b)(1) (2021), referenced in Section 611.112.

Subpart G of 40 CFR 142 (2021), referenced in Section 611.113.

- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 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 should refer to Docket R21-10/R22-2 and be filed electronically through the

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Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren St., Ste. 630  
Chicago, IL 60605

Interested persons may download copies of the Board's opinions and orders in R21-10/R22-2 from the Board's Web site at [www.pcb.illinois.gov](http://www.pcb.illinois.gov) [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling 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: None
  - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
  - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in either of the two most recent Regulatory Agendas.

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