



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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CLERK'S OFFICE

JAN 09 2002

STATE OF ILLINOIS
Pollution Control Board

REPLY TO THE ATTENTION OF:

08 JAN 2002

WG-15J

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

*R02-5
P.c.#3*

Dear Ms. Gunn:

Please find enclosed our review of Docket Number R02-5, Safe Drinking Water Update, U.S. Environmental Protection Agency Regulations (U.S. EPA) (January 1, 2001 through June 30, 2001), Proposed Rule, Proposal for Public Comment. The docket was reviewed by the Ground Water and Drinking Water Branch and Office of Regional Counsel. The sections reviewed in this docket include:

- Federal Register 3770 (January 16, 2001), Stage 1 Disinfectants and Disinfection Byproducts rule and Interim Enhanced Surface Water Treatment Rule,
- Federal Register 6976 (January 22, 2001), Arsenic in drinking water,
- Federal Register 9903 (February 12, 2001), technical corrections, and
- Federal Register 31086 (June 8, 2001) Filter Backwash Recycling rule.

Thank you for the opportunity to review your proposed drinking water rules.

Sincerely,

Rita Garner
Ground Water and Drinking Water Branch

Enclosures

cc: Mike McCambridge, IPCB
Lou Allyn Byus, IEPA

**Comments to IPCB Docket R02-5 October 4, 2001,
Proposed Rule, Proposal for Public Comment**

We have reviewed IEPA's Draft State Primacy Package, Docket R02-5 from the Illinois Pollution Control Board. We have the following comments.

Federal Register 6976 (January 22, 2001), Arsenic in drinking water

1. - Section 611.611 (a)(2) Board Note: Change the units from 100 liters (L) to 100 microliters (uL) in the sentence reading, "For methods 200.7 and 3120B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of **100 L** . . ."
2. - Section 611.611 (a)(2)(A): Change the effective date from January 23, 2006 to the year 2005. Although the compliance period will be at a disadvantage.
3. - Section 611.600 (d) arsenic: Change "atomic **absorbtion**-furnace" to "atomic absorption-furnace."
4. - Section 611.600 (d) footnote number 7: Change "**peositions**" to "depositions."

Federal Register 3770 (January 16, 2001), Stage 1 Disinfectants and Disinfection Byproducts rule and Interim Enhanced Surface Water Treatment Rule

5. - Section 611.680 (5) does not reflect 141.30 (b).
6. - Section 611.382 is not complete until State equivalent 142.16 (h) 5 is completed.
7. - Section 611.384 does not reflect 141.34.

We had no comments on Federal Register 31086 (June 8, 2001) Filter Backwash Recycling rule, or Federal Register 9903 (February 12, 2001), technical corrections.



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DEC 03 2001

REPLY TO THE ATTENTION OF: WG-15J

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

RE: Request for additional time to file comments on Docket R02-5.

Dear Ms. Gunn:

Due to the unique circumstances involving the Arsenic rule, we request an additional 30 days to review Docket R02-5, Identical-in-Substance Rulemaking - Public Water Supply, Safe Drinking Water Act Update, U.S. Environmental Protection Agency Amendments (January 1, 2001 through June 30, 2001, Arsenic Rule). The Federal Rule was published on May 22, 2001. The effective date of the rule will be February 22, 2002.

Thank you for the opportunity to review your proposed drinking water rules.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charlene J. Denys".

Charlene J. Denys, Chief
Ground Water and Drinking Water Branch

cc: Mike McCambridge, IPCB
Roger Selburg, IEPA
Lou Allyn Byus, IEPA

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JAN 09 2002

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

December 20, 2001

IN THE MATTER OF:)
)
SDWA UPDATE, USEPA AMENDMENTS) R02-5
(January 1, 2001 through June 30, 2001;) (Identical-in-Substance Rulemaking -
Arsenic Rule)) Public Water Supply)

Proposed Rule. Reason for Delay Order.

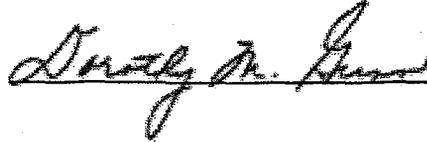
ORDER OF THE BOARD (by R.C. Flegal):

This matter is before the Board on the December 5, 2001 request of the United States Environmental Protection Agency (USEPA) for an additional 30 days past December 10, 2001 in which to file public comments. The Board adopted a proposal for public comment in this matter on October 4, 2001. A Notice of Proposed Amendments for this proceeding appeared in the *Illinois Register* on October 26, 2001. The public comment began on the date of publication, and it ended after 45 days, on December 10, 2001. By this order, the Board grants USEPA the requested additional time to file its comments by extending the public comment period until January 9, 2002. The Board cannot accommodate USEPA's needs and still timely complete this rulemaking by the January 11, 2002 statutory due date. So, we further set forth reasons for delay and extend the time for Board adoption of these amendments until February 22, 2002.

Sections 7.2 and 17.5 of the Act (415 ILCS 5/7.2 and 17.5 (2000)) provide for quick adoption of regulations that are identical in substance to federal 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(b), 300g-3(c), 300g-6(a), and 300j-4(a) (2000)). Section 7.2(b) mandates that the Board must complete its rulemaking proceedings within one year after the earliest federal adoption date of the rules underlying the proceeding. However, Section 7.2(b) further provides that the one-year period for Board action may be extended if necessary to complete the proceeding. To extend the deadline for final Board action, the Board must make a finding based on the record of the proceeding that the one-year period is insufficient for completion of the rulemaking, and the Board must state reasons for the extension. Finally, Section 7.2(b) requires that the Board make this finding of necessity prior to the expiration of the one-year period, and we must publish a notice of extension in the *Illinois Register* as expeditiously as practicable.

The date of the federal amendments that determines the due date for the conclusion of Board action in this proceeding was January 11, 2001. The one-year period for completion for Board action on these amendments therefore ends on January 11, 2002, the due date for this docket.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do certify that the Board adopted the above order on December 20, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board