BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
SDWA UPDATE, USEPA AMENDMENTS	)	R 25-1(A)
(January 1, 2024, through December 31, 2024)	)	(Identical-in-Substance
	)	Rulemaking - Public Water Supply)

To: See attached Service List.

NOTICE OF FILING

PLEASE TAKE NOTICE that, on behalf of the Illinois Environmental Protection Agency, I have today filed with the Office of the Clerk of the Illinois Pollution Control Board PUBLIC COMMENT, a copy of which is served upon you with this Notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Dated: October 5, 2026

By: /s/ Sara G. Terranova
Assistant Counsel
Division of Legal Counsel
Sara.Terranova@illinois.gov

2520 W. Iles Ave.
P.O. Box 19276
Springfield, Illinois 62704
217-782-5544

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PUBLIC COMMENT

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), through counsel, submits this public comment on the identical-in-substance amendments proposed by the Illinois Pollution Control Board ("Board").

1. Regarding item 5, the Agency recommends that the Board also amend Section 611.353(b)(6)(B) and retain the existing language of subsection (E).

Under 40 C.F.R. § 141.83(b)(6), a water system or other interested party may request a State's modification of a determination of source water treatment or the maximum permissible lead and copper concentrations. The request must be in writing, explain why modification is appropriate, and include supporting documentation. The State may modify its determination when it concludes that a change is necessary to ensure the system continues to minimize lead and copper concentrations in source water. A revised determination must be in writing, state the new treatment requirements, explain the basis for the decision, and provide a schedule for completing the treatment modifications. 40 C.F.R. § 141.83(b)(6).

U.S. EPA identified that 35 Ill. Adm. Code 611.353(b)(6)(A) does not reference the ability of an interested party to request a modification. PC 1 at 2. The Board's proposed amendment to subsection (A) authorizes the Agency to act on a request from an "other interested party," but subsection (B) would continue to impose the written request, explanation, and supporting

documentation requirements only on a supplier. To address U.S. EPA's concern, the Agency recommends that the Board add "or other interested party" after supplier in subsection (B).

U.S. EPA also asked the Board to make an Agency decision not to act on an interested person's request for a modification appealable under "non-permitting procedures." PC 1 at 2. The Agency does not read 40 C.F.R. § 141.83(b)(6) or the Safe Drinking Water Act's judicial-review provision as requiring such a State administrative appeal. Section 141.83(b)(6) permits an interested party to request a modification but contains no requirement that a State render a final decision on a modification request, let alone to make a lack of action on a modification request subject to appeal. Although 42 U.S.C. § 300j-7 provides for judicial review in specified circumstances, it does not expressly require a State to make its non-action on a modification request appealable. The Agency therefore recommends retaining the existing language of subsection (E) without the proposed appeal language.

2. Regarding item 13, concerning 35 Ill. Adm. Code 611.130(d)(1) and (d)(6), the Agency asks the Board to reconsider its decision not to amend these provisions. The Agency agrees with U.S. EPA that they should more closely track the federal requirements.

For the monitoring program option, 40 C.F.R. § 142.62(g)(1) requires a public water system to "develop and put in place" a bottled water monitoring program. Section 611.130(d)(1) requires the supplier to develop a monitoring program but does not include the requirement that the program be put implemented. The Agency agrees that subsection (d)(1) should be revised to include this requirement. Section 611.130(d)(1) could be revised as follows: "The supplier must develop and implement a monitoring program ~~for Board approval providing~~ approved by the Board that provides reasonable assurances . . . ."

Section 142.62(g)(3) also requires bottled water to be provided to "every person supplied by the public water system." Section 611.130(d)(6) instead refers to "every affected person the supplier serves". The Agency recommends revising subsection (d)(6) to use the federal language.

3. With respect to the items 15 through 25, the Board declined to make the changes suggested by U.S. EPA because the provisions in Subpart AG are sunset provisions that have been replaced by the LCRR and LCRI requirements in Subparts AH and G. R25-1(A), slip op. at 13 (Aug. 6, 2026). The Agency recommends that the Board reconsider U.S. EPA's comments. Although these provisions may be sunset provisions, U.S. EPA has identified them as stringency concerns that affect Illinois's primacy application. *See* PC 1 at 8–12. The Agency therefore recommends that the Board address U.S. EPA's comments in items 15-25, including any necessary changes to the sunset provisions.

4. With respect to item 26, the Agency agrees with the Board's proposed amendment to Section 611.2350(b). However, the Agency recommends that the Board also review Section 611.2363, Small Supplier Compliance Flexibility. As proposed, Section 611.2350(b) would define a "small CWS supplier" as a CWS serving 3,300 or fewer persons. Section 611.2363, however, provides that the small supplier compliance flexibility options apply to a "small CWS supplier serving 10,000 or fewer persons." If "small CWS supplier" is redefined to mean a system serving 3,300 or fewer persons, the 10,000-person language in Section 611.2363 may no longer cover systems serving 3,301 to 10,000 persons. The corresponding LCRR provision, 40 C.F.R. § 141.93 (2024), made these compliance flexibility options available to community water systems serving 10,000 or fewer persons. The Agency recommends that the Board clarify or revise Section 611.2363, as necessary, so that the change to the definition in Section 611.2350(b) does not

inadvertently limit the availability of the compliance flexibility options provided under the federal rule.

5. The Board's proposed amendment to Section 611.2353(b)(6)(E) in item 31 raises the same appeal issue discussed above for Section 611.353(b)(6)(E). U.S. EPA states that an Agency determination on a request from an interested person is a final action and suggests clarifying that a third party may appeal that determination under the SEP provisions rather than under Sections 39 and 40 of the Act. PC 1 at 15. The Board therefore proposes to amend Section 611.2353(b)(6)(E) to provide a State administrative appeal when the State declines to make a modification based on information submitted by an interested person.

As discussed above, the corresponding federal provision allows an interested party to request modification of a treatment determination, but the Agency does not read it as requiring a State to act on a final determination, or to provide a State administrative appeal when the State declines to make a modification based on the request. The existing Board provision likewise allows an interested person to submit information for the Agency to consider in determining whether to exercise its discretion and modify its treatment determination.

For these reasons, the Agency recommends that the Board retain the existing language of Section 611.2353(b)(6)(E).

6. With respect to items 61 and 62, the Board declined to make U.S. EPA's suggested changes to Sections 611.1357(d)(1) and (e)(2) because they are LCR sunset provisions. R25-1(A), slip op. at 26 (Aug. 6, 2026). The Agency recommends that the Board reconsider these suggested changes. U.S. EPA identified a typographical error in Section 611.1357(d)(1) and omitted federal language in Section 611.1357(e)(2). The Agency recommends that the Board address these issues, including any necessary changes to the sunset provisions.

7. Regarding item 64, the Agency agrees that U.S. EPA's concern regarding Section 611.2354 and Section 17.12(ff) of the Illinois Environmental Protection Act is outside the scope of this identical-in-substance rulemaking.

8. Finally, the Agency has identified an apparent omission in Section 611.363(a). The current rule proceeds directly from subsection (a) to subsection (a)(2) and does not include subsection (a)(1). The corresponding federal provision, 40 C.F.R. § 141.93(a)(1), establishes requirements for systems with corrosion control, including collection of water quality parameters and evaluation of compliance options when OCCT has not been re-optimized. The Board's crosswalk attached to its January 22, 2026 order also identifies this federal provision as corresponding to Section 611.363(a)(1). The Agency therefore recommends that the Board amend Section 611.363 to restore subsection (a)(1) so that the Board rule includes the requirements corresponding to 40 C.F.R. § 141.93(a)(1).

WHEREFORE, the Illinois EPA respectfully requests that the Board consider these comments when adopting final amendments in this proceeding.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Dated: October 5, 2026

By: /s/ Sara G. Terranova
Assistant Counsel
Division of Legal Counsel
Sara.Terranova@illinois.gov

2520 W. Iles Ave.
P.O. Box 19276
Springfield, Illinois 62704
217-782-5544

CERTIFICATE OF SERVICE

I, Sara G. Terranova, Assistant Counsel for the Illinois Environmental Protection Agency, hereby certify that I have served a copy of the foregoing NOTICE OF FILING and COMMENTS upon all persons in the attached SERVICE LIST by electronic mail on October 5, 2026.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Dated: October 5, 2026
2520 W. Iles Ave.
PO Box 19276
Springfield, Illinois 62704

By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel

SERVICE LIST

ILLINOIS POLLUTION CONTROL BOARD
Don Brown, Clerk
Joan Beacom, Hearing Officer
Don.Brown@illinois.gov
Joan.beacom2@illinois.gov

U.S. EPA REGION 5
Stacy Meyers, State Oversight Specialist
Daniel Leonard, Illinois State Authorization
Robert Peachey
meyers.stacy@epa.gov
leonard.daniel@epa.gov
peachey.robert@epa.gov

OFFICE OF THE ATTORNEY GENERAL
Ann Marie A. Hanohano, Assistant Attorney General
annmarie.hanohano@ilag.gov
Jason E. James, Assistant Attorney General
jason.james@ilag.gov

JOINT COMMITTEE ON ADMINISTRATIVE RULES
jcar@ilga.gov

ILLINOIS DEPT. OF NATURAL RESOURCES
Renee Snow, General Counsel
renee.snow@illinois.gov

DEPT. OF COMMERCE AND ECONOMIC OPPORTUNITY
Jonathan Eastvold
Jonathan.eastvold@illinois.gov