

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2001

IN THE MATTER OF:)
)
SDWA UPDATE, USEPA AMENDMENTS) R01-20
(July 1, 2000, through December 31, 2000;) (Identical-in-Substance Rulemaking -
Radionuclides)) Public Water Supply)

Proposed Rule. Proposal for Public Comment.

OPINION OF THE BOARD (by R.C. Flemal):

Under Sections 7.2 and 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2000)), the Board proposes amendments to the Illinois regulations that are “identical in substance” to drinking water regulations that the United States Environmental Protection Agency (USEPA) adopted 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) (2000)). The nominal timeframe of this docket includes federal SDWA amendments that USEPA adopted in the period July 1, 2000, through December 31, 2000.

Sections 7.2 and 17.5 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(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2000)). Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal SDWA regulations are found at 40 C.F.R. 141 through 143.

This opinion supports an order that the Board also adopts today. The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

The following briefly summarizes the federal actions considered in this rulemaking.

Docket R01-7: July 1, 2000, through December 31, 2000, SDWA Amendments

USEPA amended the federal SDWA regulations on only one occasion during the period July 1, 2000, through December 31, 2000. This is summarized below:

65 Fed. Reg. 76708 (December 7, 2000)

USEPA adopted national primary drinking water regulations (NPDWRs) for radionuclides.

No Later SDWA (Drinking Water) Amendments of Interest

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, we have not identified any USEPA actions since December 31, 2000, that further amend the SDWA rules. When the Board observes an action outside the nominal timeframe of a docket that would require expedited consideration in the pending docket, the Board will expedite consideration of those amendments. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible and those for which the Board has received a request for expedited consideration. If the Board identifies any federal actions that fulfill these criteria prior to final action on the present amendments, it may include those amendments in the present update docket R01-20.

PUBLIC COMMENTS

The Board will receive public comments on this proposal for 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board will file any adopted rules with the Secretary of State immediately after adoption.

As of the adoption of this proposal for public comment, the Board has received one public comment. That public comment is described as follows:

PC 1 The Illinois Environmental Protection Agency (Agency): “In the Matter of: SDWA Amendments (July 1, 2000, through December 31, 2000, R01-20, Submission of Proposed Corrections to 35 Ill. Adm. Code 611,” dated March 26, 2001, from Stephen C. Ewart, Deputy Counsel, Division of Legal Counsel (received April 2, 2001).

By PC 1, the Agency submitted a number of corrections that it wishes to see to the text of the identical-in-substance SDWA regulations generally. Nearly all of the Agency-suggested corrections would have no substantive effect on the rules. The Agency requests and the Board responses are discussed in the appropriate segment of this opinion (beginning on page 6 below).

DISCUSSION

The following discussion begins with a description of the types of deviations the Board makes from the literal text of federal regulations in adopting identical-in-substance rules. It is followed by a discussion of the amendments and actions undertaken in direct response to the federal actions involved in this proceeding. This first series of discussions is organized by federal subject matter, generally appearing in chronological order of the relevant *Federal Register* notices involved. Finally, this discussion closes with a description of the amendments and actions that are not directly derived from the federal actions.

General Revisions and Deviations from the Federal Text

In incorporating the federal rules into the Illinois system, some deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors that we see in the text as we engage in these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the Illinois Administrative Code.

The Board updates the citations to the *Code of Federal Regulations* to the most recent version available. As of the date of this opinion, the most recent version of the *Code of Federal Regulations* available to the Board is the July 1, 2000 version. Thus, we have updated all citations to the 2000 version, adding references to later amendments using their appropriate *Federal Register* citation, where necessary.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. We changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative clauses; substituted “must” for “shall”; capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may,” “must” is used when an action is required by the rule, without regard to whether the action is required of the subject of the sentence or not. “Shall” is no longer, since it is not used in everyday language. Thus, where a federal rule uses “shall,” the Board substitutes “must.” This is a break from our former practice where “shall” was used when the subject of a sentence has a duty to do something. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

The Joint Committee on Administrative Rules (JCAR) has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations—*i.e.*, air, water, drinking water, Resource Conservation and Recovery Act

(RCRA) Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” We will continue this conversion in future rulemakings, as additional sections become open to amendment. We will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid in the location of these alterations and to briefly outline their intended purpose. The tables set forth the miscellaneous deviations from the federal text and corrections to the pre-amended base text of the rules in detail. The tables are set forth and explained beginning at page 9. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

Discussion of the Federal Action

NPDWR for Radionuclides—Sections 611.130, 611.330, 611.330, 611.331, 611.720, 611.731, and Appendices A, G, and H

On December 7, 2000 (65 Fed. Reg. 76708), USEPA adopted final NPDWRs for radionuclides. The standards for radionuclides that existed prior to this action were interim NPDWRs adopted by USEPA in 1976. Included in the newly revised standards were maximum contaminant levels (MCLs) and monitoring, reporting, and public notification requirements for community water systems. USEPA instituted new monitoring requirements for uranium, a previously unregulated contaminant; combined radium ($\text{Ra}^{226} + \text{Ra}^{228}$); and gross alpha particle, beta particle, and photon radioactivity. The MCLs for combined radium and gross alpha particle, beta particle, and photon radioactivity remained unchanged from the standards for those contaminants in the interim NPDWRs.

The Board has incorporated the federal amendments into the Illinois drinking water regulations with minimal deviation from the literal text of the federal amendments. Persons interested in the substance of the underlying federal action should refer to the notice that appeared in the December 7, 2000 issue of the *Federal Register*. Table 1, which begins on page 10 of this opinion, outlines the deviations from the literal text of the federal rules that the Board found necessary to incorporate the amendments. The Board will offer no explanation of most of those deviations beyond that set forth in the table. We do, however, explain the more significant deviations in this discussion.

One deviation from the literal text of the federal rules relates to the differences in the types of relief available under State and federal law. In 40 C.F.R. 142.65, USEPA sets forth the requirements for “variances and exemptions” from the MCLs for radionuclides. Federal “variances” and “exemptions” are creatures of Sections 1415 and 1416 of SDWA. 42 U.S.C. 300g-4 and 300g-5 (2000). These are very different from a variance in Illinois under Section 35 of the Act (415 ILCS 5/35 (2000)) and an adjusted standard under Section 28.1 of the Act (415 ILCS 5/28.1 (2000)). The Board has codified the federally derived provisions relating to variances and exemptions in Sections 611.111, 611.112, 611.130, and 611.131. Sections 611.111, 611.112, and 611.131 each outline requirements comparable to a specific type of

federally derived relief from the generally applicable rules. Section 611.130 sets forth the special requirements applicable to relief from specific NPDWRs. Beginning in SDWA Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (July 22, 1999), R99-12, we have further referred to relief from an NPDWR as “relief equivalent to a SDWA Section 1415 variance” or “relief equivalent to a SDWA Section 1416 exemption.”

Keeping with this scheme, the Board has codified 40 C.F.R. 142.65 as new Section 611.130(g). We have further referred to “relief equivalent to a SDWA Section 1415 variance” and “relief equivalent to a SDWA Section 1416 exemption” in subsections (g)(5) through (g)(7). Further, the information set forth in Tables A, B, and C to 40 C.F.R. 142.65 is also set forth in Tables B, C, and D to 40 C.F.R. 141.66, respectively. The Board has codified 40 C.F.R. 141.66 as 35 Ill. Adm. Code 611.330, and the tables are codified at Section 611.330(g) and (h). Rather than repeat the tables in Section 611.130, like USEPA did in 40 C.F.R. 142.65, the Board has cross-referenced the tables in Section 611.330.

Another deviation from the literal text of the federal text relates to limitations on the application of reverse osmosis (RO). A problem arises in incorporating the literal federal text into note (c) to the table at Section 611.330(h). In corresponding note (c) to Table C to 40 C.F.R. 141.66, USEPA refers to “other RO limitations described in the SWTR Compliance Technologies Table.” We cannot include such a statement in the Illinois regulations without also setting forth the limitations to which it would refer. After considerable staff research and staff consultation with federal staff of the Safe Drinking Water Hotline (800-426-4791), the Board has determined that the limitations on the application of RO referred to by note (c) to Table C to 40 C.F.R. 141.66 are set forth in an August 6, 1998 *Federal Register* notice.

Specifically, it appears that Table C to 40 C.F.R. 141.66 derives from Table 13 in the August 6, 1998 *Federal Register* notice entitled, “Announcement of Small System Compliance Technology Lists for Existing National Primary Drinking Water Regulations and Findings Concerning Variance Technologies.” 63 Fed. Reg. 42032 (August 6, 1998). Note (c) to that Table 13 refers to “other RO limitations described in the SWTR Compliance Technologies Table.” See 63 Fed. Reg. at 42043. This *Federal Register* notice contains another table entitled, “Table 2—SWTR Compliance Technology Table: Filtration,” which lists three notes in the column labeled “Limitations.” That column sets forth three limitation footnotes for the RO entry. 63 Fed. Reg. at 42036-37. The Board believes that these are the “other RO limitations” to which USEPA refers in 40 C.F.R. 141.66. Thus, we have included those three limitations in a Board note attached to note (c) in the table at Section 611.330(h).

A third noteworthy deviation from the literal text of the federal regulations is the Board’s specification that particular Agency decision making is to be accomplished by the use of the special exception permit (SEP) mechanism. Segments of the federal radionuclide monitoring requirements in 40 C.F.R. 141.26 allow the States site-specific flexibility in application of the requirements. In the Illinois SDWA regulations, Section 611.110 provides for the Agency granting a SEP that provides for site-specific application of the rules at a facility. A grant of a SEP is an Agency exercise of its authority under Section 39 of the Act (415 ILCS 5/39 (2000)) that may be appealed to the Board pursuant to Section 40 of the Act. 415 ILCS 5/40 (2000).

Thus, in codifying this federal provision in the Illinois rules, the Board has added references to the SEP procedure at Sections 611.731(b)(2)(C), (b)(3), and (d); 611.732(a), (a)(2), (b), (b)(2), (b)(4), and (b)(5); and 611.733(a) and (d).

A final series of deviations from the literal text of the federal amendments relate to the effective date of the federal amendments. The federal amendments are not effective until December 8, 2003. This presents the Board with three related problems. We must preface the new provisions as effective December 8, 2003, we must preface expiring provisions as effective until December 8, 2003, and we must maintain two versions of affected provisions where parallel expiring and new versions exist.

Adding language to preface new provisions with their delayed effective dates presents no problem. The Board has done so in Sections 611.130(g), 611.330(d) through (f), 611.731(a) through (e), 611.732(a) through (f), and 611.733, for all the new federal provisions that become effective on December 8, 2003. These provisions correspond with 40 C.F.R. 142.65, 141.66(d) through (f), 141.26(a)(1) through (a)(5), 141.26(b)(1) through (b)(6), and 141.26(c), respectively. Similarly, adding language to preface the expiration of existing provisions when the new amendments become effective on December 8, 2003 does not present a problem. The Board has added language relating to the December 8, 2003 expiration of Sections 611.331; 611.731(f), (h), and (i); and 611.732(g) and (i) through (k). These correspond with existing 40 C.F.R. 141.16; 141.26(a)(1), (a)(3), and (a)(4); and 141.26(b)(1) and (b)(3) through (b)(5), respectively.

A minor problem arises where the Board must retain both the existing and the amended versions of the text. USEPA amended 40 C.F.R. 141.26(a) and (b), effective December 8, 2003. This will require the codification of the presently effective text in parallel with the text as amended effective December 8, 2003. Under the federal codification scheme, this does not present a problem. The Government Printing Office will print the repealed segments of the federal regulations in the *Code of Federal Regulations* along with the text of the December 7, 2000 amendments, with appropriate effective date notes, until it removes the presently effective text in the July 1, 2004 edition of the *Code of Federal Regulations*. The federal codification scheme allows the simultaneous codification of two versions of the federal rules. Thus, the July 1, 2001 through July 1, 2003 editions of the *Code of Federal Regulations* will have two different versions of 40 C.F.R. 141.26(a) and (b); one marked as superceding the other effective December 8, 2003.

Under the Illinois Administrative Procedure Act (5 ILCS 100 (2000)) and applicable Secretary of State regulations (1 Ill. Adm. Code 100 (2000)), the Board cannot simultaneously codify two versions of the regulations in this manner. For this reason, we have renumbered segments of the text in order to codify both the presently effective version together with the version effective December 8, 2003. This will allow us to adopt the regulations before the statutory deadline of December 7, 2001 and fulfill our identical-in-substance mandate under Section 7.2(b) of the Act (415 ILCS 415 (2000)). For this reason, the Board proposes to codify the new versions of 40 C.F.R. 141.26(a)(1) through (a)(5) as 35 Ill. Adm. Code 611.731(a) through (e), and the Board has proposed renumbering what is presently codified as 35 Ill. Adm. Code 611.731(a) through (d) (derived from existing 40 C.F.R. 141.26(a)(1) through (a)(4)) as 35

Ill. Adm. Code 611.731(f) through (i). Similarly, the Board proposes to codify the new versions of 40 C.F.R. 141.26(b)(1) through (b)(6) as 35 Ill. Adm. Code 611.732(a) through (f), and the Board has proposed renumbering what is presently codified as 35 Ill. Adm. Code 611.731(a) through (e) (derived from existing 40 C.F.R. 141.26(a)(1) through (a)(5)) to 35 Ill. Adm. Code 611.731(g) through (k).

Codifying two separate versions of the text was not necessary for 35 Ill. Adm. Code 611.330(b) and (c), which set forth the numerical standards for combined radium-224 and -226 and gross alpha particle activity. These provisions formerly derived from 40 C.F.R. 141.15(a) and (b), respectively. Effective December 8, 2003, the new provisions of 40 C.F.R. 141.66(b) and (c) will supercede 40 C.F.R. 141.15(a) and (b), which USEPA has removed. Although there is a change in wording in shifting from existing 40 C.F.R. 141.15(a) and (b) to new 40 C.F.R. 141.66(b) and (c), there is no change in the substance of these provisions. For this reason, the Board proposes immediately replacing the older text of 35 Ill. Adm. Code 611.330(b) and (c) (derived from 40 C.F.R. 141.15(a) and (b), which is removed by USEPA effective December 8, 2003) with the new text of 35 Ill. Adm. Code 611.330(b) and (c) (derived from 40 C.F.R. 141.66(b) and (c), which is effective December 8, 2003).

The Board requests public comment on our incorporation of the December 7, 2000 federal amendments to the radiologic contaminant rules into the Illinois drinking water regulations. In particular, we request specific comment on our substitution of “relief equivalent to a Section 1415 variance” and “relief equivalent to a Section 1416 exemption” for the federal “variance” and “exemption,” our inclusion in a Board note of the conditions found in the August 6, 1998 *Federal Register* to the limitations on RO in the rule, the use of the SEP to implement regulatory flexibility, and on the way we have dealt with the December 8, 2003 effective date for these amendments.

Agency-Requested Corrections—Numerous Sections in Part 611

The Agency has requested, in PC 1, that the Board correct the text of various segments of Part 611. None of these Agency-requested corrections would have a substantive effect on the regulations. Those requested corrections are summarized in a tabular form as follows:

Correct “exceedance” to “exceedence”	Headings for Section 611.908 in the table of contents and the text; the heading for Section 611.909 in the table of contents; the text of Sections 611.261(e)(2); 611.351(c)(1); 611.357(d)(2); 611.358(a)(2)(A) and (b); 611.521(e); 611.745(c)(1) and (c)(2); 611.901(a)(3)(B); Section 611.902(a)(2), (a)(3), (a)(4), and (a)(6); 611.903(b)(3)(B); 611.908(a); 611.Appendix G (I)(A)(5), (I)(A)(7), (IV)(A), (IV)(B), and endnote 6; and 611.Appendix H (85a) and endnote 10 (26 occurrences). ¹
Restore missing text adopted in docket R00-10	Sections 611.526(c)(6), (c)(7), (f)(5), (f)(6), and (f)(7).
Delete “the” from “no later than the the following”	Section 611.510(a)(1)
Changed “below” to “of this Section”	Section 611.601(a)(3)
Correct “antimoney” to “antimony”	Section 611.609(b)

The Board has reviewed the text of the identical-in-substance regulations of Part 611 and each of the Agency suggestions. We propose several amendments as a result for the purposes of public comment. The following paragraphs outline the Board’s responses to each of these groups of requested corrections.

1. Spelling of “Exceedence” or “Exceedance”

The word “exceedence” or “exceedance” is relatively new to the English language. Of all the references available to the Board, the word appears only in the Encarta World English Dictionary.² In that reference the word appears as “exceedance.” Encarta World English Dictionary 620 (1999). The word appears as “exceedance” in the definition of “exceedance probability” in another reference. Dictionary of Environmental and Civil Engineering 195 (2000). The Board has so far used the spelling, “exceedance,” used by USEPA where the word is used in the federal regulations. See, *e.g.*, 40 C.F.R. 141.87(d)(2) and 141.201(a)(3)(ii). However, the word “exceed” derives from the Latin “*excedere*,” and the standard practice is to add the suffix “-ence” or “-ance” to create the noun form depending on the vowel at the end of the Latin word that forms the root, although there are enough exceptions to create confusion on the spellings of the words created in this way. New Shorter Oxford English Dictionary (4th ed. 1993). Thus, the standard rule would require the spelling “exceedence.”

¹ The Agency cited Section 611.643(c)(1) and (c)(2) and 611.902(3). The Agency should have cited Section 611.745(c)(1) and (c)(2) and 611.902(a)(3).

² Notably, among the references checked, the word did not appear in the Random House Webster’s Unabridged Dictionary (2d ed. 1998), the New Shorter Oxford English Dictionary (4th ed. 1993), The Chambers Dictionary (2000), or the Langenscheidt’s New College Merriam-Webster English Dictionary (2000).

In response to the Agency's comment, the Board proposes revising the spelling to "exceedence" in accordance with the Agency comments. We do this for the purposes of gaining public comment on the spelling of "exceedence" or "exceedance." The Board has reviewed the entire text of Part 611 for occurrences of the word "exceedance." In addition to the 26 occurrences in ten Sections cited by the Agency, the Board has found another occurrence in a Section listed by the Agency, Section 611.901(a)(3)(C), and another three occurrences in three Sections not listed by the Agency, Sections 611.262(a)(2), 611.904(a)(5), and 611.909 heading. We have added these occurrences of "exceedance" so that we are not forced to make the change in spelling in a piecemeal fashion. The Board requests comment on the appropriate spelling of the word "exceedence" or "exceedance" and on whether we should change all occurrences of "exceedance" to "exceedance" in Part 611 at this time.

2. Doubled Article

Another correction in the text of Part 611 sought by the Agency is the deletion of an extra definite article in "no later than the the following" in Section 611.510(a)(1). The Board has proposed correcting this error in this proceeding. We request comment on our removal of the extra article in this docket.

3. Missing Text

No Board action is required on a related pair of Agency-suggested corrections. The Agency requested that the Board restore the text of Section 611.526(c)(6), (c)(7), (f)(5), (f)(6), and (f)(7) that the Board added in Safe Drinking Water Update, USEPA Regulations (July 1, 1999, through December 31, 1999) (August 24, 2000), R00-10. Examination of the text of Section 611.526, as on file with the Office of the Secretary of State, discloses that the Agency-cited segments of text are not missing. There is no need to amend Section 611.526 at this time.

4. Subsection Cross-References

Another correction suggested by the Agency is based on a JCAR stylistic preference. The Agency has asked that we change the reference to "subsection (b)(5) below" to read "subsection (b)(5) of this Section." This is a style change often suggested by JCAR in these identical-in-substance proceedings, and the Board has been in the process of changing references to "subsection . . . above" and subsection . . . below" to "subsection . . . of this Section" at the request of JCAR in the opened Sections over the past several years.

In response to the Agency request to correct the text of Section 611.601(a)(3), the Board has searched the entire text of Part 611 for other occurrences of "subsection . . . above" and subsection . . . below." We have found occurrences in 12 Section, at Sections 611.110(d)(2) Board note, (e) Board note, and 611.110(g) Board note; 611.130(a)(1), (a)(3), (b)(1), (b)(3), (c)(3), (d), (e), and (c)(5); 611.261(b)(8)(F), (b)(8)(G), (b)(9), and (b)(9)(A); 611.301(c); 611.350(b) "action level" and "90th percentile level", (c)(3)(C), and (d)(2); 611.351 preamble, (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (b)(1), (b)(3), (b)(4)(C), (b)(5), (b)(6)(A), (b)(6)(D), (b)(6)(E), (b)(7), and (b)(7)(A); 611.356(d)(4)(B)(i); 611.510(a) Board note, (b), (b)(1), (b)(2),

(b)(3), (b)(4)(A), (b)(4)(B), (b)(9) Board note, and (d); 611.521(c)(2), (c)(3), and (c)(4); 611.601(a)(2) and (b); 611.602(i)(3); 611.603(b)(1), (b)(2), (c), (h)(1), and (h)(3). For the purposes of eliciting public comment on the Agency suggestion and on correcting all occurrences of this JCAR-disfavored construction throughout the text of Part 611, the Board proposes the Agency-requested change in these numerous locations in the text of the rules. We invite comment on this proposed revision.

5. Spelling of “Antimony”

A final Agency suggestion is that the Board correct the spelling of “antimony” in Section 611.609(b). The Board proposes this correction. We invite public comment on our correction of the spelling.

Agency or Board Action

Section 7.2(a)(5) of the Act requires the Board to specify portions of the program USEPA over which will retain decision making authority. Based on the general division of functions within the Act and other Illinois statutes, the Board is also to specify which State agency is to make decisions.

In situations in which the Board has determined that USEPA will retain decision-making authority, the Board has replaced “Regional Administrator” with USEPA, so as to avoid specifying which office within USEPA is to make a decision.

In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the Agency to consider. In determining the general division of authority between the Agency and the Board, the following factors should be considered:

1. Whether the person making the decision is applying a Board regulation, or taking action contrary to (“waiving”) a Board regulation. It generally takes some form of Board action to “waive” a Board regulation.
2. Whether there is a clear standard for action such that the Board can give meaningful review to an Agency decision.
3. Whether the action would result in exemption from the permit requirement itself. If so, Board action is generally required.
4. Whether the decision amounts to “determining, defining or implementing environmental control standards” within the meaning of Section 5(b) of the Act. If so, it must be made by the Board.

There are four common classes of Board decisions: variance, adjusted standard, site-specific rulemaking, and enforcement. The first three are methods by which a regulation can be temporarily postponed (variance) or adjusted to meet specific situations (adjusted standard or

site-specific rulemaking). There often are differences in the nomenclature for these decisions between the USEPA and Board regulations.

Discussion of Miscellaneous Housekeeping Amendments

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table (beginning immediately below) includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. The second table (beginning below at page 19) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this second table are not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion beginning at page 2 of this opinion.

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
611.102(b) NTIS “Maximum Permissible Body . . .”	141.66(g)	Added a comma before “as amended” to offset a parenthetical
611.130(g)	142.65	Changed the entire federal section into a subsection; added the federal effective date in parentheses
611.130(g)(1)	142.65(a)(1)	Changed “variances and exemptions” to “relief”
611.130(g)(1)(A)	142.65(a)(1)(i)	Replaced “the Administrator, . . . the following” with the cross-reference “Section 611.330(g) . . . has identified”; added the standard abbreviation “BAT” in parentheses; deleted the parenthetical “as shown . . . this paragraph”; deleted Table A in favor of a reference to identical information in Section 611.330(g)
611.130(g)(1)(B)	142.65(a)(1)(ii)	Replaced “the Administrator, . . . the following” with the cross-reference “to the technologies listed . . . has identified”; changed “best available technology” to “BAT”; deleted the parenthetical “as shown . . . this paragraph”; deleted Table C in favor of a reference to identical information in the second table in Section 611.330(h)

611.130(g)(2)	142.65(a)(2)	Changed “a State shall” to “the Board will”; changed “community water systems” to “a CWS supplier”; changed “and/or” to “and”; changed “Table A to this section” to “Section 611.330(g)”; changed “Table B and Table C of this section” to “listed in Section 611.330(h)”; changed “shall” to “will”; removed “under . . . the Act”
611.130(g)(3)	142.65(a)(3)	Changed “community water system” to “CWS supplier”; changed “State” to “Board”
611.130(g)(4)	142.65(a)(4)	Changed “State” to “Agency”; changed “the Administrator . . . may” to “it may request that the Board”; changed “system” to “supplier”; changed “and/or” to “and”; changed “under . . . the Act” to “pursuant to . . . the Act”; changed “State’s” to “Agency’s”; changed “shall” to “must”
611.130(g)(5)	142.65(a)(5)	Changed “State” to “Board”; added a comma after “devices” to offset the final element of a series; changed “a variance or an exemption” to “relief equivalent to . . . exemption”
611.130(g)(6)	142.65(a)(6)	Changed “community water systems that use” to “a CWS supplier”; changed “a variance or an exemption” to “relief equivalent to . . . exemption”
611.130(g)(7)	142.65(a)(7)	Changed “community water systems that use” to “a CWS supplier”; changed “a variance or an exemption” to “relief equivalent to . . . exemption”
611.130(g) Board note	142.65	Added a note citing the federal source of this subsection
611.330(a)	141.66(a)	Replaced the federal “reserved” marking with explanatory language
611.330(d)(2)	141.66(d)(2)	Changed “table A” to “the following table”; changed “2 liter per day” to “two liters per day”; added a comma before “using” to offset a parenthetical; hyphenated “168-hour”; added “set forth”; added cross-reference for incorporation by reference; added “available from the”

611.330(d)(2) table	141.66 Table A	Removed “Table A” from the table heading; removed the number from the first column heading and renumbered tritium and strontium-90 as “1” and “2,” respectively; changed “shall” to “must”
611.330(f)	141.66(f)	Removed the subsection heading “compliance dates” and the subsection designation “(1)” in the absence of a second subsection; changed “Community water systems” to singular lower-case “a CWS supplier”; changed “(b), (c), (d), and (e)” to “(b) through (e)”; added a comma after “2003” to offset a parenthetical; changed “shall” to “must”; changed “on December 8, 2003” to “before December 8, 2003”
611.330(g)	141.66(g)	Changed “the Administrator . . . hereby identifies” to “USEPA has identified the technologies”; added “as”; added the standard abbreviation “BAT” in parentheses; changed “maximum contaminant levels” to the standardized abbreviation “MCLs”
611.330(g) table	141.66 Table B	Removed “Table B” from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table	141.66 Table C	Removed “Table C” from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table note 1	141.66 Table C note 1	Added quotation marks to the reference title “Safe Water . . . Small Communities”; offset “National Academy Press” with commas
611.330(h) table note c	141.66 Table C note c	Added a Board note to explain and amplify the federal language “See other . . . Technologies Table” by reference to the August 6, 1998 issue of the <i>Federal Register</i>
611.330(h) table	141.66 Table D	Removed “Table D” from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table note 1	141.66 Table D note 1	Changed “in the table C of 141.66(h)” to “in the table, ‘List of Small . . . to Use,’ set forth above”

611.720(c)(1)	141.25(c)(1)	Added a comma before “the detection limit” to offset a parenthetical; retained “must” in place of “shall”; added “set forth in”; changed “Table B to this paragraph” to “the following table”; changed the ending punctuation to a colon
611.720(c)(1) table	141.25 Table B	Removed “Table B” from the table heading; changed “reserved” to “none” in the entry for uranium; added a Board note explaining the source of the table
611.720(c)(2)	141.25(c)(2)	Added a comma before “the detection limits” to offset a parenthetical; retained “must” in place of “shall”; changed “Table C to this paragraph” to “the following table”; changed the ending punctuation to a colon
611.720(c)(2) table	141.25 Table C	Removed “Table C” from the table heading; revised the Board note to explain the source of the table
611.731	141.26(a)	Retained the material from 40 C.F.R. 141.26(a) as a separate Section 611.731; retained the existing text of 40 C.F.R. 141.26(a) as subsections (a) through (d), and added the text of amended 40 C.F.R. 141.26(a) as subsections (e) through (i)
611.731(a)	141.26(a)(1)	Added “effective December 8, 2003”; changed the subsection level; changed “community water systems (CWSs)” to singular “a community water system (CWS) supplier”
611.731(a)(1)	141.26(a)(1)(i)	Changed the subsection level; changed “existing community water systems” to singular “an existing CWS supplier” (twice); changed “using ground water, surface water or systems using both ground water and surface water” to “using groundwater, surface water, or both groundwater and surface water”; changed “systems” to “a supplier”; changed “system” to “supplier”; changed “State” to “Agency”

611.731(a)(2)	141.26(a)(1)(ii)	Changed the subsection level; changed “new community water systems” to singular “a new CWS supplier”; changed “all new CWSs or CWSs that use” to “a new CWS supplier or a CWS supplier that uses”; changed “CWSs” to “a CWS supplier”; changed “State” to “Agency”; changed “which” to “that” for a restrictive relative clause
611.731(b)	141.26(a)(2)	Added “effective December 8, 2003”; changed the subsection level; changed “systems” to “a CWS supplier”
611.731(b)(1)	141.26(a)(2)(i)	Changed the subsection level; changed “systems” to “a CWS supplier”
611.731(b)(2)	141.26(a)(2)(ii)	Changed the subsection level; changed “States may allow” to “a CWS supplier may use”; changed “for the following” to “under the following”
611.731(b)(2)(A)	141.26(a)(2)(ii)(A)	Changed the subsection level; changed “community water system” to “CWS supplier”
611.731(b)(2)(B)	141.26(a)(2)(ii)(B)	Changed the subsection level; changed “community water system” to “CWS supplier”
611.731(b)(2)(C)	141.26(a)(2)(ii)(C)	Changed the subsection level; changed “community water system” to “CWS supplier”; changed “State” to “Agency” (twice); changed “a written finding” to “its finding in writing”; added “by a SEP . . . Section 611.110” as a parenthetical; changed “these requirements” to “the requirements of this subsection (b)(2)”
611.731(b)(3)	141.26(a)(2)(iii)	Changed the subsection level; changed “State” to “Agency”; added “by a SEP . . . Section 611.110” as a parenthetical
611.731(b)(4)	141.26(a)(2)(iv)	Changed the subsection level; changed “system” to “supplier” (twice); changed “State” to “Agency”
611.731(c)	141.26(a)(3)	Added “effective December 8, 2003”; changed the subsection level; changed “States” to “the Agency”; changed “community water systems” to “a CWS supplier”; changed the ending punctuation from a period to a colon

611.731(c)(1)	141.26(a)(3)(i)	Changed the subsection level; changed “Table B in” to “the table at”; changed “system” to “supplier”
611.731(c)(2)	141.26(a)(3)(ii)	Changed the subsection level; changed “½” to “one-half” (twice); changed “system” to “supplier” (twice)
611.731(c)(3)	141.26(a)(3)(iii)	Changed the subsection level; changed “½” to “one-half” (twice); changed “system” to “supplier” (twice)
611.731(c)(4)	141.26(a)(3)(iv)	Changed the subsection level; changed “systems” to “a supplier”; changed “system’s” to “supplier’s”; changed “½ MCL” to “one-half the MCL”
611.731(c)(5)	141.26(a)(3)(v)	Changed the subsection level; changed “system” to “supplier” (five times); changed “State” to “Agency”
611.731(d)	141.26(a)(4)	Added “effective December 8, 2003”; changed the subsection level; changed to lower-case “to”; changed “system” to “supplier” (twice); changed “States will treat analytical results from the composited” to “the analytical results from the composited sample must be treated”; changed “½ MCL” to “one-half the MCL”; changed “State” to “Agency”; added “by a SEP . . . Section 611.110” as a parenthetical
611.731(e)	141.26(a)(5)	Added “effective December 8, 2003”; changed the subsection level; added a comma before “provided” to offset a parenthetical; subdivided the second paragraph into three subsections
611.731(e)(1)	141.26(a)(5)(i)	Separated into a separate subsection; changed “shall” to “must”
611.731(e)(2)	141.26(a)(5)(ii)	Separated into a separate subsection; changed “system” to “supplier”; changed “and/or” to “or”
611.731(e)(3)	141.26(a)(5)(iii)	Separated into a separate subsection; changed “½” to “one-half”
611.731(f)	141.26(a)(1) (as removed effective December 8, 2003)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.731(g)	141.26(a)(2) (as removed effective December 8, 2003)	Renumbered subsection

611.731(h)	141.26(a)(3) (as removed effective December 8, 2003)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.731(i)	141.26(a)(4) (as removed effective December 8, 2003)	Renumbered subsection; added “until December 8, 2003”
611.732	141.26(b)	Retained the material from 40 C.F.R. 141.26(b) as a Separate Section 611.732; retained the existing text of 40 C.F.R. 141.26(b) as subsections (a) through (f), and added the text of amended 40 C.F.R. 141.26(b) as subsections (g) through (k)
611.732 preamble	141.26(b)	Changed the subsection level; changed “system” to “supplier”
611.732(a)	141.26(b)(1)	Added “effective December 8, 2003”; changed the subsection level; changed “community water systems (both surface and ground water)” to singular “a CWS supplier (either a surface water or groundwater supplier)”; changed “State” to “Agency” (four times); added “by a SEP . . . Section 611.110” as a parenthetical (twice); changed “systems” to singular “a supplier” (twice)
611.732(a)(1)	141.26(b)(1)(i)	Changed the subsection level; changed “State” to “Agency”; changed numeric “3” to written “three”; changed “systems” to singular “a supplier”
611.732(a)(2)	141.26(b)(1)(ii)	Changed the subsection level; changed “systems” to singular “a supplier”; changed “State” to “Agency” (twice); changed “CWS” to “CWS supplier”; changed “system’s” to “supplier’s” (twice); added “by a SEP . . . Section 611.110” as a parenthetical; changed “systems which are” to singular “a supplier that is”; changed “point(s)” to “points”

611.732(b)	141.26(b)(2)	Added “effective December 8, 2003”; changed the subsection level; changed “community water systems (both surface and ground water)” to singular “a CWS supplier (either a surface water or groundwater supplier)”; changed “State” to “Agency” (four times); added “by a SEP . . . Section 611.110” as a parenthetical (twice); changed “systems” to singular “a supplier” (three times)
611.732(b)(1)	141.26(b)(2)(i)	Changed the subsection level; changed “shall” to “must”; replaced USEPA recommendation re the use of three monthly samples with a Board note relating the fact of the recommendation
611.732(b)(2)	141.26(b)(2)(ii)	Changed the subsection level; changed “shall” to “must”; changed “as ordered by the State . . . shall be analyzed” to “the Agency may, by a SEP. . . , order”; changed “when iodine-131” to “for iodine-131 where it”
611.732(b)(3)	141.26(b)(2)(iii)	Changed the subsection level; changed “shall” to singular “must”; replaced USEPA recommendation re the use of three monthly samples with a Board note relating the fact of the recommendation
611.732(b)(4)	141.26(b)(2)(iv)	Changed the subsection level; changed “State” to “Agency”; added “by a SEP. . . Section 611.110” as a parenthetical; changed “every 3 years” to “once every three years”; changed “systems” to singular “the supplier”
611.732(b)(5)	141.26(b)(2)(v)	Changed the subsection level; changed “systems” to singular “a supplier” (twice); changed “State” to “Agency”; added “by a SEP. . . Section 611.110” as a parenthetical; changed “which” to “that for a restrictive relative clause (twice); changed “a particular” to “the particular”; changed “are using” to “uses”; added “such”; changed “system’s” to “CWS’s”; changed “point(s)” to “points”

611.732(c)	141.26(b)(3)	Added “effective December 8, 2003”; changed the subsection level; changed “community water systems” to singular “a CWS supplier”; changed “State” to “Agency” (twice)
611.732(d)	141.26(b)(4)	Added “effective December 8, 2003”; changed the subsection level; changed “community water systems” to singular “a CWS supplier”; changed “systems are” to singular “a supplier is”
611.732(e)	141.26(b)(5)	Added “effective December 8, 2003”
611.732(f)	141.26(b)(6)	Added “effective December 8, 2003”; changed the subsection level; changed “systems . . . exceed” to singular “a supplier . . . exceeds”; corrected the spelling of “exceedence”; changed “point(s)” to “points”; changed “which” to “that” for a restrictive relative clause (twice); changed “systems” to singular “a supplier”; changed “system” to “supplier”; changed “3” to “three”; changed “systems . . . establish . . . they meet” to singular “a supplier . . . establishes . . . it meets”
611.732(g)	141.26(b)(1)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.732(h)	141.26(b)(2)	Renumbered subsection
611.732(i)	141.26(b)(3)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.732(j)	141.26(b)(4)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.732(k)	141.26(b)(5)	Renumbered subsection; added parenthetical “until December 8, 2003”
611.733	141.26(c)	Codified the material from 40 C.F.R. 141.26(b) as a Separate Section 611.733; added the federal effective date as a preamble statement
611.733(a)	141.26(c)(1)	Changed the subsection level; changed “State” to “Agency”; added “by a SEP. . . Section 611.110” as a parenthetical; changed “compliance determinations” to singular “a compliance determination”
611.733(b)	141.26(c)(2)	Changed the subsection level; corrected “each public water systems” to singular “each PWS supplier”; changed “shall” to “must”; changed “State” to “Agency”

611.733(c)	141.26(c)(3)	Changed the subsection level; used lower-case “compliance” following the colon; changed “shall” to “must”; changed “result(s)” to “results”; changed “system” to “supplier”
611.733(c)(1)	141.26(c)(3)(i)	Changed the subsection level; changed “systems” to singular “a supplier”; changed “system” to “supplier”
611.733(c)(2)	141.26(c)(3)(ii)	Changed the subsection level; changed “systems” to singular “a supplier”; changed “will” to “would”; changed “any sample point” to “any single sampling point”; changed “system” to “supplier”; changed “is out of compliance immediately” to “is immediately out of compliance”
611.733(c)(3)	141.26(c)(3)(iii)	Changed the subsection level; changed “systems” to singular “a supplier”
611.733(c)(4)	141.26(c)(3)(iv)	Changed the subsection level; changed “system” to “supplier”
611.733(c)(5)	141.26(c)(3)(v)	Changed the subsection level; changed “½” to “one-half”
611.733(d)	141.26(c)(4)	Changed the subsection level; changed “States have the discretion to allow” to “the Agency may . . . allow the supplier to”; added “by a SEP. . . Section 611.110” as a parenthetical; changed “will” to “would”; changed “any sample point” to “any single sampling point”; changed “system” to “supplier”; changed “is out of compliance immediately” to “is immediately out of compliance”
611.733(e)	141.26(c)(5)	Changed the subsection level; changed “community water system” to “supplier”; changed “State” to “Agency”
611.733 Board note	141.26(c)	Added a note citing the federal source of this subsection

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
611. table of contents	Agency	Corrected the spelling of “exceedence” in the Section 611.908 heading; corrected the spelling of “exceedences” in the Section 611.909 heading
611.102(a)	Board	Placed commas inside quotation marks (33 times)

611.102(b)	Board	Placed commas inside quotation marks (71 times)
611.102(c)	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.110(b)	Board	Changed “no person shall” to “no person may”
611.110(d)(2) Board note	Board	Changed “subsection (d)(2) above” to “subsection (d)(2) of this Section”
611.110(e)	Board	Changed “shall” to “must”
611.110(e) Board note	Board	Changed “shall” to “must”; changed “subsection (g) below” to “subsection (g) of this Section”
611.110(e)(1)	Board	Changed “shall” to “must”
611.110(e)(2)	Board	Changed “shall” to “must”
611.110(g)	Board	Changed “shall” to “must”
611.110(g) Board note	Board	Changed “subsection (e) above” to “subsection (e) of this Section”; updated the references to the <i>Code of Federal Regulations</i> to the latest edition available (five times); changed “subsection (f) above” to “subsection (f) of this Section”
611.130(a)(1)	Board	Changed “that” to “which” for a subsequent restrictive relative clause; changed “subsection (a)(4) below” to “subsection (a)(4) of this Section”; removed a comma after “system” that separated a two-element series; changed “it” to “that the application” for enhanced clarity
611.130(a)(2)(A)(i)	Board	Added the definite article “the”
611.130(a)(2)(A)(ii)	Board	Capitalized the opening word “aeration”
611.130(a)(2)(A)(iii)	Board	Added the definite article “the”
611.130(a)(2)(A)(iv)	Board	Added the definite article “the”
611.130(a)(2)(A)(v)	Board	Added the definite article “the”
611.130(a)(3)	Board	Changed “shall” to “must”; changed “35 Ill. Adm. Code 101.Subpart K” to “Subpart I of 35 Ill. Adm. Code 101” to reflect recent procedural rules amendments; changed “subsection (a)(2) above” to “subsection (a)(2) of this Section”
611.130(a)(4)	Board	Added “is as follows”
611.130(a)(4)(A)	Board	Added the definite article “the”
611.130(a)(4)(B)	Board	Added the definite article “the”
611.130(a)(4)(C)	Board	Capitalized “improved”
611.130(a) Board note	Board	Added “subsection (a)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available; deleted language relating to an additional state requirement and a reference to Section 611.301(c)
611.130(b)(1)	Board	Changed “subsection (b)(4) below” to “subsection (b)(4) of this Section”
611.130(b)(2)(A)(i)	Board	Added the indefinite article “a”
611.130(b)(2)(A)(ii)	Board	Capitalized “alum”

611.130(b)(2)(A)(iii)	Board	Capitalized “electrodialysis”
611.130(b)(2)(A)(iv)	Board	Capitalized “anion”
611.130(b)(2)(A)(v)	Board	Capitalized “well”
611.130(b)(2)(A)(vi)	Board	Added the definite article “the”
611.130(b)(2)(A)(vii)	Board	Capitalized “regionalization”
611.130(b)(3)	Board	Changed “shall” to “must”; changed “35 Ill. Adm. Code 101.Subpart K” to “Subpart I of 35 Ill. Adm. Code 101” to reflect recent procedural rules amendments; changed “subsection (b)(2) above” to “subsection (b)(2) of this Section”
611.130(b)(4)	Board	Added “is as follows”
611.130(b)(4)(A)	Board	Capitalized “activated”
611.130(b)(4)(B)	Board	Capitalized “reverse”
611.130(b) Board note	Board	Added “subsection (b)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.130(c)(1) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available (twice)
611.130(c)(3)	Board	Changed “shall” to “must”; changed “35 Ill. Adm. Code 101.Subpart K” to “Subpart I of 35 Ill. Adm. Code 101” to reflect recent procedural rules amendments; changed “subsection (c)(2) above” to “subsection (c)(2) of this Section”
611.130(c) Board note	Board	Added “subsection (c)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.130(d)	Board	Changed “subsections (e) and (f) below” to “subsections (e) and (f) of this Section”
611.130(d) Board note	Board	Added “subsection (d)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.130(e)	Board	Changed “subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) below” to “subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) of this Section”
611.130(e)(3)	Board	Changed “shall” to “must”
611.130(e)(5)	Board	Changed “shall” to “must”; changed “subsection (e)(4) above” to “subsection (e)(4) of this Section”
611.130(e)(6)	Board	Changed “shall” to “must”
611.130(e) Board note	Board	Added “subsection (e)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.130(f)(1)	Board	Capitalized “that”
611.130(f)(2)	Board	Capitalized “that”

611.130(f)(3)	Board	Capitalized “that”
611.130(f)(4)	Board	Capitalized “that”
611.130(f)(5)	Board	Capitalized “that”
611.130(f)(6)	Board	Capitalized “that”
611.130(f)(7)	Board	Capitalized “that”
611.130(f) Board note	Board	Added “subsection (f)”; updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.261(a)(7)	Board	Changed “which” to “that” for a restrictive relative clause
611.261(b)(8)(F)	Board	Corrected the cross-reference to “subsection (b)(8)(A) of this Section”; corrected the cross-reference to “subsection (b)(8)(B) of this Section”; corrected the cross-reference to “subsection (b)(8)(C) of this Section”; corrected the cross-reference to “subsection (b)(8)(D) of this Section”; corrected the cross-reference to “subsection (b)(8)(E) of this Section”
611.261(b)(8)(G)	Board	Corrected the cross-reference to “subsections (b)(8)(A) through (b)(8)(F) of this Section”
611.261(b)(9)	Board	Corrected the cross-reference to “subsections (b)(1) and (b)(3) through (b)(8) of this Section”; corrected the cross-reference to “subsections (b)(1) through (b)(8) of this Section”
611.261(b)(9)(A)	Board	Corrected the cross-reference to “subsections (b)(1) through (b)(8) of this Section”
611.261(c)	Board	Changed “which” to “that” for a restrictive relative clause
611.261(e)(2)	Agency	Corrected the spelling of “exceedence”
611.261 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.262(a)(2)	Board	Changed “which” to “that” for a restrictive relative clause
611.262(a)(3)	Board	Changed “which” to “that” for a restrictive relative clause
611.262(c)(2)	Board	Corrected the spelling of “exceedence”
611.262 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.301(c)	Board	Changed “subsection (b) above” to “subsection (b) of this Section”
611.301 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.330 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to reflect the future removal of this provision in the added <i>Federal Register</i> citation, effective December 8, 2003
611.350(b)	Board	Changed “shall” to “must”

611.350(b) “action level”	Board	Changed “subsection (c) below” to “subsection (c) of this Section”; changed “which” to “that” for a restrictive relative clause
611.350(b) “exceed”	Board	Moved a comma inside a quotation mark
611.350(b) “first-draw sample”	Board	Changed numeric “6” to written “six”
611.350(b) “lead service line”	Board	Removed an unnecessary comma
611.350(b) “maximum permissible concentration”	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.350(b) “meet”	Board	Moved a comma inside a quotation mark
611.350(b) “method detection limit”	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.350(b) “monitoring period”	Board	Moved a period inside a quotation mark; moved a comma inside a quotation mark
611.350(b) “multiple-family residence”	Board	Moved a comma inside a quotation mark
611.350(b) “90th percentile level”	Board	Changed numeric “10” to written “ten”; changed “shall” to “must”; changed “subsection (c)(3) below” to “subsection (c)(3) of this Section
611.350(b) “90th percentile level” Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.350(b) “practical quantitation limit” Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.350(b) “service line sample”	Board	Changed numeric “6” to written “six”
611.350(b) “small system” Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.350(c)(3)	Board	Changed “shall” to “must”
611.350(c)(3)(A)	Board	Changed “shall” to “must”
611.350(c)(3)(C)	Board	Changed “subsection (c)(3)(B) above” to “subsection (c)(3)(B) of this Section”
611.350(c)(3)(D)	Board	Changed numeric “5” to written “five”
611.350(d)(1)	Board	Changed “shall” to “must”
611.350(d)(2)	Board	Changed “subsection (d)(1) above” to “subsection (d)(1) of this Section”
611.350(e)	Board	Changed “shall” to “must”
611.350(f)	Board	Changed “shall” to “must”
611.350(g)	Board	Changed “shall” to “must”
611.350(h)	Board	Changed “shall” to “must”
611.350(i)	Board	Changed “shall” to “must”

611.350(j)	Board	Changed “shall” to “must”
611.350(k)	Board	Changed “shall” to “must”
611.350 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.351(b)(3)(B) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.351(c)(1)	Agency	Corrected the spelling of “exceedence”
611.351(d)(1) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.351 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.351 preamble	Board	Changed “shall” to “must”; changed “subsection (b) below” to “subsection (b) of this Section”
611.351(a)(1)	Board	Changed “shall” to “must”; changed “subsection (b)(1) below” to “subsection (b)(1) of this Section”
611.351(a)(2)	Board	Changed “shall” to “must”; changed “subsection (b)(2) below” to “subsection (b)(2) of this Section”
611.351(a)(3)	Board	Changed “shall” to “must”; changed “subsection (b)(3) below” to “subsection (b)(3) of this Section”
611.351(a)(4)	Board	Changed “shall” to “must”
611.351(a)(5)	Board	Changed “shall” to “must”; changed “subsection (b)(4) below” to “subsection (b)(4) of this Section”; changed numeric “6” to written “six”
611.351(a)(6)	Board	Changed “shall” to “must”; changed “subsection (b)(4) below” to “subsection (b)(4) of this Section”
611.351(b)(1)	Board	Changed “shall” to “must”; changed “subsection (b)(2) below” to “subsection (b)(2) of this Section”
611.351(b)(2)(A)	Board	Changed “shall” to “must”
611.351(b)(2)(B)	Board	Changed “shall” to “must”
611.351(b)(2)(D)	Board	Changed “shall” to “must”
611.351(b)(3)	Board	Changed “shall” to “must”; changed “subsection (b)(2) above” to “subsection (b)(2) of this Section”
611.351(b)(4)(A)	Board	Changed “shall” to “must”
611.351(b)(4)(B)	Board	Changed “shall” to “must” (twice)
611.351(b)(4)(C)	Board	Changed “shall” to “must”; changed “subsection (b)(4)(B) above” to “subsection (b)(4)(B) of this Section”
611.351(b)(5)	Board	Changed “subsection (b)(4)(B) above” to “subsection (b)(4)(B) of this Section”
611.351(b)(6)(A)	Board	Changed “subsection (b)(2) above” to “subsection (b)(2) of this Section”; changed “subsection (b)(4) above” to “subsection (b)(4) of this Section”
611.351(b)(6)(B)	Board	Changed “shall” to “must”
611.351(b)(6)(D)	Board	Changed “subsection (b)(6)(C) above” to “subsection (b)(6)(C) of this Section”; changed “shall” to “must”

611.351(b)(6)(E)	Board	Changed “subsection (h)(1) above” to “subsection (h)(1) of this Section”
611.351(b)(7)	Board	Changed “subsection (b)(2), (b)(4), or (b)(6) above” to “subsection (b)(2), (b)(4), or (b)(6) of this Section”
611.351(b)(7)(A)	Board	Changed “subsection (a) above” to “subsection (a) of this Section”
611.353 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.353(a)(2)	Board	Changed numeric “6” to written “six”
611.353(a)(3)	Board	Changed numeric “6” to written “six”
611.356(a)(3)(A) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(3)(B) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(3)(C) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(3)(D) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(3)(E) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(A)(i) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(A)(ii) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(A)(iii) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(A)(iv) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(B)(i) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(B)(ii) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(B)(iii) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(a)(4)(C)(iii) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(d)(4)(B)(i)	Board	Changed “subsection (c) above” to “subsection (c) of this Section”
611.356(d)(4)(H) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.356(g)(1)(A)(i)	Board	Changed “which” to “that” for restrictive relative clauses (twice)
611.356 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available

611.357(d)(2)	Agency	Corrected the spelling of “exceedence”
611.357 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.358(a)(1)(D)	Board	Changed “which” to “that” for a restrictive relative clause
611.358(a)(2)(A)	Agency	Corrected the spelling of “exceedence”
611.358(b)	Agency	Corrected the spelling of “exceedence”
611.358 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.510(a)(1)	Board	Changed “shall” to “must”
611.510(a)(1)	Agency	Corrected “the the” to “the”
611.510(a)(2)	Board	Changed “shall” to “must”
611.510(a)(3)	Board	Changed “shall” to “must”
611.510(a)(7)	Board	Changed “shall” to “must”
611.510(a) Board note	Board	Corrected the cross-reference to “subsection (a)”; updated references to the <i>Code of Federal Regulations</i> to the latest edition available (twice); changed “subsection (c) below” to “subsection (c) of this Section”; changed “subsection (d) below” to “subsection (d) of this Section”
611.510(b)	Board	Changed “subsection (b)(11) below” to “subsection (b)(11) of this Section”; changed “subsection (b)(12) below” to “subsection (b)(12) of this Section”; changed “shall” to “must”
611.510(b)(1)	Board	Changed “shall” to “must”; changed “subsection (b)(11) below” to “subsection (b)(11) of this Section”
611.510(b)(2)	Board	Changed “shall” to “must”; changed “subsection (b)(12) below” to “subsection (b)(12) of this Section”
611.510(b)(3)	Board	Changed “subsections (b)(1) and (b)(2) above” to “subsection (b)(1) and (b)(2) of this Section”
611.510(b)(4)	Board	Changed “shall” to “must”
611.510(b)(4)(A)	Board	Changed “subsection (b)(1) above” to “subsection (b)(1) of this Section”
611.510(b)(4)(B)	Board	Changed “subsection (b)(2) above” to “subsection (b)(2) of this Section”
611.510(b)(5)	Board	Changed “shall” to “must”
611.510(b)(6)	Board	Changed “shall” to “must”
611.510(b)(7)	Board	Changed “shall” to “must”
611.510(b)(9)	Board	Changed “shall” to “must”
611.510(b)(9) Board note	Board	Changed “subsection (b)(9) above” to “subsection (b)(9) of this Section”; updated references to the <i>Code of Federal Regulations</i> to the latest edition available (twice); changed “subsection (b)(5) and (b)(6) above” to “subsection (b)(5) and (b)(6) of this Section”
611.510(b)(10)	Board	Changed “shall” to “must”

611.510(b) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.510(c) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.510(d)	Board	Changed “shall” to “must”; changed “subsections (a)(1) and (b)(2) above” to “subsections (a)(1) and (b)(2) of this Section”
611.510(d) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.521(a)	Board	Changed “shall” to “must”; changed “which” to “that” for a restrictive relative clause
611.521(c)(1)	Board	Changed “shall” to “must” (twice)
611.521(c)(2)	Board	Changed “shall” to “must” (twice); changed “which” to “that” for a restrictive relative clause; changed “subsection (b) above” to “subsection (b) of this Section”; capitalized the definite article “the” as the first word of a sentence; ; changed “subsection (c)(4) above” to “subsection (c)(4) of this Section”
611.521(c)(3)	Board	Changed “shall” to “must”; changed “subsection (b) above” to “subsection (b) of this Section”
611.521(c)(4)	Board	Changed “shall” to “must” (twice); changed “subsection (b) above” to “subsection (b) of this Section”
611.521(d)	Board	Changed “shall” to “must”; changed “which” to “that” for a restrictive relative clause
611.521(e)	Board	Changed “shall” to “must” (twice)
611.521(e)	Agency	Corrected the spelling of “exceedence”
611.521 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.601 preamble	Board	Changed “shall” to “must”
611.601(a)(1)	Board	Changed “shall” to “must”
611.601(a)(2)	Board	Changed “subsection (b) below” to “subsection (b) of this Section”
611.601(a)(3)	Board	Changed “shall” to “must”
611.601(a)(3)	Agency	Changed “subsection (b)(5) below” to “subsection (b)(5) of this Section”
611.601(b)(1)	Board	Changed “shall” to “must”
611.601(b)(2)	Board	Changed “shall” to “must”
611.601(b)(3)	Board	Changed “shall” to “must”
611.601(b)(4)	Board	Changed “shall” to “must”
611.601(b)(5)	Board	Changed “shall” to “must”
611.601 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.602(a)	Board	Changed “shall” to “must”

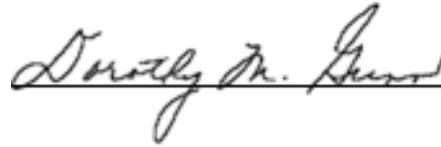
611.601(b)	Board	Changed “subsection (c) below” to “subsection (c) of this Section”
611.602(c)	Board	Changed “shall” to “must”
611.602(e)	Board	Changed “shall” to “must”
611.602(f)	Board	Changed “shall” to “must”
611.602(g)	Board	Changed “shall” to “must”
611.602(h)	Board	Changed “shall” to “must”
611.602(i)(1)	Board	Changed “shall” to “must”
611.602(i)(3)	Board	Changed “shall” to “must” (twice); changed “subsection (h) above” to “subsection (h) of this Section”
611.602 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(a)	Board	Changed “shall” to “must”
611.603(a) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(b)(1)	Board	Changed “subsection (a) above” to “subsection (a) of this Section”; changed “subsections (d) through (f) above” to “subsections (d) through (f) of this Section”
611.603(b)(2)	Board	Changed “subsections (d) through (f) above” to “subsections (d) through (f) of this Section”
611.603(b) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(c)	Board	Changed “shall” to “must”; changed “subsection (e) below” to “subsection (e) of this Section”
611.603(c) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(d)	Board	Changed “shall” to “must”
611.603(d) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(e)	Board	Changed “shall” to “must” (twice)
611.603(e) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(f)(1) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(f)(2)	Board	Changed “shall” to “must”
611.603(f)(2) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(g)	Board	Changed “shall” to “must”
611.603(g) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.603(h)(1)	Board	Changed “shall” to “must”; changed “subsection (a) above” to “subsection (a) of this Section”
611.603(h)(3)	Board	Changed “shall” to “must” (twice); changed “subsection (g) above” to “subsection (g) of this Section”

611.603(h) Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.609(a)(3) Board note	Board	Placed a comma inside quotation mark; capitalized “appendix”
611.609(b)	Board	Corrected the spelling of “antimony”
611.609 Board note	Board	Updated the reference to the <i>Code of Federal Regulations</i> to the latest edition available
611.720(b)(1)	Board	Placed a comma inside quotation mark
611.720(b)(2)	Board	Added a statement of the source of the document
611.720(c) Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.720 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.731 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.732 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.745(a)(2)	Board	Changed “which” to “that” for a restrictive relative clause
611.745(c)(1)	Board	Corrected the spelling of “exceedence”
611.745 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.901(a)(3)(B)	Agency	Corrected the spelling of “exceedence”
611.901(a)(3)(C)	Board	Corrected the spelling of “exceedence”
611.901(c)(2)	Board	Changed “which” to “that” for a restrictive relative clause
611.901 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.902(a)(2)	Agency	Corrected the spelling of “exceedence”
611.902(a)(3)	Agency	Corrected the spelling of “exceedence”
611.902(a)(4)	Agency	Corrected the spelling of “exceedence”
611.902(a)(6)	Agency	Corrected the spelling of “exceedence”
611.902 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.903(b)(3)(B)	Agency	Corrected the spelling of “exceedence”
611.903 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.904(a)(5)	Board	Corrected the spelling of “exceedence”
611.904 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.908 heading	Agency	Corrected the spelling of “exceedence”
611.908(a)	Agency	Corrected the spelling of “exceedence” (twice)
611.908 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.909 heading	Agency	Corrected the spelling of “exceedence”

611.909 Board note	Board	Revised the Board note to reflect the <i>Code of Federal Regulations</i> source of the new provision
611.Appendix A “combined radium”	Board	Changed “radium 226 or 228” to “radium-226 or –228”
611.Appendix A Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest edition, including the <i>Federal Register</i> citation for later amendments
611.Appendix G ¶ (I)(A)(4)	Board	Changed numeric “2” to written “two”
611.Appendix G ¶ (I)(A)(5)	Agency	Corrected the spelling of “exceedence”
611.Appendix G ¶ (I)(A)(6)	Agency	Corrected the spelling of “exceedence”
611.Appendix G ¶ (I)(A)(7)	Agency	Corrected the spelling of “exceedence”
611.Appendix G ¶ (I)(G)(7)	Board	Changed numeric “2” to written “two”
611.Appendix G ¶ (IV)(A)	Agency	Corrected the spelling of “exceedence”
611.Appendix G ¶ (IV)(B)	Agency	Corrected the spelling of “exceedence”
611.Appendix G note 1	Board	Removed the unnecessary comma from before “do not require”
611.Appendix G note 6	Agency	Corrected the spelling of “exceedence”
611.Appendix G note 7	Board	Corrected the format of the <i>Federal Register</i> citation to “63 FR Fed. Reg. 69477 (December 16, 1998)”; changed “Secs.” to “Sections”
611.Appendix G note 15	Board	Changed “shall” to “must”
611.Appendix G Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest edition, including the <i>Federal Register</i> citation for later amendments
611.Appendix H ¶ 33	Board	Changed “di(2-ethylhexyl) adipate ” to “di(2-ethylhexyl)-adipate”
611.Appendix H ¶ 34	Board	Changed “di(2-ethylhexyl) phthalate ” to “di(2-ethylhexyl)phthalate”
611.Appendix H ¶ 46	Board	Added automatic hyphenation to “hexachlorocyclopentadiene”
611.Appendix H ¶ 63	Board	Added automatic hyphenation to “trans-1,2-dichloroethylene”
611.Appendix H ¶ 85a	Board	Changed numeric “2” to written “two”
611.Appendix H ¶ 85a	Agency	Corrected the spelling of “exceedence”
611.Appendix H ¶ 86a	Board	Corrected the spelling of “exceedence”

611.Appendix H note 10	Agency	Corrected the spelling of “exceedence”
611.Appendix H Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest edition, including the <i>Federal Register</i> citation for later amendments

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion was adopted on the 21st day of June 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board