

ILLINOIS POLLUTION CONTROL BOARD

September 19, 1996

IN THE MATTER OF:)
) R96-18
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking-Public Water Supplies)
SUBTITLE F (Parts 601 through 620))

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

This matter is before the Board on an amended petition for general rulemaking and a motion to amend the petition filed by the Illinois Environmental Protection Agency (Agency) on September 4, 1996. By the petition for rulemaking and accompanying statement of reasons, the Agency has requested that the Board amend various provisions of 35 Ill. Adm. Code: Subtitle F using our general rulemaking authority under Sections 27 and 28 of the Environmental Protection Act (Act; 415 ILCS 5/27& 28 (1994)). By the motion to amend the petition, the Agency has requested that the Board substitute the amended petition for the comments and correspondence of April 4 and June 17, 1996 upon which the Board reserved this docket.

The Board hereby grants the Agency's motion and accepts the petition filed September 4, 1996. The hearing officer will conduct at least two hearings in affected areas of the State, as required by Sections 27 and 28 of the Act.

The Agency's rulemaking petition requests a number of amendments to the existing text of Parts 601 through 620 of the Board's Public Water Supplies regulations, including amendments to the public water supply, Safe Drinking Water Act, groundwater protection, and groundwater quality rules. The requested amendments basically fall into three categories: (1) amendments to update and correct several provisions throughout the text, (2) amendments that would allow the Agency to issue construction permits notwithstanding the fact that a supply is listed on restricted status for a violation of the radium MCL, and (3) revision of the authority note for the groundwater quality regulations to reflect that it was adopted pursuant to the Act.

The hearings will be strictly limited to the scope of the subject matter before the Board. The hearing officer will not allow testimony, exhibits, and questions into the record that are not relevant to the Board's consideration of the Agency's rulemaking petition. Further Section 17.6 of the Environmental Protection Act prohibits the Board from visiting the merits of any maximum contaminant level (MCL) for radium or from considering any MCL for this contaminant other than that set by USEPA. The hearing officer accordingly shall not allow testimony as to the merits of the existing MCL, any federally-proposed MCL, or any other prospective radium level.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ___ day of _____, 1996 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board