

ILLINOIS POLLUTION CONTROL BOARD
June 13, 1985

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R85-14
PUBLIC WATER SUPPLY)
REGULATIONS, 35 ILL. ADM.)
CODE 602.105 AND 602.106)

PROPOSED RULE. FIRST NOTICE. AGENCY PROPOSAL.

ORDER OF THE BOARD (by J. Anderson):

This proposal for regulatory change was filed on June 13, 1985 by the Illinois Environmental Protection Agency (Agency). The proposal is filed in conjunction with problems and concerns articulated by the Board and the Agency, as discussed at length in the Board's Orders of April 18, 1985 and June 5, 1985 in PCB 85-40 and PCB 85-42, Village of Hanna City v. IEPA and Village of Gardner v. IEPA. The effect of the Agency proposal is to allow its continued issuance of permits for water main extensions to public water supplies whose finished drinking water exceeds federal and state standards for radiological quality and for fluoride because of the nature of the supply's water source, provided that the exceedance falls within the limits stated in the proposal.

The Board has not evaluated the merits of this proposal. The Board is authorizing first notice publication of this proposal "as is" in the interests of expediting public debate concerning its merits. Hearings will be scheduled as expeditiously as is possible.

The Clerk of the Board is directed to cause first notice publication in the Illinois Register of the following amendments to 35 Ill. Adm. Code 602.105 and 602.106 (new language is underlined):

Section 602.105 Standards for Issuance

- a) Except as provided in Section 602.105(d), the Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply will be constructed, modified or operated so as not to cause a violation of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) (Act), or of this Chapter.
- b) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits

adequate proof that the public water supply facility conforms to the design criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other criteria which the applicant proves will produce consistently satisfactory results.

c) The Agency shall not grant any construction permit required by this Part unless the applicant submits proof that any plan documents required by this Section and Section 602.108 have been prepared by a person qualified under the Illinois Architecture Act (Ill. Rev. Stat. 1981, ch. 111, pars. 1201 et seq.), the Illinois Professional Engineering Act (Ill. Rev. Stat. 1981, ch. 111, pars. 5101 et seq.), the Illinois Structural Engineering Act (Ill. Rev. Stat. 1981, ch. 111, pars. 6501 et seq.), or any required combination thereof.

d) Until January 1, 1989, the Agency shall not deny to any applicant any construction or operating permit required by this Part for the following reasons:

- 1) the public water supply having a fluoride concentration less than or equal to 4 mg/l; or
- 2) the public water supply having a combined radium 226 and radium 228 concentration less than or equal to 20 pCi/l; or
- 3) the public water supply having gross alpha particle activity (including radium 226, but excluding radon and uranium) concentration less than or equal to 60 pCi/l.

(Source: Amended at ___ Ill. Reg. _____,
effective _____.)

Section 602.106 Restricted Status

- a) Restricted status shall be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a public water supply facility may no longer be issued a construction permit without causing a violation of the Act or this Chapter.
- b) Except as provided in Section 602.106(d), the Agency shall publish and make available to the public, at intervals of not more than six months, a comprehensive and, up-to-date list of supplies subject to restrictive status and the reasons why.
- c) The Agency shall notify the owners or official custodians of supplies when the supply is initially placed on restricted status by the Agency.

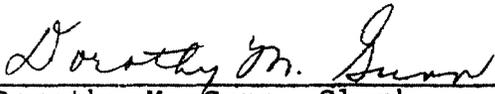
d) Until January 1, 1989, the Agency's published list of supplies subject to restricted status shall not include supplies whose only violations are within the parameters stated in Section 602.105(d), nor shall said published list include violations which fall within said parameters.

(Source: Added at _____ Ill. Reg. _____,
effective _____.

IT IS SO ORDERED.

B.Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 13th day of June, 1985 by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board