

ILLINOIS POLLUTION CONTROL BOARD  
January 11, 1990

IN THE MATTER OF: )  
 )  
SAFE DRINKING WATER ACT ) R88-26  
REGULATIONS ) (Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA public water supply rules adopted pursuant to the federal Safe Drinking Water Act (SDWA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. On August 31, 1989, the Board entered an Order extending the time. The Board estimated that the rules would be adopted during December, 1989. However, on January 10, 1990, the Illinois Environmental Protection Agency (Agency) requested a 30 day extension of the public comment period because of the complexity of this rulemaking. The Board has this day granted the extension. The Board therefore needs to again extend the time for adoption of these rules.

As noted in the August 31, 1989 Order, the USEPA SDWA rules are in 40 CFR 141 et seq. These have been the subject of numerous recent amendments, including two major amendments on June 29, 1989 (54 Fed. Reg. 27526 and 27562). It is not immediately obvious at what time the USEPA rules have or will become, as a matter of federal law, ripe for adoption as State rules. However, on October 5, 1989, the Board proposed rules for public comment corresponding with USEPA rules through June 30, 1989. The proposal appeared on December 1, 1989, at 13 Ill. Reg. 18690. The public comment period was to have ended on January 16, 1990, but has been extended 30 days.

Many of the USEPA rules involved date back to December 24, 1975, long before the mandates of Sections 7.2 and 17.5 of the Act. It is impossible to literally comply with the time requirements with respect to initial adoption of an already ongoing federal program. Also, the initial adoption of a program often involves a far greater effort.

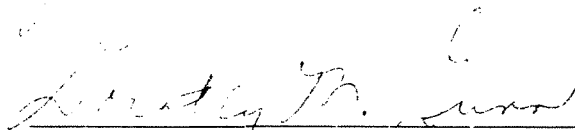
The Board estimates that it will be able to adopt final regulations in this matter during March, 1990.

The Board also notes that the number of federally-driven programs involving large blocks of rules has suddenly expanded from two (RCRA and UIC) to at least five (by addition of Pretreatment, UST, and SDWA). The Board has recently received added funding for expansion of staff to manage these large rulemakings; the Board believes that it will be able to return to schedule as its expanded staff gains experience.

The Board directs that these reasons be published in the Illinois Register pursuant to Section 7.2 of the Act.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of January, 1990, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board