

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [Horton, Vanessa](#)  
**Subject:** FW: R18-26 proposed first notice changes  
**Date:** Monday, February 27, 2023 5:02:26 PM  
**Attachments:** [image001.png](#)  
[35-603 Board responses.pdf](#)  
[35-603RG-P r01 \(46-22\).pdf](#)

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Good evening, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-26.

Thank you.

Richard R. McGill, Jr.  
Senior Attorney for Research & Writing  
Illinois Pollution Control Board  
60 E. Van Buren St., Suite 630  
Chicago, Illinois 60605  
[richard.mcgill@illinois.gov](mailto:richard.mcgill@illinois.gov) (312) 814-6983



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**From:** McGill, Richard  
**Sent:** Monday, February 27, 2023 4:51 PM  
**To:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto:JonathanE@ilga.gov)>  
**Subject:** RE: R18-26 proposed first notice changes

Good evening, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 603 changes emailed to me on June 24, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.  
Senior Attorney for Research & Writing  
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60 E. Van Buren St., Suite 630  
Chicago, Illinois 60605

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**From:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto:JonathanE@ilga.gov)>  
**Sent:** Friday, June 24, 2022 9:39 AM  
**To:** McGill, Richard <[Richard.McGill@illinois.gov](mailto:Richard.McGill@illinois.gov)>  
**Subject:** [External] R18-26 proposed first notice changes

Here are some possible technical changes, sorted by Part, for the Board to consider. Any of these changes that you wish to make can be simply copied into your first notice changes document.

Thanks in advance for your consideration.

Sincerely,

Jonathan C. Eastvold, Ph.D.  
Rules Analyst III

Illinois General Assembly  
Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield IL 62706  
217-524-9010

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**From:** Eastvold, Jonathan C. <JonathanE@ilga.gov>  
**Sent:** Friday, June 24, 2022 9:39 AM  
**To:** McGill, Richard <Richard.McGill@illinois.gov>  
**Subject:** [External] R18-26 proposed first notice changes

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Thanks in advance for your consideration.

Sincerely,

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**Board staff responses and related changes (2/27/23) appear in bold, red font below.**

**Rulemaking:** Ownership and Responsible Personnel (35 Ill. Adm. Code 603; 46 Ill. Reg. 8669)

**Changes:**

1. In line 29, strike "ownership" and add "owner".
  - a. Agree.**
  - b. After "corporation," add "an".**
  - c. In line 30, after requiring" add "the".**
  - d. In line 36, delete "will" and add "is". Strike "be".**
2. In line 78, strike "*he or she*" and add "the individual".  
**Agree.**
3. In line 104, strike "9.2" and add "9.1".  
**Agree.**

**1st Notice**

JCAR350603-2208669r01

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

PART 603  
OWNERSHIP AND RESPONSIBLE PERSONNEL

Section

- 603.101 Ownership
- 603.102 Administrative Contact
- 603.103 Responsible Operator in Charge
- 603.104 Exempt Community Water Supply
- 603.105 Notification of Change of Ownership or Responsible Operator in Charge

603.APPENDIX A References to Former Rules [\(Repealed\)](#)

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6853, effective April 15, 2016; amended in R18-26 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 603.101 Ownership**

- a) To assure the continued maintenance and operation of community water supplies, each supply must be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.
- b) The body exercising direct supervision over a community water supply ~~must~~ file with the Agency a statement of ownership before ~~starting~~ commencing construction of any community water supply facility.
- c) The body filing a statement of ownership under subsection (b) ~~will~~ be considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in ~~compliance~~ accordance with Section 603.105.
- d) The owner or official custodian and the Responsible Operator in Charge designated ~~under Section~~ pursuant to Sections 603.103 must be jointly accountable for the proper operation of the community water supply.

**1st Notice**

JCAR350603-2208669r01

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(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 603.103 Responsible Operator in Charge**

- a) Under the Public Water Supply Operations Act, *all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge.* [415 ILCS 45/1].
- b) Each community water supply, unless exempted under Section 603.104, must designate:
  - 1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or
  - 2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.
- c) The Responsible Operator in Charge must be a certified operator, qualified and registered in compliance accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.
- d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency underpursuant to 35 Ill. Adm. Code 681.1015.
- e) The owner or official custodian and the Responsible Operator in Charge must file a signed statement identifying the Responsible Operator in Charge on Agency forms provided by the Agency.
- f) *Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge.* [415 ILCS 45/1.1(a)]
- g) Responsible Operator in Charge must submit to the Agency, *in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results.* [415 ILCS 45/1.1(b)(3)]

**1<sup>st</sup> Notice**

JCAR350603-2208669r01

87 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

88

89 **Section 603.104 Exempt Community Water Supply**

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91 Under Pursuant to Section 9.1 of the Public Water Supply Operations Act, a community water  
92 supply is not required to have a Responsible Operator in Charge if it:

93

94 a) *consists only of distribution and storage facilities and does not have any*  
95 *collection and treatment facilities;*

96

97 b) *obtains all of its water from, but is not owned or operated by, a community water*  
98 *supply that is required to employ a Class A, Class B, Class C, or Class D*  
99 *community water supply operator;*

100

101 c) *does not sell water to any person; and*

102

103 d) *is not a carrier that conveys passengers in interstate commerce.* [415 ILCS  
104 45/9.2]

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106 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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108 **Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge**

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110 a) Within 15 days after any change in ownership of a community water supply, the  
111 new owner must notify the Agency, on Agency forms ~~supplied by the Agency~~, of  
112 changes in ownership.

113

114 b) Within 15 days after any change in the Responsible Operator in Charge, the  
115 owner or official custodian and the new Responsible Operator in Charge must  
116 notify the Agency, on Agency forms ~~supplied by the Agency~~, of the changes in  
117 responsible personnel.

118

119 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**1<sup>st</sup> Notice**

JCAR350603-2208669r01

121 **Section 603.APPENDIX A References to Former Rules (Repealed)**

122  
123 ~~The following table is provided to aid in referencing former Board rule numbers to section~~  
124 ~~numbers pursuant to codification.~~

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<del>Chapter 6: Public Water Supplies</del>	<del>35 Ill. Adm. Code</del>
<del>Part III: Operation and Maintenance</del>	<del>Part 603</del>
<del>Rule 301</del>	<del>Section 603.101</del>
<del>New</del>	<del>Section 603.102</del>
<del>Rule 302</del>	<del>Section 603.103</del>
<del>New</del>	<del>Section 603.104</del>
<del>Rule 303</del>	<del>Section 603.105</del>

126  
127 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)