

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020,

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effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-6 at 39 Ill. Reg. 3713, effective February 24, 2015; amended in R15-23 at 39 Ill. Reg. 15144, effective November 9, 2015; amended in R16-4 at 39 Ill. Reg. 15352, effective November 13, 2015; amended in R17-12 at 42 Ill. Reg. 1140, effective January 4, 2018; amended in R18-9 at 42 Ill. Reg. 9316, effective May 29, 2018; amended in R18-17 at 43 Ill. Reg. 8206, effective July 26, 2019; amended in R19-16 at 44 Ill. Reg. 6996, effective April 17, 2020; amended in R18-26 at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.105 Electronic Reporting

The submission of any document under any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

- a) Scope and Applicability
 - 1) The USEPA, the Board, or the Agency may allow for the submission of electronic documents in lieu of paper documents. This Section does not require the submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:
 - A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

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- B) To the Board or the Agency under any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
- 2) Electronic document submission under this Section can occur only as follows:
- A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
 - B) For submissions of documents to the State, submissions may occur only under the following circumstances: the Board or the Agency may use any electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.
- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1):
- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as a diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(~~iii~~), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as

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electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

b) Definitions. For the purposes of this Section, terms ~~will~~ have the meaning attributed to them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 611.102(c).

c) Procedures for Submitting ~~of~~ Electronic Documents to USEPA in Lieu of Paper Documents. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, ~~provided if~~ the following conditions are met:

- 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and
- 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

d) Procedures for Submitting ~~of~~ Electronic Documents to the Board or the Agency in Lieu of Paper Documents:

- 1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5].

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- 2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

e) Effects of Submitting an Electronic Document in Lieu of a Paper Document

- 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
- 2) If/Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
- 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c).

f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

- 1) The Administrative Procedure Act [5 ILCS 100];
- 2) The Freedom of Information Act [5 ILCS 140];
- 3) The State Records Act [5 ILCS 160];

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- 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted under subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c).

BOARD NOTE: Derived from 40 CFR 3 and 142.10(g).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 U.S.C. 300g-4(a)(1)(A) and (a)(1)(B)). SDWA section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35 through 3837 of the Act do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1415 variance through one of three procedural mechanisms: a variance under Sections 35 through 3837 of the Act and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27 and 28 of the Act and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104.

- a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or a treatment technique under this Section.
 - 1) The PWS must file a petition under 35 Ill. Adm. Code 102 or 104, as applicable.
 - 2) If a State requirement does not have a federal counterpart, the Board may

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grant relief from the State requirements without following this Section.

- b) Relief from an MCL
 - 1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:
 - A) Because of the characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL;
 - B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F), treatment technique, or other means that the Agency finds available. BAT may vary depending on the following:
 - i) The number of persons served by the system;
 - ii) Physical conditions related to engineering feasibility; and
 - iii) Costs of compliance; and
 - C) The variance will not result in an unreasonable risk to health.
 - 2) In any order granting relief under this subsection (b), the Board will prescribe a schedule for the following:
 - A) Compliance, including increments of progress, by the PWS, with each MCL ~~forwith respect to~~ which the relief was granted; and
 - B) Implementation by the PWS of each additional control measure for each MCL ~~forwith respect to~~ which the relief is granted, during the period ending on the date compliance with such requirement is required.
 - 3) Schedule of Compliance for Relief from an MCL
 - A) A schedule of compliance will require compliance with each MCL ~~forwith respect to~~ which the relief was granted as expeditiously as practicable.

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- B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:
- i) Document its rationale for the extended compliance schedule;
 - ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and
 - iii) Provide the shortest practicable ~~time~~ schedule feasible under the circumstances.
- c) Relief from a Treatment Technique Requirement
- 1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS must demonstrate that the treatment technique is not necessary to protect the health of the persons served because of the nature of the raw water source.
 - 2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.
- d) The Board will hold at least one public hearing. In addition, the Board will accept comments as appropriate under 35 Ill. Adm. Code 102 or 104er104.
- e) The Board will not grant relief from any of the following:
- 1) From the MCLs for total coliforms and E. coli. The Board can no longer grant relief from the total coliform MCL.

BOARD NOTE: As provided in Section 611.131(c)(1) and 40 CFR 142.304(a), a small system variance is not available for rules that address microbial contaminants, which include Subparts B, R, S, X, Z, and AA.
 - 2) From any of the treatment technique requirements of Subpart B.
 - 3) From the residual disinfectant concentration (RDC) requirements of

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Sections 611.241(c) and 611.242(b).

- f) The Agency must promptly send USEPA the opinion and order of the Board granting relief under this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding under section 1415 of the SDWA (42 ~~U.S.C.~~ 300g-4).
- g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted under this Section.

BOARD NOTE: Derived from 40 CFR 141.4, from section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 ~~U.S.C.~~ 300g-4(a)(1)(A) and (a)(1)(B)) and from the Guidance Manual for Filtration and Disinfection (91), incorporated by reference in Section 611.102 and available from USEPA, NSCEP. USEPA has established a procedure at 40 CFR 142.23 to review and potentially modify or nullify state determinations granting relief from NPDWRs ~~if~~ where USEPA finds that the state has abused its discretion or failed to prescribe required schedules for compliance in a substantial number of instances.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.276 Recycle Provisions

- a) **Applicability.** A Subpart B system supplier that employs conventional filtration or direct filtration treatment and ~~that~~ which recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in subsections (b) through (d).
- b) **Reporting.** A supplier must notify the Agency in writing if the supplier recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in subsections (b)(1) and (b)(2), as follows:
 - 1) A plant schematic showing the origin of all flows that are recycled (including, ~~but not limited to,~~ spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.

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- 2) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Agency-approved operating capacity for the plant if/where the Agency has made such a determination.
- c) Treatment Technique Requirement. Any supplier that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of the supplier's existing conventional or direct filtration system, as defined in Section 611.101, or at an alternative location approved by a permit issued by the Agency.
- d) Recordkeeping. The supplier must collect and retain on file recycle flow information specified in subsections (d)(1) through (d)(6) for review and evaluation by the Agency, as follows:
 - 1) A copy of the recycle notification and information submitted to the State under subsection (b).
 - 2) A list of all recycle flows and the frequency with which they are returned.
 - 3) The average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.
 - 4) The typical filter run length and a written summary of how filter run length is determined.
 - 5) The type of treatment provided for the recycle flow.
 - 6) Data on the physical dimensions of the equalization or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

BOARD NOTE: Derived from 40 CFR 141.76.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.591 Violation of a State MCL

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This Section applies to old MCLs that are marked as "additional State requirements" at Section 611.300, and for which no specific monitoring, reporting, or public notice requirements are specified ~~in subsections (a) through (c) below~~. If the result of analysis ~~underpursuant to~~ this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier ~~must~~shall do the following:

- a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;
- b) Notify the Agency and give public notice as specified in Subpart T ~~of this Part~~, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and
- c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples, ~~or until~~ a monitoring schedule as a condition of a variance or enforcement action becomes effective.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART S: GROUNDWATER RULE

Section 611.805 Reporting and Recordkeeping for GWS Suppliers

- a) Reporting. In addition to the requirements of Section 611.840, a GWS supplier regulated ~~underpursuant to~~ this Subpart S must provide the following information to the Agency:
 - 1) A GWS supplier conducting compliance monitoring ~~underpursuant to~~ Section 611.803(b) must notify the Agency any time the supplier fails to meet any Agency-specified requirements including, ~~but not limited to,~~ minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The GWS supplier must notify the Agency as soon as possible, but in no case later than the end of the next business day.

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- 2) After completing any corrective action ~~underpursuant to~~ Section 611.803(a), a GWS supplier must notify the Agency within 30 days after completion of the corrective action.
 - 3) If a GWS supplier subject to the requirements of Section 611.802(a) does not conduct source water monitoring ~~underpursuant to~~ Section 611.802(a)(5)(B), the supplier must provide documentation to the Agency within 30 days after the total coliform-positive sample that it met the Agency criteria.
- b) Recordkeeping. In addition to the requirements of Section 611.860, a GWS supplier regulated ~~underpursuant to~~ this Subpart S must maintain the following information in its records:
- 1) Documentation of corrective actions. Documentation must be kept for ~~at leasta period of not less than~~ ten years.
 - 2) Documentation of notice to the public as required ~~underpursuant to~~ Section 611.803(a)(7). Documentation must be kept for ~~at leasta period of not less than~~ three years.
 - 3) Records of decisions ~~underpursuant to~~ Section 611.802(a)(5)(B) and records of invalidation of fecal indicator-positive groundwater source samples ~~underpursuant to~~ Section 611.802(d). Documentation must be kept for ~~at leasta period of not less than~~ five years.
 - 4) For a consecutive system supplier, documentation of notification to the wholesale systems of total coliform-positive samples that are not invalidated ~~underpursuant to~~ Section 611.1053. Documentation must be kept for ~~at leasta period of not less than~~ five years.
 - 5) For a supplier, including a wholesale system supplier, that is required to perform compliance monitoring ~~underpursuant to~~ Section 611.803(b), the following information:
 - A) Records of the supplier-specified, Agency-approved minimum disinfectant residual. Documentation must be kept for ~~at leasta period of not less than~~ ten years;

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- B) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Agency-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation must be kept for ~~at least a period of not less than~~ five years; and

- C) Records of supplier-specified, Agency-approved compliance requirements for membrane filtration and of parameters specified by the supplier for Agency-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation must be kept for ~~at least a period of not less than~~ five years.

BOARD NOTE: Derived from 40 CFR 141.405 ~~(2016)~~.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBTITLE F

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
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PRIMARY DRINKING WATER STANDARDS

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SUBTITLE F

611.230	Filtration Effective Dates
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611.240	Disinfection
611.241	Unfiltered PWSs
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611.261	Unfiltered PWSs: Reporting and Recordkeeping
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611.272	Disinfection Following Repair (Repealed)
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SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

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SUBPART D: TREATMENT TECHNIQUES

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SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

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611.300	Old MCLs for Inorganic Chemical Contaminants
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611.311	Revised MCLs for Organic Chemical Contaminants
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611.325	Microbiological Contaminants
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611.331	Beta Particle and Photon Radioactivity (Repealed)

SUBTITLE F

SUBPART G: LEAD AND COPPER

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AND DISINFECTION BYPRODUCT PRECURSORS

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611.524	Sanitary Surveys (Repealed)
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SUBTITLE F

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- 611.1009 Disinfection Profiling and Benchmarking Requirements: Developing the Disinfection Profile and Benchmark
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611.TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-6 at 39 Ill. Reg. 3713, effective February 24, 2015; amended in R15-23 at 39 Ill. Reg. 15144, effective November 9, 2015; amended in R16-4 at 39 Ill. Reg. 15352, effective November 13, 2015; amended in R17-12 at 42 Ill. Reg. 1140, effective January 4, 2018; amended in R18-9 at 42 Ill. Reg. 9316, effective May 29, 2018; amended in R18-17 at 43 Ill. Reg. 8206, effective July 26, 2019; amended in R19-16 at 44 Ill. Reg. 6996, effective April 17, 2020; amended in R18-26 at 47 Ill. Reg. _____, effective _____.

SUBTITLE F

Section 611.105 Electronic Reporting

The submission of any document under any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

- a) Scope and Applicability
 - 1) The USEPA, the Board, or the Agency may allow for the submission of electronic documents in lieu of paper documents. This Section does not require the submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:
 - A) To USEPA directly under Title 40 of the Code of Federal Regulations; or
 - B) To the Board or the Agency under any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
 - 2) Electronic document submission under this Section can occur only as follows:
 - A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
 - B) For submissions of documents to the State, submissions may occur only under the following circumstances: the Board or the Agency may use any electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.
 - 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1):
 - A) Any document submitted via facsimile;

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- B) Any document submitted via magnetic or optical media, such as a diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

- b) Definitions. For the purposes of this Section, terms have the meaning attributed to them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 611.102(c).
- c) Procedures for Submitting Electronic Documents to USEPA in Lieu of Paper Documents. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, if the following conditions are met:
 - 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and
 - 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

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BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

- d) Procedures for Submitting Electronic Documents to the Board or the Agency in Lieu of Paper Documents
- 1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5].
 - 2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

- e) Effects of Submitting an Electronic Document in Lieu of a Paper Document
- 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
 - 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
 - 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c).

- f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the

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Board, and its availability for public inspection and copying are subject to various State laws, including the following:

- 1) The Administrative Procedure Act [5 ILCS 100];
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted under subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c).

BOARD NOTE: Derived from 40 CFR 3 and 142.10(g).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 U.S.C. 300g-4(a)(1)(A) and (a)(1)(B)). SDWA section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35 through 38 of the Act do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1415 variance through one of three procedural mechanisms: a variance under Sections 35 through 38 of the Act and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27 and 28 of the Act and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104.

- a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or a treatment technique under this Section.
 - 1) The PWS must file a petition under 35 Ill. Adm. Code 102 or 104, as applicable.
 - 2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.
- b) Relief from an MCL
 - 1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:
 - A) Because of the characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL;
 - B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F), treatment technique, or other means that the Agency finds available. BAT may vary depending on the following:
 - i) The number of persons served by the system;
 - ii) Physical conditions related to engineering feasibility; and
 - iii) Costs of compliance; and

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- C) The variance will not result in an unreasonable risk to health.
- 2) In any order granting relief under this subsection (b), the Board will prescribe a schedule for the following:
 - A) Compliance, including increments of progress, by the PWS, with each MCL for which the relief was granted; and
 - B) Implementation by the PWS of each additional control measure for each MCL for which the relief is granted, during the period ending on the date compliance with such requirement is required.
- 3) Schedule of Compliance for Relief from an MCL
 - A) A schedule of compliance will require compliance with each MCL for which the relief was granted as expeditiously as practicable.
 - B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:
 - i) Document its rationale for the extended compliance schedule;
 - ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and
 - iii) Provide the shortest practicable schedule feasible under the circumstances.
- c) Relief from a Treatment Technique Requirement
 - 1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS must demonstrate that the treatment technique is not necessary to protect the health of the persons served because of the nature of the raw water source.
 - 2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.
- d) The Board will hold at least one public hearing. In addition, the Board will accept comments as appropriate under 35 Ill. Adm. Code 102 or 104.

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- e) The Board will not grant relief from any of the following:
- 1) From the MCLs for total coliforms and E. coli. The Board can no longer grant relief from the total coliform MCL.

BOARD NOTE: As provided in Section 611.131(c)(1) and 40 CFR 142.304(a), a small system variance is not available for rules that address microbial contaminants, which include Subparts B, R, S, X, Z, and AA.
 - 2) From any of the treatment technique requirements of Subpart B.
 - 3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).
- f) The Agency must promptly send USEPA the opinion and order of the Board granting relief under this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding under section 1415 of the SDWA (42 U.S.C. 300g-4).
- g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted under this Section.

BOARD NOTE: Derived from 40 CFR 141.4, from section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 U.S.C. 300g-4(a)(1)(A) and (a)(1)(B)) and from the Guidance Manual for Filtration and Disinfection (91), incorporated by reference in Section 611.102 and available from USEPA, NSCEP. USEPA has established a procedure at 40 CFR 142.23 to review and potentially modify or nullify state determinations granting relief from NPDWRs if USEPA finds that the state has abused its discretion or failed to prescribe required schedules for compliance in a substantial number of instances.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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Section 611.276 Recycle Provisions

- a) **Applicability.** A Subpart B system supplier that employs conventional filtration or direct filtration treatment and that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in subsections (b) through (d).
- b) **Reporting.** A supplier must notify the Agency in writing if the supplier recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in subsections (b)(1) and (b)(2), as follows:
 - 1) A plant schematic showing the origin of all flows that are recycled (including spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.
 - 2) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Agency-approved operating capacity for the plant if the Agency has made such a determination.
- c) **Treatment Technique Requirement.** Any supplier that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of the supplier's existing conventional or direct filtration system, as defined in Section 611.101, or at an alternative location approved by a permit issued by the Agency.
- d) **Recordkeeping.** The supplier must collect and retain on file recycle flow information specified in subsections (d)(1) through (d)(6) for review and evaluation by the Agency, as follows:
 - 1) A copy of the recycle notification and information submitted to the State under subsection (b).
 - 2) A list of all recycle flows and the frequency with which they are returned.
 - 3) The average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.
 - 4) The typical filter run length and a written summary of how filter run

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length is determined.

- 5) The type of treatment provided for the recycle flow.
- 6) Data on the physical dimensions of the equalization or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

BOARD NOTE: Derived from 40 CFR 141.76.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.591 Violation of a State MCL

This Section applies to old MCLs that are marked as "additional State requirements" at Section 611.300 and for which no specific monitoring, reporting, or public notice requirements are specified in subsections (a) through (c). If the result of analysis under this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier must do the following:

- a) Report to the Agency within seven days and initiate three additional analyses at the same sampling point within one month;
- b) Notify the Agency and give public notice as specified in Subpart T, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and
- c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples or a monitoring schedule as a condition of a variance or enforcement action becomes effective.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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Section 611.805 Reporting and Recordkeeping for GWS Suppliers

- a) Reporting. In addition to the requirements of Section 611.840, a GWS supplier regulated under this Subpart S must provide the following information to the Agency:
- 1) A GWS supplier conducting compliance monitoring under Section 611.803(b) must notify the Agency any time the supplier fails to meet any Agency-specified requirements including minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The GWS supplier must notify the Agency as soon as possible, but in no case later than the end of the next business day.
 - 2) After completing any corrective action under Section 611.803(a), a GWS supplier must notify the Agency within 30 days after completion of the corrective action.
 - 3) If a GWS supplier subject to the requirements of Section 611.802(a) does not conduct source water monitoring under Section 611.802(a)(5)(B), the supplier must provide documentation to the Agency within 30 days after the total coliform-positive sample that it met the Agency criteria.
- b) Recordkeeping. In addition to the requirements of Section 611.860, a GWS supplier regulated under this Subpart S must maintain the following information in its records:
- 1) Documentation of corrective actions. Documentation must be kept for at least ten years.
 - 2) Documentation of notice to the public as required under Section 611.803(a)(7). Documentation must be kept for at least three years.
 - 3) Records of decisions under Section 611.802(a)(5)(B) and records of invalidation of fecal indicator-positive groundwater source samples under Section 611.802(d). Documentation must be kept for at least five years.
 - 4) For a consecutive system supplier, documentation of notification to the wholesale systems of total coliform-positive samples that are not invalidated under Section 611.1053. Documentation must be kept for at least five years.

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- 5) For a supplier, including a wholesale system supplier, that is required to perform compliance monitoring under Section 611.803(b), the following information:
- A) Records of the supplier-specified, Agency-approved minimum disinfectant residual. Documentation must be kept for at least ten years;
 - B) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Agency-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation must be kept for at least five years; and
 - C) Records of supplier-specified, Agency-approved compliance requirements for membrane filtration and of parameters specified by the supplier for Agency-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation must be kept for at least five years.

BOARD NOTE: Derived from 40 CFR 141.405.

(Source: Amended at 47 Ill. Reg. _____, effective _____)