

ILLINOIS POLLUTION CONTROL BOARD
January 23, 2025

IN THE MATTER OF:)
SDWA UPDATE, USEPA AMENDMENTS) R25-1
(January 1, 2024 through June 30, 2024)) (Identical-in-Substance Rulemaking –
) Public Water Supply)
)
SDWA UPDATE, USEPA AMENDMENTS) R25-9
(July 1, 2024 through December 31, 2024)) (Identical-in-Substance Rulemaking –
) Public Water Supply)

Reasons for Delay. Extension of Time.

ORDER OF THE BOARD (by M. Gibson):

The above rulemakings require amendments to the Illinois public water supply regulations that are identical-in-substance (IIS) to the National Primary Drinking Water Regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA) in 2024. The Board today consolidates the two dockets to expedite consideration and finds that additional time is needed to complete the amendments and extends the due date for final Board action until October 30, 2025.

Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (2024)) requires the Board to adopt regulations that are “identical in substance” to the NPDWRs. The USEPA adopts the NPDWRs in Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), 300j-4(a) (2017)). SDWA regulations are found at 40 C.F.R. 141 through 143. Section 17.5 of the Act also provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-35, 5-40 (2024)) do not apply to the Board’s adoption of identical-in-substance rules.

Section 7.2(b) of the Act requires the Board to complete action on amendments within one year of when USEPA adopted its rules. Section 7.2(b) further provides that the Board can extend the time to complete amendments upon a finding that the one-year period is insufficient to complete the rulemaking and specifically state the reasons for the extension. The Board must publish a notice of extension in the *Illinois Register*. 415 ILCS 5/22.4(b)

SUMMARY OF USEPA ACTIONS THAT REQUIRE BOARD ACTION

The Board reserved dockets R25-1 and R25-9 to accommodate USEPA amendments to the NPDWRs. In 2024, USEPA took six primary drinking water-related actions amending rules that have counterparts in the Illinois regulations:

January 30, 2024 (89 Fed. Reg. 5773):

USEPA approved 93 additional alternative testing methods for use in measuring the levels of contaminants in drinking water to determine compliance with NPDWRs.

February 5, 2024 (89 Fed. Reg. 7624):

USEPA corrected errors in seven alternative testing method tables published January 30, 2024 (89 Fed. Reg. 5773).

April 26, 2024 (89 Fed. Reg. 32743):

USEPA approved NPDWRs and health-based Maximum Contaminant Level Goals (MCLGs) for six per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO–DA, commonly known as GenX Chemicals), and perfluorobutane sulfonic acid (PFBS).

May 24, 2024 (89 Fed. Reg. 45980):

USEPA revised the Consumer Confidence Report (CCR) Rule in accordance with America’s Water Infrastructure Act (AWIA) of 2018 (United States, 2018) and requires, states, territories, and Tribes with primary enforcement responsibility to report compliance monitoring data (CMD) to the EPA.

June 11, 2024 (89 Fed. Reg. 49101):

USEPA corrected formatting and entry designation errors published April 26, 2024 (89 Fed. Reg. 32743) in the NPDWRs for five individual per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO–DA, commonly known as GenX Chemicals).

October 30, 2024 (89 Fed. Reg. 45980):

USEPA revised the NPDWR for lead and copper to replace lead and certain galvanized service lines. The final rule removes the lead trigger level, reduces the lead action level, and strengthens tap sampling procedures to improve public health.

CONSOLIDATION OF DOCKETS

The Board finds that consolidating the R25-1 and R25-9 dockets is warranted. Consolidation allows for expedient adoption of all the 2024 USEPA NPDWR amendments. The subject matter of both dockets addresses significant changes to comprehensive Illinois primary drinking water standards.

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds that additional time is needed to complete the amendments in the R25-1 docket. The Board extends the due date for final action until October 30, 2025, the statutory due date for the amendments in the R25-9 docket.

The Board is reviewing the entire text of the public water supply regulations to make needed corrections and harmonize that text with current Board stylistic preferences and stylistic preferences that the Joint Committee on Administrative Rules (JCAR) consistently submits based on our proposed rules. The Board staff member who worked on public water supply updates for nearly 30 years retired and additional training time is required for the new staff member to make the comprehensive changes.

The Board plans to complete the amendments in consolidated docket R25-1/R25-9 on the following schedule:

Proposal adopted date:	July 10, 2025
Publication submission deadline:	July 18, 2025
<i>Illinois Register</i> publication date:	August 1, 2025
End of 45-day public comment period:	September 15, 2025
Adoption date:	October 2, 2025
Possible filing and effective date:	October 10, 2025
Possible <i>Illinois Register</i> publication date:	October 24, 2025

ORDER

The Board directs the Clerk to submit a notice of this order for publication in the *Illinois Register*.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board