

## ILLINOIS POLLUTION CONTROL BOARD

November 6, 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)
	)	(Consolidated)

### ORDER OF THE BOARD (by M. Gibson):

On October 10, 2025, the United States Environmental Protection Agency (USEPA) filed a motion (Mot.) requesting a 45-day extension to submit public comments. In response, on October 22, 2025, the Illinois Environmental Protection Agency (IEPA) filed a response (Resp.) opposing USEPA's request for a 45-day extension and instead requested a shorter 30-day extension to submit public comments. On November 4, 2025, IEPA notified the Board that USEPA concurs with the 30-day extension. Today, the Board grants the request to extend the public comment period for 30 days.

### **APPLICABLE REGULATIONS**

Part 101 of the Board's procedural rules addresses motions for extension of time.

Section 101.522 states, "[i]f a party's motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires." 35 Ill. Adm. Code 101.522.

### **MOTION FOR EXTENSION OF TIME**

USEPA originally sought a 45-day extension of the public comment period due to USEPA's uncertainty about its ability to respond during the federal government shutdown and concerns about the stringency, volume, and complexity of the proposed amendments. Mot. at 1.

In response, IEPA argued that the 45-day extension period requested by USEPA is too long when combined with the previous extensions. Resp. at 4. The IEPA noted that this is an identical in substance (IIS) rulemaking that adopts the federal rules verbatim, without substantive changes. Resp. at 4. Furthermore, IEPA contended that an extension limited to 30-days allows the Board to adopt amendments on January 22, 2026, maintaining the original proposed deadline for adoption of January 30, 2026. IEPA stressed the need for immediate implementation of the proposed amendments and highlights the need to take advantage of the current funding opportunities.

Subsequently, IEPA notified the Board that USEPA concurs on a 30-day extension of the public comment period.

### **BOARD DISCUSSION**

The Board has discretion to determine “good cause” in motions for an extension of time. People of the State of Illinois v. Environmental Health and Safety, Inc., PCB 05-51, slip op. at 3 (April 6, 2006), *citing* Bright v. Dicke, 166 Ill. 2d 204 (1995). In past Board cases, “good cause” has extended to parties gathering additional information and requiring further time to file an amended petition. *See, Silbrico Corp. v. IEPA*, PCB 06-11, slip op. at 1 (Oct. 20, 2005).

The Board recognizes the federal shutdown and acknowledges the need for the USEPA to respond with public comments. The Board finds IEPA’s suggestion to limit the extension to 30 days compelling, given the additional information provided on the potential impact of further delays on both implementation and funding. The Board finds IEPA’s request constitutes “good cause” under 35 Ill. Adm. Code 101.522 to move forward with a 30-day extension, allowing for adoption by the original proposed date of January 30, 2026. The Board agrees that the changes are verbatim from the current federal regulations and that any further delay may interfere with sampling implementation and community water systems’ ability to use available funding opportunities. Therefore, the Board grants the motion to extend the public comment period for 30 days until January 8, 2026.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board