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JUN 12 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PCB

IN THE MATTER OF:)

) R03-21

) (Rulemaking - Public Water Supplies)

AMENDMENTS TO 35 ILL. ADM. CODE)
602.105, 602.106, 602.108, and 602.115)

NOTICE OF FILING

Dorothy Gunn, Clerk
Illinois Pollution Control Board
Suite 11-500
James R. Thompson Center
100 West Randolph Street
Chicago, Illinois 60601

Matthew Dunn, Chief
Environmental Enforcement Division
Illinois Attorney General's Office
James R. Thompson Center
100 West Randolph Street
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Richard McGill
Illinois Pollution Control Board
100 W. Randolph Street
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Stan Yonkauski
Acting Chief Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Dennis L. Duffield
Director, Dept. of Public Works and Utilities
City of Joliet
921 E. Washington Street
Joliet, Illinois 60433

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **COMMENTS** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: *Joey Logan-Wilkey*
Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel

Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

DATED: June 6, 2003

JUN 12 2003

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AMENDMENTS TO 35 ILL. ADM. CODE)
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R03-21

(Rulemaking - Public Water Supplies)

STATE OF ILLINOIS
Pollution Control Board

COMMENTS OF THE ILLINOIS ENVIRONMENTAL AGENCY

The Illinois Environmental Protection Agency ("Illinois EPA") respectfully submits its comments in the above-entitled matter to the Illinois Pollution Control Board ("Board") in response to questions posed by the Board at the May 15, 2003 hearing in this matter.

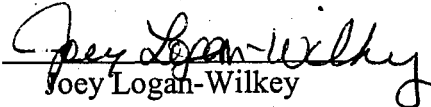
In response to the Board's request for information concerning enforcement cases against public waters supplies that are currently in violation of the radionuclide standard, the Illinois EPA is issuing a Violation Notice ("VN") to each public water supply that is exceeding the radionuclide standard and has not signed a Radionuclide Compliance Commitment that states that the supply will achieve compliance by December 8, 2003. After receiving the VN, a public water supply has the opportunity to enter into a Compliance Commitment Agreement ("CCA"), promising compliance by December 8, 2003. If a public water supply fails to agree to achieve compliance with the radionuclide rule by that date, the Illinois EPA proceeds with an enforcement action against the public water supply. The public water supply then has an opportunity to enter into an enforceable court order that requires compliance with the radionuclide rule by a date certain. The Illinois EPA has entered into a consent order for radionuclide compliance with two public water supplies, and has recently referred three additional public water supplies to the Office of the Attorney General for enforcement. The Illinois EPA and the Office of the Attorney General are currently negotiating consent orders with those three public water supplies. The Illinois EPA has issued Notice of Intent to Pursue Legal Action letters to two public water supplies within the last thirty days, and plans to issue Notice of Intent to Pursue Legal Action

letters to an additional five public water supplies within the next two weeks. The Illinois EPA anticipates the referral of approximately fifty public water supplies by year's end.

Under the proposed amendments that are the subject matter of this rulemaking, only public water supplies who have entered into a CCA or an enforceable court order requiring compliance with the radionuclide standard by a date certain will qualify from the exemption from Restricted Status. Moreover, those supplies will only be exempt from Restricted Status; they will not be exempt from complying with the radionuclide standard. This exemption from Restricted Status will allow those supplies to continue to obtain Illinois EPA construction permits for the expansion of their water systems, and the supplies will only qualify for the exemption so long as they are meeting the interim deadlines contained in the CCA or enforceable court order. In the absence of the proposed amendments, after December 8, 2003, the Illinois EPA would have no choice but to place on restricted status all public water supplies exceeding the radionuclide standard, thereby prohibiting those supplies from obtaining Illinois EPA construction permits for the expansion of their drinking water systems. Those systems will be prohibited from installing new wells or water mains, extending existing water mains, or otherwise expanding their systems unless the Board proceeds with the proposed rulemaking. The Illinois EPA respectfully requests that the Board expeditiously proceed with this rulemaking.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel

Date: June 6, 2003

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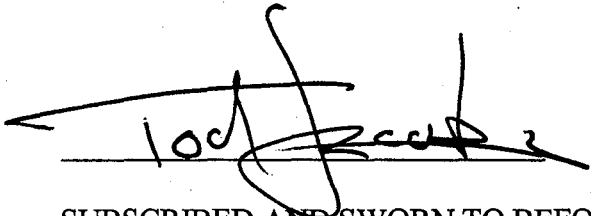
STATE OF ILLINOIS)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Comments of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

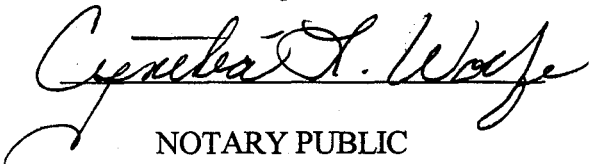
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

and mailing it from Springfield, Illinois on June 6, 2003, with sufficient postage affixed first class mail.

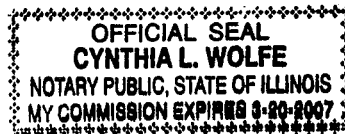


SUBSCRIBED AND SWORN TO BEFORE ME

this 6th day of June, 2003.



NOTARY PUBLIC



R03-21
Service List
May 5, 2003

lname	fname	company	Address	citystate	zip
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