

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2003

IN THE MATTER OF:)
) R04-3
SDWA UPDATE, USEPA AMENDMENTS) (Identical-in-Substance
(January 1, 2003 though June 30, 2003)) Rulemaking - Public Water Supply)

Proposed Rule. Proposal for Public Comment.

OPINION OF THE BOARD (by T.E. Johnson):

The Board today proposes amendments to the Illinois regulations that are “identical in substance” to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement 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), and 300j-4(a) (1994)). This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2003 though June 30, 2003. The substantive amendments involved in this proceeding change the maximum contaminant level (MCL) for arsenic from 0.01 mg/ℓ to 0.010 mg/ℓ.

Sections 7.2 and 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2002)) provide for quick adoption by the Board of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal SDWA. Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2002)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal SDWA regulations are found at 40 C.F.R. 141 through 143.

This opinion supports an order that the Board also adopts today. That order includes the text of the proposed amendments. The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The Board will then adopt and file the final rules, taking into account the public comments received. The rules will be adopted and filed no later than March 25, 2004.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

The following briefly summarizes the federal actions considered in this rulemaking.

Docket R03-1: January 1, 2003 though June 30, 2003 SDWA Amendments

USEPA amended the federal SDWA regulations on one occasion during the period January 1, 2003 though June 30, 2003. This is summarized below:

68 Fed. Reg. 14502 (March 25, 2003)

USEPA made minor clarifying amendments to the January 22, 2001 (66 Fed. Reg. 6976) arsenic rule. It changed the significant digits of the MCL from 0.01 to 0.010 to clarify the standard.

No Later SDWA (Drinking Water) Amendments of Interest

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, the Board has not identified any USEPA actions since June 30, 2003, that further amend the SDWA rules. When the Board observes an action outside the nominal timeframe of a docket that would require expedited consideration in the pending docket, the Board will expedite consideration of those amendments. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible and those for which the Board has received a request for expedited consideration. If the Board identifies any federal actions that fulfill these criteria prior to final action on the present amendments, it may include those amendments in the present update docket R04-3.

No Other Federal Actions Having a Direct Impact on the Illinois SDWA (Drinking Water) Regulations

In addition to the amendments to the federal SDWA regulations, amendments to certain other federal regulations occasionally have an effect on the Illinois drinking water rules. Most notably, 35 Ill. Adm. Code 611.102 includes the incorporation of Appendices B and C of 40 C.F.R. 136 by reference. These are federal Clean Water Act methods for analysis of contaminants in water.

As of the date of this proposal for public comment, the Board has found no amendments to the analytical methods for analysis of contaminants in water in 40 C.F.R. 136. No Board action will be required at this time to update the version of 40 C.F.R. 136 incorporated by reference in Section 611.102 to include the amendments.

Summary Tabulation of the Federal Actions Included in This Docket

March 25, 2003 (68 Fed. Reg. 14502)	Minor clarifying amendments to the January 22, 2001 arsenic rule.
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PUBLIC COMMENTS

The Board will receive public comments on this proposal for 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board will file any adopted rules with the Secretary of State immediately after adoption, but no later than March 25, 2004.

DISCUSSION

The following discussion begins with a description of the types of deviations the Board makes from the literal text of federal regulations in adopting identical-in-substance rules. It is followed by a discussion of the amendments and actions undertaken in direct response to the federal actions involved in this proceeding. This first series of discussions is organized by federal subject matter, generally appearing in chronological order of the relevant *Federal Register* notices involved. Finally, this discussion closes with a description of the amendments and actions that are not directly derived from the federal actions.

Discussion of the Federal Action

Clarified MCL for Arsenic—Sections 611.301, 611.600, 611.611, 611.884 and Appendices A and H to Part 611

On March 25, 2003 (68 Fed. Reg. 14502), USEPA amended the revised MCL for arsenic. USEPA changed the standard from 0.01 mg/ℓ to 0.010 mg/ℓ. USEPA stated that the change in significant digits for the standard clarifies that an arsenic content as high as 0.0149 is not acceptable, as was allowed under the standard of 0.01 mg/ℓ. USEPA adopted the revised arsenic standard on January 22, 2001 (at 66 Fed. Reg. 6976). It becomes effective on January 23, 2006. Persons interested in the details of the federal amendments should consult the *Federal Register* notice of March 25, 2003.

The Board incorporated the March 25, 2003 federal amendments into the Illinois drinking water regulations by revision of the arsenic MCL. The Board was able to make this simple federal correction without deviation from the text of the federal amendments.

The Board requests public comment on the March 25, 2003 federal corrections to the arsenic MCL.

General Revisions and Deviations from the Federal Text

In incorporating the federal rules into the Illinois system, some deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors in the text during these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the Illinois Administrative Code.

The Board updates the citations to the *Code of Federal Regulations* to the most recent version available. As of the date of this opinion, the most recent version of the *Code of Federal Regulations* available to the Board is the July 1, 2003 edition. Thus, we have updated all citations to the 2003 edition, adding references to later amendments using their appropriate *Federal Register* citation, where necessary.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. We changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative clauses; substituted “must” for “shall”; capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may,” “must” is used when an action is required by the rule, without regard to whether the action is required of the subject of the sentence or not. “Shall” is no longer used, since it is not used in everyday language. Thus, where a federal rule uses “shall,” the Board usually substitutes “must.” An exception to this would be that the Board renders such phrases as “no person shall” as “no person may.” This is a break from our former practice where “shall” was used when the subject of a sentence has a duty to do something. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional, with the exception of proscriptive use of may as indicated in the above example. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

The Joint Committee on Administrative Rules (JCAR) has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations—*i.e.*, air, water, drinking water, Resource Conservation and Recovery Act (RCRA) Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” We will continue this conversion in future rulemakings, as additional sections become open to amendment. We will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid in the location of these alterations and to briefly outline their intended purpose. The tables set forth the miscellaneous deviations from the federal text and corrections to the pre-amended base text of the rules in detail. The tables are set forth and explained beginning at page 7 of this opinion. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

Agency or Board Action

Section 7.2(a)(5) of the Act requires the Board to specify portions of the program USEPA over which will retain decision making authority. Based on the general division of functions

within the Act and other Illinois statutes, the Board is also to specify which State agency is to make decisions.

In situations in which the Board has determined that USEPA will retain decision-making authority, the Board has replaced “Regional Administrator” with USEPA, so as to avoid specifying which office within USEPA is to make a decision.

In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the Agency to consider. In determining the general division of authority between the Agency and the Board, the following factors should be considered:

1. Whether the person making the decision is applying a Board regulation, or taking action contrary to a Board regulation--*i.e.*, the decision is effectively granting relief from a Board regulation. It generally takes some form of Board action to grant relief from a Board regulation.
2. Whether there is a clear standard for action such that the Board can give meaningful review to an Agency decision.
3. Whether the action would result in exemption from the permit requirement itself. If so, Board action is generally required.
4. Whether the decision amounts to “determining, defining or implementing environmental control standards” within the meaning of Section 5(b) of the Act. If so, it must be made by the Board.

There are four common classes of Board decisions: variance, adjusted standard, site-specific rulemaking, and enforcement. The first three are methods by which a regulation can be temporarily postponed (variance) or adjusted to meet specific situations (adjusted standard or site-specific rulemaking). There often are differences in the nomenclature for these decisions between the USEPA and Board regulations.

Discussion of Corrective Amendments

The Board has traditionally used the occasion of these identical-in-substance updates to correct segments of the base text of the Illinois regulations. The Board has added to this proceeding a number of corrective amendments to sections of the rules not affected by the underlying federal amendments. These corrections are nearly exclusively non-substantive in effect.

When a necessary minor correction comes to the attention of the Board, Board staff makes a note of the correction, and it is set aside until the next opportunity to make the correction. The next opportunity generally presents itself when the section involved is next opened for amendment as a result of amendments to the corresponding federal text. Over the last few years, the Board has cataloged many changes, but the pace of completing the corrections has been slow, since only a limited number of all the sections involved in the wastewater

pretreatment regulations have been the subject of federal amendments. At the rate at which the Board has been able to make the corrections while restricting attention to opened Sections of the regulations, the Board might never be able to complete the corrections.

The Board is including a number of corrections in this docket. JCAR brought some of the corrections to the attention of the Board. The JCAR-suggested corrections are exclusively non-substantive, and include such things as corrections to spelling, punctuation, typeface, etc. Others of the corrections involve the deletion of past effective dates and obsolete provisions. Some of the effective dates will become past between the date of this order and when the Board intends to file the adopted amendments in February 2004. The overall length of the text of Part 611 involved in this proceeding is slightly more than 250 pages. The Board has reviewed the text of Part 611 in its entirety, and the proposal for public comment includes all corrections that came to the attention of the Board. In the future, as time allows, the Board will open other Parts of Subtitle F relating to drinking water for corrections if federally derived amendments prompt such action.

The Board will not discuss particular corrective amendments in this segment of this discussion. The corrections are each itemized in the table that begins in the next section of this opinion. The Board requests that the Agency, JCAR, and the regulated community review the table and the text of the corrections. The Board requests comment on the corrections. The Board also asks for the assistance of the Agency, JCAR, and the regulated community in this process; the Board requests that they submit suggestions for correction of any errors of which they are aware. The Board will catalog any suggestions relating to parts and sections not already involved in this proceeding for future use.

Discussion of Miscellaneous Housekeeping Amendments

The table below lists numerous corrections and amendments that are not based on current federal amendments. The table (beginning immediately below) includes corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this table are not directly derived from the current federal amendments. Some of the entries in this table are discussed further in appropriate segments of the general discussion beginning at page 3 of this opinion.

**Table:
Board Housekeeping Amendments**

Section	Source	Revision(s)
611 table of contents, 611.331 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.631 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.658 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.680 heading	Board	Added in parentheses “(Repealed)”

Section	Source	Revision(s)
611 table of contents, 611.683 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.684 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.685 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.686 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.687 heading	Board	Added in parentheses “(Repealed)”
611 table of contents, 611.688 heading	Board	Added in parentheses “(Repealed)”
611.101 “approved source of bottled water”	Board	Changed “Section 611.130(e)(4)” to “Section 611.130(d)(4)”
611.101 “approved source of bottled water” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “CT _{99,9} ” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “GWS” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “inactivation ratio” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “inorganic contaminants”	Board	Added the missing reference to “arsenic”
611.101 “inorganic contaminants” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “MFL” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “mixed system” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “radioactive contaminants” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “reliably and consistently” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “special irrigation district” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 “SWS” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

Section	Source	Revision(s)
611.101 “wellhead protection program” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.101 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.102(a) “Membrane Filter . . . Agar”	JCAR	Changed italic “ <i>Escherichia coli</i> ” to “Escherichia coli”
611.102(a) “Readycult Coliforms . . . Test”	JCAR	Changed italic “ <i>Escherichia coli</i> ” to “Escherichia coli”
611.102(b) “Advanced Polymer Systems”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.102(b) “Bran & Luebbe”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition (twice)
611.102(b) “EM Science” “Chromocult Coliform . . . Waters”	JCAR, Board	Changed italic “ <i>Escherichia coli</i> ” to “Escherichia coli”; moved the comma inside the closing quotation mark after “Waters”
611.102(b) “EM Science” “Readycult Coliform . . . Waters”	JCAR, Board	Changed italic “ <i>Escherichia coli</i> ” to “Escherichia coli”; moved the comma inside the closing quotation mark after “Waters”
611.102(b) “ERDA Health and Safety Laboratory”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.102(b) “Lachat Instruments”	JCAR, Board	Moved the comma inside the closing quotation mark after “analysis”
611.102(b) “NTIS” “Kelada . . . Thiocyanate”	JCAR, Board	Moved the comma inside the closing quotation mark after “Waters”; corrected the spelling of “Kaleda” to “Kelada”
611.102(b) “NTIS” “Technical Notes on . . . Methods” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.102(c)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.110(e)(2)(E)	Board	Removed “and unregulated . . . 611.648)”
611.110(g) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition (five times)
611.125	Board	Placed commas before and after “reported as F” to offset it as a parenthetical; changed “mg/l” to “mg/ℓ”
611.126(a)	Board	Removed the past effective date “after June 19, 1986”
611.126 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(a)	Board	Removed the obsolete provision of former subsection (a); renumbered former subsection (b) to subsection (a)

Section	Source	Revision(s)
611.130(a) Board note	Board	Changed “subsection (b)” to “subsection (a)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(b)	Board	Renumbered former subsection (c) to subsection (b)
611.130(b) Board note	Board	Changed “subsection (c)” to “subsection (b)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(c)	Board	Renumbered former subsection (d) to subsection (c)
611.130(c) Board note	Board	Changed “subsection (d)” to “subsection (c)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(d)	Board	Renumbered former subsection (e) to subsection (d)
611.130(d) Board note	Board	Changed “subsection (e)” to “subsection (d)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(e)	Board	Renumbered former subsection (f) to subsection (e)
611.130(e) Board note	Board	Changed “subsection (f)” to “subsection (e)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.130(f)	Board	Renumbered former subsection (g) to subsection (f); removed the parenthetical past effective date “(effective December 8, 2003)”
611.130(f) Board note	Board	Changed “subsection (g)” to “subsection (f)””; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.211(b)	Board	Corrected “site specific” to hyphenated “site-specific”
611.211(b)(6)	Board	Removed the obsolete provision of former subsection (b)(6)
611.211 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; placed the edition date in parentheses
611.211 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.230(a)	Board	Removed the obsolete parenthetical reference “and is subject . . . December 30, 1991” and its offsetting comma
611.230(b)	Board	Removed the obsolete parenthetical reference “or December 30, 1991, whichever is later” and its offsetting comma
611.230(c)	Board	Changed “determines” to past-tense “determined”; changed “must meet” to past-tense “must have met”
611.230(d)	Board	Removed the obsolete parenthetical reference “or after June 29, 1993, whichever is later” and its offsetting comma

Section	Source	Revision(s)
611.230 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.232(f)	Board	Removed “MCL”; removed the obsolete “the supplier must . . . until December 31, 2001”; removed the obsolete parenthetical “after December 31, 2001” and the offsetting comma
611.232 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.240(e)	Board	Changed “must have” to past-tense “must have provided”
611.240(f) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.241(a)	JCAR, Board	Changed “values” to singular “value” (twice)
611.241 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.242(c)(1)	Board, JCAR	Changed the ending period to a semicolon to separate the variable definitions (three times)
611.242 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.250 preamble	Board	Changed “must provide” to past-tense “must have provided”
611.250 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.276(b)	Board	Changed “must notify” to past-tense “must have notified”
611.276 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.290(c)	Board	Changed “611.130(e)” to “611.130(d)”
611.290 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.301(d) preamble	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.301(c) “mercury”	Board	Removed the parenthetical symbol “(≤)”; changed the symbol “≤” with written “less than or equal to” (twice)
611.301(d) note 3	JCAR	Removed the second appearance of the duplicate note
611.301 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

Section	Source	Revision(s)
611.310 preamble	Board	Removed the definite article “the” from before “MCLs”; added the statement “they are additional State requirements”; removed the statement “compliance with the MCL . . . pursuant to Subpart P of this Part”; removed the table column headed “additional state requirement”; removed the subsection designations and subsection Board notes; removed the obsolete entry for “TTHM”; combined all remaining entries into a single table
611.310 Board note	Board	Added an explanatory Board note
611.311(a) preamble	Board	Removed the unnecessary statement “the MCLs . . . effective January 17, 1994”
611.311(c) preamble	Board	Removed the unnecessary statement “the MCLs . . . effective January 17, 1994”
611.311 Board note	Board, JCAR	Added an explanatory Board note, corrected “C.F.R.” to “CFR”
611.330(d)	Board	Removed the obsolete parenthetical “effective December 8, 2003” and its offsetting comma
611.330(e)	Board	Removed the obsolete parenthetical “effective December 8, 2003” and its offsetting comma
611.330(f)	Board	Removed the obsolete parenthetical “effective December 8, 2003” and its offsetting comma; removed the obsolete parenthetical “beginning December 8, 2003” and its offsetting comma; removed the obsolete statement “compliance . . . before December 8, 2003”
611.330 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.331 heading	Board	Added in parentheses “(Repealed)”
611.331	Board	Repealed the obsolete provision
611.351(b)	JCAR	Corrected the spelling “criteriaspecified” to “criteria specified”
611.351(b)(3)(B)	JCAR	Changed “must complete” to past-tense “must have completed”
611.351(d)(1)	Board	Changed “must conduct” to past-tense “must have conducted”
611.351(d)(2)	Board	Changed “must complete” to past-tense “must have completed”
611.351(d)(3)	Board	Changed “must approve” to past-tense “must have approved”
611.351(d)(4)	Board	Changed “must install” to past-tense “must have installed”
611.351(d)(5)	Board	Changed “must complete” to past-tense “must have completed”

Section	Source	Revision(s)
611.351(d)(6)	Board	Changed “must review” to past-tense “must have reviewed”
611.351 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.354(b)(3)	JCAR	Corrected the spelling of “regardi-ng” to “regarding”
611.354(d)(1)(D)	Board	Moved the ending period inside the closing quotation mark after “time”
611.354 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(3)(A) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(3)(B) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(3)(C) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(3)(D) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(3)(E) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(A)(i) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(A)(ii) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(A)(iii) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(A)(iv) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(B)(i) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(B)(ii) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(B)(iii) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(a)(4)(C) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356(d)(2)(A)	Board	Changed “must monitor” to past-tense “must have monitored”; changed “the date . . . 611.351(d)(5)” to “January 1, 1998”
611.356(d)(2)(B)	Board	Changed “must monitor” to past-tense “must have monitored”; changed “the date . . . 611.351(e)(6)” to “36 months after . . . 611.351(e)(6)”
611.356(d)(2)(C)	Board	Changed “must monitor” to past-tense “must have monitored”; changed “the date . . . 611.353(a)(4)” to “36 months after . . . 611.353(a)(4)”

Section	Source	Revision(s)
611.356(d)(4)(D)	Board	Added a comma before "unless the Agency . . ." to offset a parenthetical
611.356(d)(4)(H) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.356 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.358(c)	Board	Changed "the deadline . . . 611.353(a)(4)" to "36 months after . . . 611.353(a)(4)"
611.358 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.360(a)(2)(A)	Board	Changed "commences after April 11, 2000" to past-tense "commenced after April 11, 2000"
611.360 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.600 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition (twice)
611.601(d)(2)	Board	Removed the obsolete parenthetical past effective date "(effective February 22, 2002)"
611.601 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.609(a)	Board	Removed the obsolete parenthetical past effective date "(effective January 22, 2004)"; removed the obsolete parenthetical past effective date "effective January 22, 2004" and the offsetting comma
611.609(b)	Board	Removed the obsolete parenthetical past effective date "(effective January 22, 2004)"; removed the obsolete parenthetical past effective date "effective January 22, 2004" and the offsetting comma
611.609 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.611(a)(12)(E)	JCAR	Corrected the spelling of "Kaleda" to "Kelada"
611.611(b)	Board	Removed the obsolete parenthetical past effective date "(effective January 22, 2004)"
611.611(b)(1)(C)	Board	Changed numeric "6" to written "six"
611.611(b)(2)(C)	Board	Changed numeric "6" to written "six"
611.611(b)(4)(C)	Board	Changed numeric "6" to written "six"
611.611 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.631 heading	Board	Added in parentheses "(Repealed)"
611.631	Board	Repealed the obsolete provision
611.640 "old MCL"	Board	Removed the obsolete statement "and those . . . TTHM"

Section	Source	Revision(s)
611.640 “old MCL” Board note	Board	Moved the ending period inside the closing quotation mark after “SOCs”
611.640 “Phase II SOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.640 “Phase IIB SOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.640 “Phase V SOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.640 “Phase I VOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.640 “Phase II VOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.640 “Phase V VOCs” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.645 preamble	Board	Changed “old organic MCLs” to the defined term “old MCLs”
611.645 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.646(a)	Board	Corrected the indent level of the definitions (three times); removed the blank line that separated the Board note from its associated definition (twice)
611.646(a) “detection limit” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.646(a) “method detection limit” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.646(c) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.646(g) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.646(j)	JCAR, Board	Corrected “mixedsystem” to hyphenated “mixed-system”
611.646(j) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition (twice)
611.646(o)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.646(o)(1)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.646(o)(2)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.646(o)(3)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.646(o)(4)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma

Section	Source	Revision(s)
611.646(o)(5)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.646(o)(6)	Board	Removed the obsolete provision
611.646(o)(7)	Board	Removed the obsolete provision
611.646(r)	Board	Replaced the obsolete provision with an explanatory statement
611.646 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.648(c) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.648(k)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(1)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(2)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(3)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(4)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(5)	Board	Removed the obsolete parenthetical past effective date “effective January 22, 2004” and the offsetting comma
611.648(k)(6)	Board	Removed the obsolete provision
611.648(k)(7)	Board	Removed the obsolete provision
611.648(n)	Board	Replaced the obsolete provision with an explanatory statement
611.648	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.658 heading	Board	Added in parentheses “(Repealed)”
611.658	Board	Repealed the obsolete provision
611.680 heading	Board	Added in parentheses “(Repealed)”
611.680	Board	Repealed the obsolete provision
611.683 heading	Board	Added in parentheses “(Repealed)”
611.683	Board	Repealed the obsolete provision
611.684 heading	Board	Added in parentheses “(Repealed)”
611.684	Board	Repealed the obsolete provision
611.685 heading	Board	Added in parentheses “(Repealed)”
611.685	Board	Repealed the obsolete provision
611.686 heading	Board	Added in parentheses “(Repealed)”
611.686	Board	Repealed the obsolete provision
611.687 heading	Board	Added in parentheses “(Repealed)”
611.687	Board	Repealed the obsolete provision
611.688 heading	Board	Added in parentheses “(Repealed)”

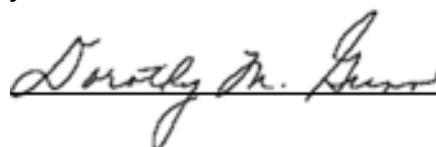
Section	Source	Revision(s)
611.688	Board	Repealed the obsolete provision
611.731(a)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.731(b)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.731(c)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.731(d)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.731(e)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.731(f)	Board	Removed the obsolete provision
611.731(g)	Board	Removed the obsolete provision
611.731(h)	Board	Removed the obsolete provision
611.731(i)	Board	Removed the obsolete provision
611.731 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; removed the obsolete statement “subsections (f) . . . until December 8, 2003”
611.732(a)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(b)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(c)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(d)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(e)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(f)	Board	Removed the obsolete parenthetical past effective date “effective December 8, 2003” and the offsetting comma
611.732(g)	Board	Removed the obsolete provision
611.732(h)	Board	Removed the obsolete provision
611.732(i)	Board	Removed the obsolete provision
611.732(j)	Board	Removed the obsolete provision
611.732(k)	Board	Removed the obsolete provision
611.732 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; removed the obsolete statement “subsections (f) . . . until December 8, 2003”
611.733 preamble	Board	Removed the obsolete effective date statement “the following . . . December 8, 2003”
611.733 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

Section	Source	Revision(s)
611.742(a)(1)(B)	Board	Changed the reference to the repealed provision “611.680” to “former 611.680”
611.742(a)(1)(C)	Board	Changed the reference to the repealed provision “611.680” to “former 611.680”
611.742(a)(2)(B)	Board	Changed the reference to the repealed provision “611.680” to “former 611.680”; changed the reference to the repealed provision “611.685” to “former 611.685”
611.742(a)(2)(C)	Board	Changed “has not collected” to past-tense “had not collected”
611.742(a)(2)(C)(i)	Board	Changed the reference to the repealed provision “611.680” to “former 611.680”; changed the reference to the repealed provision “611.685” to “former 611.685”
611.742(a)(5)(A)	Board	Changed the reference to the repealed provision “611.685” to “former 611.685”
611.742(a)(5)(B)	Board	Changed the reference to the repealed provision “611.685” to “former 611.685”
611.742(a)(6)	Board	Changed symbolic “≥” to written “greater than or equal to” (twice)
611.742 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.882(c)(1)	Board	Removed the obsolete past effective date to change “no later than April 1, 2000, and . . . annually thereafter” to “no later than by April 1 annually”
611.882 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.883(d)(4)(D) Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.883(f)(3)	JCAR	Changed “Sections . . . or 611.354” to singular “Section . . . or 611.354”
611.883 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.884(e)	Board	Changed the reference to the repealed provision “611.680” to “former 611.680”
611.884 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.954 Board note	JCAR, Board	Added “from” after “derived”; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

Section	Source	Revision(s)
611.957(a)(3)	Board	Removed the parenthetical “as follows” and the offsetting comma; changed the ending colon to a period; removed the two obsolete subsections that differentiated system size for the purposes of a past effective date “January 1, 2004”
611.957 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.Appendix A “total coliform bacteria”	Board, JCAR	Added the missing words “collects 40” before “or more”; changed “sample” to plural “samples”
611.Appendix A Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.Appendix F, ¶ 4	Board	Removed obsolete footnote marking “11”; removed obsolete footnote marking “12”
611.Appendix G, ¶ 1	Board	Removed obsolete footnote marking “14”; removed the obsolete reference to repealed “611.680”; removed the obsolete reference to repealed “611.688”
611.Appendix G, note 7	Board	Removed the obsolete explanation of past effective dates “most of the requirements . . . 10,000 persons”; removed the obsolete explanation of past effective dates “However, . . . currently effective”; removed the obsolete past effective date statement “even after 2002”
611.Appendix G, note 11	Board	Replaced the obsolete note explaining a past effective date with an explanatory statement
611.Appendix G, note 12	Board	Replaced the obsolete note explaining a past effective date with an explanatory statement
611.Appendix G, note 13	Board	Removed the obsolete explanation of past effective dates “that serves . . . or more”; removed the obsolete explanation of past effective dates “all other . . . January 1, 2004”; replaced the obsolete past effective date statement “must comply . . . MRDL” with the conjunction “or” to unite effectiveness statements; removed the obsolete past effective dates reference “beginning January 1, 2004”
611.Appendix G, note 14	Board	Replaced the obsolete note explaining a past effective date with an explanatory statement
611.Appendix G Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.Appendix G Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.Appendix H, ¶ 79	Board	Removed obsolete footnote marking “17”
611.Appendix H, ¶ 80	Board	Removed the obsolete MCL “0.10”; removed the unnecessary virgule “/”; removed the obsolete footnote marking “19”

Section	Source	Revision(s)
611.Appendix H, note 17	Board	Replaced the obsolete note explaining a past effective date with an explanatory statement
611.Appendix H, note 19	Board	Replaced the obsolete note explaining a past effective date with an explanatory statement
611.Appendix H Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
611.Table Z preamble	Board	Changed “the federal MCLs” to “the various federal NPDWRs”
611.Table Z “Consumer Confidence . . .”	Board	Added entry for federal rule
611.Table Z “Interim Enhanced . . .”	Board	Added entry for federal rule
611.Table Z “Public Notification Rule”	Board	Added entry for federal rule
611.Table Z “Public Notification Rule”	Board	Added entry for federal rule
611.Table Z “Disinfection/Disinfectant . . .”	Board	Changed “Disinfection/disinfectant byproducts” to capitalized “Disinfection/Disinfectant Byproducts Rule”; changed “141.64 & 141.65” to “141.64, 141.65 & 141, Subpart L”
611.Table Z “Long Term 1 . . .”	Board	Added entry for federal rule

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion on December 18, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board