

ILLINOIS POLLUTION CONTROL BOARD
June 21, 1990

IN THE MATTER OF:)
)
SAFE DRINKING WATER ACT) R88-26
REGULATIONS) (Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA public water supply rules adopted pursuant to the federal Safe Drinking Water Act (SDWA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of the federal rule. Unless the Board extends the time based on a finding that the time is insufficient and stating the reasons for delay. On August 31, 1989, the Board first entered an Order extending the time.

The Board estimated that the rules would be adopted during December, 1989. However, the Illinois Environmental Protection Agency (Agency) requested an extension of the public comment period. The Board granted the extension, and, on January 11, 1990, entered a second extension of time Order.

On May 24, 1990, the Board entered a final Opinion and Order, which provided a post-adoption comment period until June 22, 1990. On June 6, 1990, the Agency requested an extended post-adoption comment period, until July 23, 1990. On June 7, 1990, the Board entered an Order extending the post-adoption comment period through July 17, 1990.

Many of the USEPA rules involved date back to December 24, 1975, long before the mandates of Sections 7.2 and 17.5 of the Act. It is impossible to literally comply with the time requirements with respect to initial adoption of an already ongoing federal program.

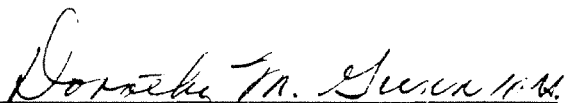
As noted in the August 31, 1989, Order, the USEPA SDWA rules are in 40 CFR 141 et. seq. These have been the subject of numerous recent amendments, involving two major amendments on June 29, 1989 (54 Fed. Reg. 27526 and 27562). As is discussed in the May 24 Opinion, there were few substantive differences between the USEPA and Board rules prior to that date. The Board has adopted rules corresponding with USEPA rules through June 30, 1989, and regards June 29, 1990, as the practical due date of

this rulemaking. Thus, the only reason for delay is that the Board is waiting for the Agency's post-adoption comments. Unless the comments require major revision of the proposal, the Board anticipates that it will be able to adopt a final correcting Order on July 19, 1990.

The Board directs that these reasons for delay be published in the Illinois Register pursuant to Section 7.2 of the Act.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of JUNE, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board