

From: Mike McCambridge
To: CONLEY, Erin
Date: 6/26/2007 11:58:57 AM
Subject: Re: JCAR questions in 611

R07-2/11

As ever, I appreciate all pointers that result in the correction of errors in the text. I outline my response below to each item in the JCAR questions you forwarded to me on June 4. I use blue font to distinguish my responses from the original JCAR question or comment.

I have added your e-mail to me that forwarded the JCAR questions as PC 1 in consolidated docket R07-2/R07-11, and I will have this response added as an attachment to PC 1.

1. ToFC - strange underscoring in your version of Subpart Z.

I have made the necessary corrections. It appears that I highlighted all the changes that I made, then failed to take the second step which would have been to underline the new text before inserting it into the base.

2. 101 - "Sanitary survey" last 2 lines - PCB had "the distributing safe drinking water"; JCAR added "the distributing of safe drinking water". Should it be "the distribution of distributing safe drinking water"?

Reviewing the text in light of the JCAR comment, I have changed the definition so that this segment appears as a combination of the two federal definitions that "to evaluate the adequacy of the system, its sources, and operations for the production and distribution of safe drinking water. As stated in the appended Board note, the definition is a combination of the existing definition at 40 CFR 141.2 and the definition added to the state primacy requirements at 40 CFR 142.16(o). USEPA appears to have copied from the 141.2 definition but to have missed the "producing" segment of the text. Thus, the wording in 141.2 appears as "for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water." Added 142.16(o) renders this as "to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water." The language of the new federal definition at 142.16(o) appears incomplete. It was this that prompted the text that I put in the proposal.

3. 102.USEPA Method 1600 - "membrane-Enterococcus" or "Membrane-Enterococcus"?

I have corrected the capitalization of "Enterococcus" in Section 611.102(a) and (b) (two occurrences).

4. 102 USEPA Method 515.4, revision 1.0 has "Liquid-Liquid" USEPA Method 552.3, Revision 1.0 has "liquidliquid"; Sec. 381(b)(1)(A)(ii) has "liquid/liquid".

I had already corrected "liquidliquid" to "liquid-liquid" in Section 611.102(b), since that is how the words appear in the method title. I have now further changed "liquid/liquid" to "liquid-liquid" in Section 611.381(b)(1)(A)(iii), (b)(1)(B)(i), and (b)(1)(B)(iii) for consistency, even though note 1 to the table at 40 CFR 141.131(b)(1), from which this text directly derives, has "liquid/liquid."

5. 381(b)(2)(C)&(D); 922(a)(2)(B) - check restructuring.

I have re-examined the State and corresponding federal texts. I do not find structural error.

So far as I can see, Section 611.381(b)(2)(C) corresponds with the table to 40 CFR 141.131 (b)(2)(iii), with subsections (b)(2)(C)(i) through (b)(2)(C)(xi) corresponding with the eleven lines in the federal table that have acceptance limits, and subsections (b)(2)(C)(xi) and (b)(2)(C)(xii) corresponding with the two "comments" in column three of the table relating to TTHM and HAA5, respectively. Section 611.281(b)(2)(D) corresponds exactly with the table to 40 CFR 141.131(b)(2)(iv), with subsections (b)(2)(D)(i) through (b)(2)(D)(xi) corresponding with the eleven lines in the federal table that have minimum reporting levels, and subsections (b)(2)(D)(xi) and (b)(2)(D)(xii) corresponding with notes 1 and 2 to the table. The two comments in that second federal table pertaining to chlorite and bromate were appended to subsections (b)(2)(D)(x) and (b)(2)(D)(xi), respectively. Finally Section 611.922(a)(2)(B) and (a)(2)(B)(i) through (a)(2)(B)(vii) correspond exactly with 40 CFR 141.602(a)(2)(ii) and (a)(2)(ii)(A) through (a)(2)(ii)(H) exactly as I had intended when I assembled them into the text.

I did note errors in the numbering of subsections (b)(1)(A)(xi) through (b)(1)(A)(xv), which I have corrected.

Thus, if the structural error to which JCAR refers is not the numbering errors noted above, I do not see the problem that this JCAR comment attempts to address. Perhaps more information is necessary to enlighten me.

6. 381(d)(6) - does not exist in our database nor in your website ("Statutes, Legislation, and Regulations").

I have corrected the error and underlined the entire text of the new subsection. It appears that I highlighted all the changes that I made, then failed to take the second step which would have been to underline the new text before inserting it into the base.

7. 802(a)(4)(A) - in a number of places in this rulemaking, JCAR believes PCB may have used the CFR section number when it should have used the 611 Section number, e.g., this one. I may not be able to catch them all and would suggest you do a word search to make sure the number used is the correct one. If JCAR is incorrect, PCB should make it clear that it is the CFR you're referencing.

802(a)(4)(B)(i), 802(c)(2)(A) Board Note, 911(a)&(b), 1018(b)

I have corrected the citations to "Section 141.21(a)" at Section 611.802(a)(4)(A) and (a)(4)(B)(i) to "Section 611.521."

I have corrected the citation to "Section 141.21(f)(1) or (f)(2)" at the Board note to Section 611.802(c)(2)(A) to "Section 611.526(a) or (b)."

I have corrected the citations to "Section 141.203(a)" at Section 611.911(a) and (b) to "Section 611.903(a)."

I have corrected the citations to "Section 141.174 or Section 141.560" at Section 611.1018(b) to "Section 611.744 or 611.956(a)."

I have additionally located and corrected the citation to "Section 141.2" at Section 611.1000(b)(1) to "Section 611.102."

I have additionally located and corrected the citations to "Section 141.172" at Section 611.1009(c)(2) to "Section 611.742."

8. 803(b)(3)(A)(i) - use "serves a population of more than 3,300 people" rather than "serving greater than 3,300 people"?

I have changed this to read "more than 3,300 people."

9. 973(a)(1),(2),(3) - why use "may"?

In Section 611.973(a)(1), "may not qualify" is prohibitive, so the use of may remains. I have changed "may qualify" to "qualifies" in each of the following subsections (a)(2) through (a)(13), since fulfillment of the conditions in each of the subsections actually results in qualification, rather than in the possibility for qualification.

10. 1000(c)(1) - "GWUDI" is not a defined term.

USEPA uses the abbreviation "GWUDI" throughout the Ground Water Rule without formally defining the term. The use of the abbreviation seemed needless, so I substituted "groundwater under the direct influence of surface water" wherever it appeared in the rules. This is one that I missed. I have corrected the omission and made the substitution in Section 611.100(c).

11. 1015(b)(2) and (b)(2)(A) - "Pre filtration" and "presedimentation". Inconsistent.

I have corrected "pre filtration" to hyphenated "pre-filtration" in Section 611.1015(b)(2). "Pre-filtration" and "presedimentation" are not inconsistent. Their use in Section 611.1015(b)(2) and (b)(2)(A) in the proposal directly follows the corresponding use in the subheading and third entry in the table to 40 CFR 141.715(b).

Presedimentation is one approach in the group "pre-filtration" tools available to the supplier. The problem is that "pre" itself is never a word; it is a prefix. Thus, it is necessary to hyphenate its conjunction with "filtration."

12. 1019(c)&(d) - "direct influent" or "direct influence"?

I corrected "direct influent" to "direct influence" in each of Section 611.1019(c) and (d).

13. 1021(f)(5)(B) - "daily max" or "daily maximum"?

I have changed "daily max," which appears in the table to 40 CFR 141.721(f), to "daily maximum" in corresponding Section 611.1021(f)(5)(B).

14. Tables H&I - what does "(mg•min/l)" mean?

The product of disinfectant residual concentration (mg/l) and contact time (min) results in a product residual concentration-time (mg•min/l). (mg/l x min = (mg/l)•min = mg•min/l) The symbol "•" is a standard technical symbol for multiplication. Thus, mg•min/l are legitimate standard units in the context of Tables H and I to Part 611, and they are

presented in the standard scientific format. The units follow the text of corresponding 40 CFR 141.720(b)(1) and (b)(2), from which they derived.

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
312-814-6924