

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PUBLIC WATER SUPPLIES:) R18-17
PROPOSED NEW 35 ILL. ADM)
CODE 604 AND AMENDMENTS.) (Rulemaking- Water)
TO 35 ILL. ADM CODE PARTS 601,)
602, 607 AND 611)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board ILLINOIS EPA'S RESPONSES TO BOARD'S NOVEMBER 15, 2017, PREFILED QUESTIONS a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Rex L. Gradeless
Rex L. Gradeless
Assistant Counsel
Division of Legal Counsel

Date: November 15, 2017

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THIS FILING IS SUBMITTED ELECTRONICALLY AND SERVED ON RECYCLED PAPER

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ILLINOIS EPA’S RESPONSES TO BOARD’S NOVEMBER 15, 2017, PREFILED QUESTIONS

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, (“Illinois EPA” or “Agency”) by and through its counsel, and for its responses to the Pollution Board’s November 15, 2017, prefiled questions, states as follows:

- 1) On November 15, 2017, the Board prefiled questions before the second hearing scheduled for November 16, 2017.
- 2) The Agency herein responds to those prefiled questions and said responses are attached hereto as Exhibit A.

Wherefore, the Illinois EPA respectfully submits its responses to the Board’s prefiled questions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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EXHIBIT A – AGENCY’S RESPONSE TO BOARD’S PREFILED QUESTIONS TO SECOND HEARING (NOVEMBER 16, 2017).

2. In response to Capt. Curry’s recommendation, IEPA states that the contaminant of concern list is part of current IEPA permitting. IEPA Resp. at 8. Please comment whether the regulations should include a Board Note directing an owner or operator of a CWS to IEPA’s website for this list.

AGENCY’S RESPONSE:

The Agency does not believe this is necessary. Additionally, references to a website, which may from time to time be updated without going through the administrative rulemaking process, could run afoul of the Administrative Procedures Act. *See* 5 ILCS 100.

3. IEPA’s response states that the 60-minute minimum contact time is based upon Capt. Curry’ 5 “Method A”. IEPA Resp. at 1 1 . Please clarify whether Method A accounts for the baffling factor as required by the rule.

AGENCY’S RESPONSE:

The baffling factor is separate from the 60-minute contact time and both are used to determine the CT value for inactivation of pathogens. *See also* Illinois EPA’s Response to Michael D. Curry’s Second Prefiled Testimony, comment number 3.

4. IEPA cites and proposes to incorporate by reference “Improving Clearwell Design for CT Compliance, Gil F. Crozes and James F. Hagstrom (Carollo Engineers); Mark M. Clark, Joel Ducoste, Catherine Bums (University of Illinois); AWWA Research Foundation, 1999.” Would IEPA provide a copy of this document for incorporation?

AGENCY’S RESPONSE:

The Agency will supply this to the Board.

5. IEPA proposes requiring alarm capability instead of automatic shut-down controls. Please comment on the actions that must be taken by the owner or operator of a CWS when the residual chlorine alarm is triggered; and also please comment on whether the rules should specify such response actions.

AGENCY’S RESPONSE:

The operator should investigate and remedy the cause of the alarm. It is anticipated that alarm set points will be above the minimum chlorine residual requirement to allow the operator flexibility to respond. Remedies and response actions will vary and should be left to the community water supply in consultation with the Agency.

6. IEPA responds that “alkali chemical” in subsection (b)(5) addresses calcium hydroxide and sodium bicarbonate. IEPA Resp. at 1 1 . These chemicals are already covered by subsections (b)(7) and (b)(9). Considering this, please comment whether “alkali chemical” can be deleted from Section 604.900(b). Also, please comment on whether IEPA’ S recommendation to replace “alkali chemical” with “calcium hydroxide” causes any confusion since that chemical is already listed under subsection (b)(7).

AGENCY’S RESPONSE:

See Illinois EPA’s Response to Michael D. Curry’s Second Prefiled Testimony, comment number 4, at page 7, for a redraft of this proposed section.

7. Regarding specific safety standards and installation requirements, IEPA defers to the appropriate state and federal agencies. IEPA Resp. at 1 5-1 6. Please comment whether it would be appropriate to add a Board Note providing some guidance on sources of appropriate guidance on safety.

AGENCY’S RESPONSE:

The Agency does not believe a Board note to be necessary. These types of requirements are beyond the scope of the Agency’s expertise. Further, this kind of advisory note, in a State regulation, may rule afoul of the Administrative Procedures Act. *See* 5 ILCS 100.

CERTIFICATE OF SERVICE

Rex L. Gradeless, Assistant Counsel for the Illinois EPA, herein certifies that he has served a copy of the foregoing NOTICE OF FILING, and ILLINOIS EPA'S RESPONSES TO BOARD'S NOVEMBER 15, 2017, PREFILED QUESTIONS, upon persons listed on the Service List, by placing a true copy in an envelope duly addressed bearing proper first class postage in the United States mail at Springfield, Illinois on November 15, 2017, or by sending an email from my email account (Rex.Gradeless@Illinois.Gov) to the email addresses designated below with the following attached as a 6 page PDF document in an e-mail transmission on or before 5:00 pm on November 15, 2017.

By: /s/Rex L. Gradeless

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SERVICE LIST

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