

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: PC for R18-17
Date: Wednesday, May 22, 2019 12:43:49 PM

Good afternoon, Mr. Clerk:

Please docket this forwarded email correspondence as a public comment in R18-17.

If you have any questions, please let me know. Thank you.

Richard R. McGill, Jr.
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Senior Attorney for Research & Writing
richard.mcgill@illinois.gov
(312) 814-6983

From: McGill, Richard
Sent: Wednesday, May 22, 2019 12:39 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-17: proposed technical changes

Good afternoon, Jonathan:

Second notice in docket R18-17 is on the agenda for tomorrow's Board meeting. Below, you'll find our responses (in bold font) to your questions, which are repeated for your convenience.

Part 601:

1. Either:

a.

- i. In line 316, strike "(ANSI)".
- ii. In line 318, delete "(ASME)".

b. OR

- i. In line 321, reinstate "(ASTM)".
- ii. In line 324, after "Association" add "(AWWA)".
- iii. In line 327, after "International" add "(NSF)".

Accept (b).

2. In line 347, after "76-16" add a comma.

Accept.

3. In line 351, change "C361-16" to "C 361-16".
Accept.

4. In line 354, change "C443-12" to "C 443-12".
Accept.

5. In line 362, after "1785-15" add a comma.
Accept.

6. In line 370, after "2464-15" add a comma.
Accept.

7. In line 374, after "2466-15" add a comma.
Accept.

8. In line 377, after "2467-15" add a comma.
Accept.

9. In line 380, after "2564-12" add a comma.
Accept.

10. In line 384, after "3139-11" add a comma.
Accept.

11. In line 387, after "437-15" add a comma.
Accept.

12. In line 391, after "438-15" add a comma.
Accept.

13. In line 395, after "439-13" add a comma.
Accept.

14. Question: In line 396, is there a more specific date than "August 2013" that can be given?
Yes, we'll use "August 1, 2013".

15. In line 399, after "441M-15" add a comma.
Accept.

16. In line 403, after "442M-13" add a comma.
Accept.

17. In line 407, after "477-14" add a comma.
Accept.

18. In line 410, after "493-14" add a comma.
Accept.

19. In line 414, after "1216-16" add a comma.

Accept.

Part 602:

1. In lines 116 and 121, delete "will" and reinstate "shall".

To be consistent across subsections (a) and (b) and Board regulations generally, we'll replace "will" with "must".

2. In line 139, delete "will" and reinstate "must".

Accept. See #1.

3. Question: In line 142, can we qualify "may"? As in "...may require a pilot study if required for adequate proof"?

Accept as follows: "When necessary for adequate proof, the Agency may require the applicant to conduct a pilot study."

4. In line 144, delete "will" and reinstate "shall".

We'll replace "will" with "must". See #1.

5. In line 154, delete "will" and reinstate "must".

Accept.

6. In line 179, delete "will" and reinstate "must".

Accept.

7. In line 507, change "or" to ("of" or "on")?

We'll replace "or" with "of".

Part 604:

1. We noticed a fair amount of inconsistency in when measurement numbers are expressed in words or Arabic numerals (e.g., 40 feet vs forty feet). Possible to standardize?

Decline. Part 604 reflects the Board's practice, which fosters readability. That practice is to spell out the words for numbers zero through ten while using digits for numbers over ten. This practice has exceptions, such as not starting a sentence with digits. Further, when necessary for precision, measurements, clarity, or concision, the Board uses digits for numbers zero through ten. For example, the table at lines 2269-73 refers to gravel depths such as "5 to 8 inches"; this table would not be improved by repeatedly spelling out the words for these numbers.

2. In lines 558, 833 and 836, could you please change "the effective date of this Part" to a specific date?

Decline. We would like the rules to become effective as soon as possible. At this stage of the rulemaking, we cannot predict when the Board will be

able to file its adopted rules with the Secretary of State. Nor does this rulemaking record provide support for setting an effective date later than the date of filing with the Secretary of State. However, the Board opened rulemaking docket R18-26 specifically to make non-substantive clarifications and corrections to its Subpart F public water supplies rules. That rulemaking, which has not yet proceeded to first notice, is a better vehicle for adding a specific effective date.

3. In line 853, *which* sample must be submitted to a lab for analysis? The first or second sample or both? (That raises another tangential question which may clarify: does analysis destroy the sample or multiple labs analyze the same sample for purposes of replication? If it does destroy the sample, then you wouldn't need to clarify because of course you'd be sending the 2nd sample...).

Analysis of both samples must be performed by a certified laboratory. Specifically, a CWS using groundwater must collect and analyze one sample per well each month. The analysis must be performed by a certified laboratory. If any one of these routine samples tests positive, the CWS must collect and analyze another sample. This confirmation sample also must be submitted to a certified laboratory for analysis. To clarify that the same requirement applies to both samples, we'll revise lines 853-54 as follows, using the same text that appears in lines 848-49: "The analysis sample must be performed by submitted to a certified laboratory for analysis."

4. In lines 1489-1490, 1393[1493], and 1495, "the effective date" means the effective date of what? This Part? Could you please use a specific date?

Lines 1489-90, 1493, and 1495 should refer to the effective date "of this Part", which we'll add. Regarding a specific effective date, please see #2.

5. In line 1814, should "as provided in subsection (c)" (or, as we published it, "recommended in subsection (c)") be clarified?

The "velocities and flows" are stated in subsection (c) and do not require restatement in subsection (e). We'll revise line 1814 to reflect JCAR's text: "flows recommended as provided in subsection (c) will be maintained."

6. Could the wording/structure of lines 2060-2061 be clarified?

Yes, as follows:

10) Settler units Provisions must accommodate: be made to allow the water level to be dropped, and

A) A water or air jet system for cleaning their tubes or plates; and

B) Dropping their water level to allow cleaning with the system identified in subsection (b)(10)(A) the settler

units.

7. We found lines 2291-2292 confusing. Clarify?

Accept: “provide the ratio of the area of the strainer systems’ final openings of the strainer systems to the area of the filter at about 0.003;”.

8. In lines 2478 and 2506, delete "plant".

Decline. Including “plant” in lines 2478 and 2506 is correct. At line 2478, Section 604.615(b) is based on Section 4.3.6 of the 2012 Edition of the Recommended Standards for Water Works published by the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (Recommended Standards), of which Illinois is a member. Section 4.3.6 of the Recommended Standards refers to a final filter design based on pilot *plant* studies. At line 2506, Section 604.620(b) is based on Section 4.3.7 of the Recommended Standards, which also refers to a final filter design based on pilot *plant* studies. The Recommended Standards are incorporated by reference in Section 601.115.

9. In Section 604.990 [604.900], do you wish to repeat the incorporations by reference already made in Part 601? The cross-references should be sufficient.

In Section 604.900 (lines 2811-2994), the cross-references to documents incorporated by reference in Part 601 or 611 suffice. Incorporating those materials by reference again here in Part 604 is unnecessary.

10. In 604.1005(f), the GPM measurement in (f)(1) has only one significant digit while those in (f)(2) and (3) have two. Is this difference intended?

Section 604.1005(f) (lines 3125-34) is based on flow rates in Section 4.6.6 of the Recommended Standards. Section 4.6.6 establishes the treatment flow rate with a single significant digit and the backwash flow and regeneration rates with two significant digits. This difference did not trigger any testimony or comment during the Board’s rulemaking.

11. In 604.1410(b)(1): Are the full names of PVC, PVCO, CPVC, PE required or can they just be referred to via abbreviations here?

Using the full names with the abbreviations is especially helpful here as this section concerns materials and this subsection concerns plastic pipe.

12. 604.1410(b)(2)(A)(ii) and (iii): Do you wish these to be date-specific? The others aren't.

Yes, but the references to the two standards lacking dates should have dates. Proposed Section 601.115 incorporates AWWA C900-07 and ASTM D 2241-09. We’ll amend the references to the standards at 604.1410(b)(2)(A)(i) and (iv) (lines 4461 and 4467) to include these dates.

13. 604.1510(b)(1)(B): Could you please define Environmental Resource Training Center?

The Environmental Resources Training Center (ERTC) is the training arm

of the State programs involving water treatment and distribution. IEPA cited the Sewage and Water System Training Institute Act (110 ILCS 530) as the source of ERTC and its authority. IEPA has an agreement with ERTC to administer cross connection control device inspection training and testing. Though this rulemaking record does not provide support for crafting a definition of ERTC, we'll add a citation to the Sewage and Water System Training Institute Act at line 4979: "Training Center [110 ILCS 530]".

14. 604.1510(b)(3)(D): "...any rules thereunder" Any in particular, or the entire set of EPA rules?

Any rule adopted under the Environmental Protection Act. To clarify this and eliminate legalese, we'll amend lines 5023-24 as follows: "Willful violation of the Environmental Protection Act or any rule adopted under it rules thereunder".

Part 611:

1. In line 186, after "for" add "Maximum".
Accept.

2. In 611.1002(a)(2)(A), the URL no longer works. Replace?
Yes, with <http://www.epa.gov/safewater/disinfection/lt2/>

If you have any other questions, please let me know.

Best regards,

Richard

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, October 18, 2018 4:27 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-17: proposed technical changes

Richard –

Apologies for getting these to you so late. Here's our preliminary list of questions/requests:

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12. 604.1410(b)(2)(A)(ii) and (iii): Do you wish these to be date-specific? The others aren't.
13. 604.1510(b)(1)(B): Could you please define Environmental Resource Training Center?
14. 604.1510(b)(3)(D): "...any rules thereunder" → Any in particular, or the entire set of EPAct rules?

Part 611:

1. In line 186, after "for" add "Maximum".
2. In 611.1002(a)(2)(A), the URL no longer works. Replace?

Thanks so much for your consideration. This will hopefully be the last set of questions from me on these rulemakings, but Murphy's Law hasn't yet been repealed. ☺

Jonathan

Part 602:

- 1.

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