**Section 611.100 Purpose, Scope, and Applicability**

a) This Part satisfies the mandate in Section 17.5 of the Environmental Protection Act (Act) requiring the Board to adopt regulations that are identical in substance with federal regulations the United States Environmental Protection Agency (USEPA) adopted under Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4(a)).

b) This Part establishes primary drinking water regulations (NPDWRs) under SDWA. This Part also includes additional State requirements that are consistent with and more stringent than the USEPA regulations (Section 7.2(a)(6) of the Act). The Board marked the latter provisions as "additional State requirements". These additional State requirements apply only to CWSs.

BOARD NOTE: This subsection (b) derives from 40 CFR 141.1.

c) This Part applies to suppliers, owners and operators of PWSs, and persons affecting the quality of water the public consumes from suppliers or PWSs. PWSs include CWSs, non-CWSs, and NTNCWSs, as Section 611.101 defines these terms.

1) A CWS must obtain a permit from the Illinois Environmental Protection Agency (Agency) under 35 Ill. Adm. Code 602.

2) A non-CWS supplier is subject to additional rules of the Illinois Department of Public Health (Public Health or DPH) under Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9], including 77 Ill. Adm. Code 900.

3) A non-CWS supplier needs not obtain a permit or other approval from the Agency or file reports or other documents with the Agency. Any provision in this Part requiring a non-CWS supplier to obtain a permit or approval or file reports or other documents requires the non-CWS supplier to obtain the comparable form of permit or approval from or file the comparable report or other document with Public Health.

4) Any person introducing pipes, pipe or plumbing fittings, or fixtures, solder, or flux into commerce or installing or repairing a facility providing water for human consumption using these items must comply with Section 611.126.

BOARD NOTE: Section 611.126, requiring lead-free pipes, fittings, fixtures, solder, and flux for drinking water, applies to persons other than suppliers and PWSs.

d) This Part applies to a PWS, unless the PWS meets these conditions:

1) The PWS consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

2) The PWS obtains all of its water from but is not owned or operated by a supplier to which apply this Part, 40 CFR 141, or the comparable rules of a sister state that USEPA authorized under 40 CFR 142;

3) The PWS does not sell water to any person; and

4) The PWS is not a carrier conveying passengers in interstate commerce.

BOARD NOTE: This subsection (d) derives from 40 CFR 141.3. The text of 40 CFR 141.3 is nearly identical to section 1411 of SDWA (42 U.S.C. 300g). On December 23, 2003 (at 68 Fed. Reg. 74233), USEPA changed its policy relating to section 1411. USEPA determined that a property owner not otherwise subject to SDWA national primary drinking water standards "submeters" water, and does not "sell" water within the meaning of section 1411(3), if the property owner meters water to tenants on its property and bills the tenants for the water. USEPA charged the State with determining whether water is "submetered" or "sold" in a particular situation. USEPA stated that eligibility for exclusion requires that the owner obtain water from a regulated water system. USEPA gave factors to aid the State's determination: the property has a limited distribution system with no known backflow or cross-connection issues; the majority of the plumbing is within a structure, rather than in the ground; and property ownership is single or within an association of owners. USEPA cited apartment buildings, co-ops, and condominiums as examples of eligible properties. USEPA does not intend that the policy apply to a large distribution system, one serving a large population, or one serving a mixed commercial and residential population. USEPA cited "many military installations/facilities" and large mobile home parks as examples of systems to which the policy would not apply.

BOARD NOTE: Generally, Section 17.12 of the Environmental Protection Act (Act) [415 ILCS 5/17.12] concerns lead in drinking water supplies. The Board recognizes that Section 17.12 of the Act might include provisions that are more stringent than some provisions in this Part. Section 17.12(mm) of the Act [415 ILCS 5/17.12(mm)] provides that "[t]he Agency may propose to the Board, and the Board may adopt, any rules necessary to implement and administer this Section [17.12 of the Act]." When the Agency files a rulemaking proposal with the Board under Section 17.12(mm) of the Act, the Board will conduct a general rulemaking to update this Part as appropriate.

(Source: Amended at 47 Ill. Reg. 16486, effective November 2, 2023)