**Section 611.130 Special Requirements for Certain Variances and Adjusted Standards**

a) Relief from the Fluoride MCL

1) When granting any variance or adjusted standard to a CWS supplier from the maximum contaminant level for fluoride in Section 611.301(b), the Board will require the supplier to apply the BAT identified in subsection (a)(4) as a condition to the relief, unless the supplier demonstrates through comprehensive engineering assessments that applying BAT is not technically appropriate and technically feasible for that supplier.

2) If the Board does not require the supplier to apply BAT, the Board will require specific conditions for relief from the fluoride MCL:

A) The supplier must continue investigating certain methods as alternative means of significantly reducing the fluoride level on a definite schedule:

i) Modifying lime softening;

ii) Alum coagulation;

iii) Electrodialysis;

iv) Anion exchange resins;

v) Well-field management;

vi) Using alternative sources of raw water; and

vii) Regionalization; and

B) The supplier must report results of its investigations to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard under Subpart I of 35 Ill. Adm. Code 101 if the Agency determines that an alternative method the supplier identified under subsection (a)(2) is technically feasible and would result in a significant reduction in fluoride.

4) Two processes are BAT for fluoride:

A) Activated alumina absorption centrally applied; and

B) Reverse osmosis centrally applied.

BOARD NOTE: This subsection derives (a) from 40 CFR 142.61.

b) Relief from an IOC, VOC, or SOC MCL

1) A CWS or NTNCWS must first apply the appropriate BAT for the contaminant before the Board may grant any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC in Section 611.311(a) or (c) or any IOC in Section 611.301, unless the supplier demonstrates through comprehensive engineering assessments that applying BAT would achieve only a minimal and insignificant reduction in the contaminant level.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a) for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b), which corresponds with Section 611.311(b).

2) The Board may require any of certain conditions in any relief from an MCL in Section 611.301 or 611.311:

A) The supplier must continue investigating alternative means for complying on a definite schedule; and

B) The supplier must report results of its investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, under Subpart I of 35 Ill. Adm. Code 101 if the Agency determines that an alternative method the supplier identified under subsection (b)(2) is technically feasible.

BOARD NOTE: This subsection (b) derives from 40 CFR 142.62(a) through (e).

c) Conditions Requiring Use of Bottled Water, a Point-of-Use Treatment Device, or a Point-of-Entry Treatment Device. When granting any variance or adjusted standard from the MCLs for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, a point-of-entry treatment device, or a point-of-use treatment device to avoid an unreasonable risk to human health, limited as subsections (d) and (e) provide.

1) Relief from an MCL. When granting a variance or adjusted standard from an MCL in Section 611.301 or 611.311, the Board may impose a condition requiring a supplier to use bottled water, a point-of-entry treatment device, a point-of-use treatment device, or other means to avoid an unreasonable risk to human health.

2) Relief from Corrosion Control Treatment. When granting an adjusted standard from the corrosion control treatment requirements for lead and copper under Sections 611.351 and 611.352, the Board may impose a condition requiring a supplier to use bottled water, a point-of-use treatment device, or other means but not a point-of-entry treatment device to avoid an unreasonable risk to human health.

3) Relief from Source Water Treatment or Replacing Service Lines. When granting an exemption from the source water treatment and lead service line replacement requirements under Section 611.353 or 611.354, the Board may impose a condition requiring a supplier to use a point-of-entry treatment device to avoid an unreasonable risk to human health.

BOARD NOTE: This subsection (c) derives from 40 CFR 142.62(f).

d) Using Bottled Water. A supplier proposing to use or using bottled water as a condition for receiving a variance or an adjusted standard from requirements in Section 611.301 or 611.311 or an adjusted standard from requirements in Sections 611.351 through 611.354 must comply with either subsections (d)(1), (d)(2), (d)(3), and (d)(6) or (d)(4), (d)(5), and (d)(6).

1) The supplier must develop a monitoring program for Board approval providing reasonable assurances that the bottled water meets all MCLs in Sections 611.301 and 611.311, and the supplier must describe this program in its petition. The description must demonstrate how the supplier will comply with this subsection (d).

2) The supplier must monitor representative samples of the bottled water for all contaminants under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, then annually after that.

3) The supplier must annually provide the results of its monitoring to the Agency.

4) The supplier must receive a certification from the bottled water company:

A) That the supplier provides bottled water from an approved source of bottled water, as Section 611.101 defines;

B) That the approved source of bottled water monitors as 21 CFR 129.80(g)(1) through (g)(3) require; and

C) That the bottled water does not exceed any MCLs or quality limits in 21 CFR 110, 129, and 165.110.

5) The supplier must provide the certification subsection (d)(4) requires to the Agency during the first quarter after it begins supplying bottled water then annually after that.

6) The supplier must provide sufficient quantities of bottled water to every affected person the supplier serves via door-to-door bottled water delivery.

BOARD NOTE: This subsection (d) derives from 40 CFR 142.62(g).

e) Using a Point-of-Entry Treatment Device. Before the Board grants any PWS a variance or adjusted standard from an NPDWR, including a condition requiring use of a point-of-entry treatment device, the supplier must demonstrate certain facts to the Board:

1) That the supplier will operate and maintain the device;

2) That the device protects human health equivalent to central treatment;

3) That the supplier will maintain the microbiological safety of the water at all times;

4) That the supplier has standards for performance, conducted a rigorous engineering design review, and field tested the device;

5) That operating and maintaining the device will account for any potential for increased concentrations of heterotrophic bacteria resulting from using activated carbon by backwashing, post-contactor disinfection, and heterotrophic plate count monitoring;

6) That buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to ensure protecting all consumers; and

7) That using the device will not cause increased corrosion of lead- and copper-bearing materials between the device and tap that could increase contaminant levels at the tap.

BOARD NOTE: This subsection (e) derives from 40 CFR 142.62(h).

f) Relief from the Maximum Contaminant Levels for Radionuclides

1) Relief from the Maximum Contaminant Levels for Combined Radium-226 and Radium-228, Uranium, Gross Alpha Particle Activity (Excluding Radon and Uranium), and Beta Particle and Photon Radioactivity

A) For relief equivalent to a federal section 1415 variance or section 1416 exemption, Section 611.330(g) lists what USEPA identifies as BAT, treatment techniques, or other means for complying with the MCLs for the radionuclides in Section 611.330(b), (c), (d), and (e).

B) For relief equivalent to a federal section 1415 variance or section 1416 exemption for a small system, defined here as one serving 10,000 persons or fewer, Section 611.330(h) lists what USEPA identifies as BAT, treatment techniques, or other means available for complying with the MCLs for the radionuclides listed in Section 611.330(b), (c), (d), and (e), in addition to the technologies in Section 611.330(g) for issuing relief equivalent to a federal section 1415 small system variance or a section 1416 exemption.

2) As a condition for relief equivalent to a federal 1415 variance or section 1416 exemption, the Board will require a CWS supplier to install and use any treatment technology in Section 611.330(g) or 611.330(h) for a small system serving 10,000 persons or fewer, except as subsection (f)(3) provides otherwise. If the supplier cannot meet the MCL after installing the treatment technology, the supplier is eligible for relief.

3) If a CWS supplier demonstrates by comprehensive engineering assessments, which may include pilot plant studies, that the treatment technologies identified in this Section would only achieve a de minimis reduction in the contaminant level, the Board may issue a schedule of compliance requiring the system to examine other treatment technologies as a condition of obtaining relief equivalent to a federal section 1415 variance or section 1416 exemption.

4) If the Agency determines that a treatment technology identified under subsection (f)(3) is technically feasible, the Agency may request that the Board require the supplier to install and use that treatment technology on a compliance schedule under Section 36 of the Act. The Agency must base its determination on the supplier's studies and other relevant information.

5) To avoid unreasonable risk to human health, the Board may require a CWS supplier to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of relief equivalent to a federal section 1415 variance or a section 1416 exemption from requirements in Section 611.330.

6) A CWS supplier using bottled water as a condition to relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330 must comply with subsection (d)(6) and either subsections (d)(1) through (d)(3) or (d)(4) and (d)(5).

7) A CWS supplier using point-of-use or point-of-entry devices as a condition to relief equivalent to a federal section 1415 variance or a section 1416 exemption from the radionuclides NPDWRs must meet the conditions in subsections (e)(1) through (e)(6).

BOARD NOTE: This subsection (f) derives from 40 CFR 142.65.

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