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**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

**TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
PART 304  
EFFLUENT STANDARDS**

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Appendix A References to Previous Rules

**AUTHORITY:** Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

**SOURCE:** Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53 effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective

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March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291 effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 22 Ill. Reg. 687, effective December 31, 1998, amended in \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 2002).

BOARD NOTE: This Part implements the Illinois Environmental Protection Act of July 1, 1994.

#### **Section 304.120 Deoxygenating Wastes**

Except as provided in Section 306.103, all effluents containing deoxygenating wastes shall meet the following standards:

- a) No effluent shall exceed 30 mg/l of five day biochemical oxygen demand (BOD<sub>5</sub>) (STORET number 00310) or 30 mg/l of suspended solids (STORET number 00530), except that treatment works employing three stage lagoon treatment systems which are properly designed, maintained and operated, and whose effluent has a dilution ratio no less than five to

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one or who qualify for exceptions under subsection (c) shall not exceed 37 mg/l of suspended solids.

- b) No effluent from any source whose untreated waste load is 10,000 population equivalents or more, or from any source discharging into the Chicago River System or into the Calumet River System, shall exceed 20 mg/l of BOD5 or 25 mg/l of suspended solids.
- c) No effluent whose dilution ratio is less than five to one shall exceed 10 mg/l of BOD5 or 12 mg/l of suspended solids, except that sources employing third-stage treatment lagoons shall be exempt from this subsection (c) provided all of the following conditions are met:
  - 1) The waste source qualifies under one of the following categories:
    - A) Any wastewater treatment works with an untreated waste load less than 2500 population equivalents, which is sufficiently isolated that combining with other sources to aggregate 2500 population equivalents or more is not practicable.
    - B) Any wastewater treatment works in existence and employing third-stage treatment lagoons on January 1, 1986, whose untreated waste load is 5000 population equivalents or less and sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
    - C) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less, which has reached the end of its useful life by January 1, 1987, and is sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
    - D) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less which has reached the end of its useful life and which has received an adjusted standard determination from the Board that it qualifies for a lagoon exemption. Such a Board determination will only be made in an adjusted standard

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proceeding, held in accordance with Section 28.1 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 ½, par. 1028.1) and applicable procedures set forth by 35 Ill. Adm. Code 106.

- i) In an adjusted standard proceeding the Board may determine that the petitioning wastewater treatment source qualifies for a lagoon exemption if the wastewater treatment works proves that it is so situated that a land treatment system is not a suitable treatment alternative. Factors relevant to a suitability finding may include the following: cost; influent character; geographic characteristics; climate; soil conditions; hydrologic conditions; and the availability of irrigable land.
  - ii) For the purposes of this subsection (D), a land treatment system is a wastewater treatment system which does not directly discharge treated effluent to waters of the State but instead uses the treated effluent to irrigate terrestrial vegetation
- 2) The lagoons are properly constructed, maintained and operated;  
and
  - 3) The deoxygenating constituents of the effluent do not, alone or in combination with other sources, cause a violation of the applicable dissolved oxygen water quality standard.
- d) No effluent discharged to the Lake Michigan basin shall exceed 4 mg/l of BOD<sub>5</sub> or 5 mg/l of suspended solids.
  - e) Compliance with the numerical standards in this Section shall be determined on the basis of the type and frequency of sampling prescribed by the NPDES permit for the discharge at the time of monitoring.
  - f) For the purposes of this Section, useful life is the period of time during which it is cost effective to operate and maintain a particular wastewater treatment works under consideration. At a minimum, the following

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factors relating to a wastewater treatment works shall be considered in a determination of its useful life:

- 1) Structural and operational condition of components;
  - 2) Past operations and maintenance record;
  - 3) Cost for continued use; and
  - 4) Description and costs for treatment alternatives.
- g) Compliance with the BOD<sub>5</sub> numerical standard in Section 304.120 for Publicly Owned Treatment Works, Publicly Regulated Treatment Works or other domestic sewage treatment works will be determined by the analysis of 5 day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (STORET number 80082). Effluent from the treatment works subject to the requirements of Section 304.120(a) shall not exceed 25 mg/L CBOD<sub>5</sub>.

(Source: Amended at 13 Ill. Reg. 7754, effective May 4, 1989, amended in \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 2002).