

ILLINOIS POLLUTION CONTROL BOARD  
September 16, 2008

IN THE MATTER OF: )  
)  
PROPOSED SITE SPECIFIC RULE FOR ) R09-8  
CITY OF SPRINGFIELD, ILLINOIS, ) (Site Specific Rulemaking - Water)  
OFFICE OF PUBLIC UTILITIES, CITY )  
WATER, LIGHT and POWER and )  
SPRINGFIELD METRO SANITARY )  
DISTRICT FROM 35 ILL. ADM. CODE )  
302.208(g): NEW 35 ILL. ADM. CODE )  
303.446 )

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On August 29, 2008, the City of Springfield (City), Office of Public Utilities, City Water, Light and Power (CWLP) and Springfield Metro Sanitary District (District), (collectively, Springfield) filed a proposal for site-specific rulemaking pursuant to Section 28 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2006)). The proposal (Prop.) seeks to establish an alternative water quality standard for boron from the discharge point at the Spring Creek Sanitary Treatment Plant (Spring Creek STP) to the Sangamon River to its confluence with the Illinois River and 100 yards downstream from the confluence in the Illinois River. Springfield also filed motions requesting the Board to waive the requirement for 200 signatures on the petition and to expedite consideration of the petition. *See* 415 ILCS 5/28 (2006); 35 Ill. Adm. Code 102.202(g) and 101.512. The Board has received no responses to the motions and pursuant to Section 101.500(d), any objection to the granting of the motions is deemed waived. 35 Ill. Adm. Code 101.500(d).

In this order, the Board accepts the proposal for hearing, grants the motion to waive signature requirement and the motion for expedited consideration. The Board therefore directs the first-notice publication of the proposal without comment on the proposal's merits.

**PROPOSAL**

The proposal seeks an alternative water quality standard for boron in four creek or river sections from the Spring Creek STP to the Illinois River. Prop. at 1, 3. The alternative water quality standard is requested to allow the District to accept a pretreated industrial effluent stream from CWLP's power station. Prop. at 2. The operation of air pollution equipment at CWLP's power plant causes elevated concentrations of boron in the effluent that is proposed to be sent to the Spring Creek STP. *Id.* CWLP's power plant is a critical power supplier for the City and surrounding communities and the alternative water quality standard is necessary to enable CWLP to operate the power plant in compliance with CWLP's national pollutant discharge elimination system (NPDES) permit. *Id.*

The proposal states that treatment of the effluent to meet the general use water quality standard for boron is neither technically feasible nor economically reasonable and alternatives to the site-specific rule would have a significant economic impact on CWLP and the customers of CWLP. Prop. at 2. The proposal opines that the site-specific rule will not harm aquatic life in the waters downstream or have a negative impact on the current use of the receiving waters. *Id.*

### **DISCUSSION**

The Board finds that the petition meets the content requirements of 35 Ill. Adm. Code 102.208 and 102.210 and is accepted for hearing. However, a review of the proposal reveals that Springfield did not address the applicability of, or provide the information requested in, the “published study or report” requirement of Section 102.210(c). 35 Ill. Adm. Code 102.210(c); *see also* 35 Ill. Adm. Code 102.210(g). The Board requests that Springfield address Section 102.210(c), or its inapplicability, in writing, prior to any hearing scheduled in this proceeding or at such other time as directed by the hearing officer.

The Board grants the motion to waive the signature requirement of Section 102.202(g) and the motion to expedite the review. The Board will attempt to expedite consideration of this rulemaking consistent with the Board’s available resources. To that end, the Board today sends to first notice the proposal without commenting on the merits of the proposal. The Board also directs the hearing officer to set this matter for hearing as soon as practicable.

### **ORDER**

The Board directs the Clerk to cause the publication of the following rule for first notice in the *Illinois Register*.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE-SPECIFIC WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section	
303.200	Scope and Applicability

303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	Secondary Contact and Indigenous Aquatic Life Waters
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters

#### SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS

Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage
303.321	Wabash River Temperature
303.322	Unnamed Tributary of the Vermilion River
303.323	Sugar Creek and Its Unnamed Tributary
303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
303.331	Mississippi River North Temperature
303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
303.446	<u>Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge</u>

#### SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
303.501	Lake Sangchris Thermal Discharges
303.APPENDIX A	References to Previous Rules
303.APPENDIX B	Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS

##### Section 303.446      Springfield Metro Sanitary District Spring Creek Treatment Plan Boron Discharge

The general use water quality standard for boron set forth in Section 302.208(g) shall not apply to waters of the state that receive discharge from Outfall 007 of the Spring Creek Treatment Plant located at 3017 North 8<sup>th</sup> Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in such waters must meet the water quality standard for boron as set forth in this section:

1. 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007 to 182 yards downstream from the confluence of Spring Creek with the Sangamon River;
2. 4.5 mg/L from 182 yards downstream of the confluence of Spring Creek with the Sangamon River to the confluence of Salt Creek with the Sangamon, a distance or 39.0 river miles;
3. 1.6 mg/L from the confluence of Salt Creek with the Sangamon River to the confluence of the Sangamon River with the Illinois River, a distance of 36.1 river miles; and

4. 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the confluence of the Sangamon River to 100 yards downstream of the confluence of the Illinois River with the Sangamon River.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 18, 2008, by a vote of 4-0.



---

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board