

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: FW: R18-23 (Register issue 20)
Date: Tuesday, January 17, 2023 10:27:44 AM
Attachments: [35-304 JCAR Sugg Chgs.pdf](#)
[image001.png](#)
[35-304RG-P r01.pdf](#)

Good morning, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-23.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Tuesday, January 17, 2023 10:14 AM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-23 (Register issue 20)

Good morning, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 304 changes emailed to me on May 26, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605

richard.mcgill@illinois.gov (312) 814-6983



From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, May 26, 2022 1:36 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-23 (Register issue 20)

Richard –

Attached are suggested first notice changes for the PCB rules published in Issue 20 of the *Illinois Register*. A few notes:

1. USC vs. U.S.C. – Kim changed these to U.S.C. at publication to comply with the style guide. I understand that we've been changing U.S.C. to USC for years now and that the Board can't turn on a dime and easily reverse all of those earlier changes. JCAR's position is that we should make sure that the references in current and future rulemakings say U.S.C. but that having several residual USCs hanging about in the Code until their Sections are reopened shouldn't cause too much confusion.
2. IAC citations: We appreciated the initiative to make IAC citations more precise. Citations to other Parts should be preceded by "35 Ill. Adm. Code". However, across the Code the convention is for internal cross-references to refer to Section ###.### rather than to use the longer format. In the changes proposed, we did our best to standardize this.
3. Subsection headings: Although the convention in the CFR is for a subsection heading to capitalize only the first word and end with a period, the convention in the IAC is to use title case and no punctuation (unless the text of the subsection starts on the same line of the heading, in which case a period is added).
4. We've made a number of suggested changes to further clarify and simplify the language in these Parts in the spirit of the Board's initiative. Many of these would have been unilaterally made by Vicki at publication, but JCAR's current approach is much more collaborative. If we have been too aggressive in our proposals, please don't feel obliged to accept them.
5. Moving forward, especially on the really big rulemakings, would it be possible for the Board to submit revisions in predraft form first? That would enable changes to phrases that occur quite frequently without the need for individually written amendments (the number of proposals we've made for Part 307 is somewhat exceptional, and I imagine neither agency really relishes the prospect of similar lists...).

Thanks in advance for your consideration. Please let me know if you have any questions or concerns.

All the best,

Jonathan

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, May 26, 2022 1:36 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-23 (Register issue 20)

Richard –

Attached are suggested first notice changes for the PCB rules published in Issue 20 of the *Illinois Register*. A few notes:

- 1) USC vs. U.S.C. – Kim changed these to U.S.C. at publication to comply with the style guide. I understand that we've been changing U.S.C. to USC for years now and that the Board can't turn on a dime and easily reverse all of those earlier changes. JCAR's position is that we should make sure that the references in current and future rulemakings say U.S.C. but that having several residual USCs hanging about in the Code until their Sections are reopened shouldn't cause too much confusion.
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Thanks in advance for your consideration. Please let me know if you have any questions or concerns.

All the best,

Jonathan

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

Board staff responses and related changes (1/17/23) appear in bold, red font below.

SUGGESTED FIRST NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Effluent Standards (35 Ill. Adm. Code 304; 46 Ill. Reg. 7213)

Changes:

1. In line 112, strike "to" and add "into".
Agree.
2. In line 113, strike "site specific" and add "site-specific".
Agree.
3. In line 113, strike "not of general applicability" and add "that are not generally applicable".
Disagree as "general applicability" is a broadly recognized term of art. See 5 ILCS 100/1-70; 415 ILCS 5/28.1; 35 Ill. Adm. Code 102, Subpart B.
4. In line 127, strike the second "from".
Agree.
5. In line 129, delete "35 Ill. Adm. Code 304" and reinstate "this Part".
Agree.
6. In line 130, strike "to" and add "into".
Agree.
7. In line 131, strike "state" and add "State".
Agree.
8. In line 132, after "reasonableness" add a comma.
Agree.
9. In line 135, strike "any" and add "a".
Agree.
10. In line 138, after "housekeeping" add a comma.
Agree.

11. In line 144, strike "measurement" and add "measurements".
a. Disagree. Strike “measurement of contaminant concentrations”.
b. In line 145, after “standards” add “, contaminant concentrations”. Strike “made” and add “measured”.
12. In line 145, strike "made" and add "taken".
Disagree. See No. 11(b).
13. In line 146, after "unless" add "the Agency designates".
Agree.
14. In line 147, strike "is designated by the Agency". **a. Agree.** Strike the comma. **b. Agree.**
c. Strike “consideration of” and add “considering”.
15. In line 148, after "necessary" add a comma.
Agree.
16. In line 156, delete "35 Ill. Adm. Code 304" and reinstate "this Part".
Agree.
17. In line 156, strike "upon" and add "on".
Agree.
18. In line 157, strike "which" and add "that".
Agree.
19. In line 159, strike "regulations" and add "rules".
Agree.
20. In lines 162-163, strike "in excess of" and add "greater than".
Agree.
21. In line 163, strike "and".
Agree.
22. In line 164, strike "utilized" and add "used".
Agree.
23. In lines 164-165, strike "that is the source of" and add "creating". [or "releasing"?]
Disagree as “source” is used throughout the Environmental Protection Act’s Title III and the Board’s water pollution rules. Strike “source of the” and after “waste” add “source”.
24. In line 172, delete "35 Ill. Adm. Code 304 must", reinstate "this Part", and add "must".
Agree.

25. In line 172, strike "on the basis of" and add "based on".
Agree.
26. In line 198, strike "of interpretation of" and add "for interpreting".
Agree.
27. In lines 199 and 201, delete "35 Ill. Adm. Code 304" and reinstate "this Part".
Agree.
28. In line 203, strike "condition" and add "conditions".
Agree.
29. In line 213, delete "35 Ill. Adm. Code" and reinstate "this Part".
Agree.
30. In line 215, strike "which" and add "that".
Agree.
31. In line 216, delete "35 Ill. Adm. Code 304" and reinstate "this Part".
Agree.
32. In line 221, strike "on the basis of" and add "based on".
Agree.
33. In line 222, after "reasonableness" add a comma.
Agree.
34. In line 228, change "35 Ill. Adm. Code" to "this" and reinstate "Part".
Agree.
35. In line 239, strike "five day" and add "5-day".
Disagree. Strike "five day" and add "five-day".
36. In lines 241-242, strike "three stage" and add "three-stage".
Agree.
37. In line 249, strike "into".
Agree.
38. In line 293, strike "the purposes of".
Agree.
39. In line 294, strike "which" and add "that".
Agree.
40. In line 295, strike "to" and add "into the".

Agree.

41. In line 308, strike "on the basis of" and add "based on".
Agree.
42. In line 311, strike "the purposes of".
Agree.
43. In line 312, strike "cost effective" and add "cost-effective".
Agree.
44. In line 319, strike "record" and add "records".
Agree.
45. In lines 325 and 326, strike "5 day" and add "5-day".
a. Disagree. Strike "five day" and add "five-day".
b. In line 365, strike "which" and add "that".
46. In line 365, strike "to" and add "into".
Agree.
47. In line 366, after "System" add a comma.
Agree.
48. In line 379, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree.
b. In line 388, strike "which" and add "that".
49. In lines 391-392, change "35 Ill. Adm. Code" to "Section".
Agree.
50. In line 408, after "physical" add a comma.
Disagree as "physical and chemical characteristics" is a phrase in the series.
51. In line 415, strike "the purposes of".
Accept. Add a comma after "Section".
52. In line 416, strike "low level" and add "low-level". **a. Agree.** Strike "free flowing" and add "free-flowing". **b. Agree.**
c. Strike "which" and add "that".
53. In line 417, strike "which" and add "that".
Agree.
54. In line 425, after "by" add "their".
Accept. Strike "permit" and add "permits".

55. In line 464, strike "which" and add "that".
Agree.
56. In lines 465-466, strike "with respect to" and add "for".
Agree.
57. In lines 469-470, strike "with respect to such growth" and add "concerning that growth".
Disagree. Strike "with respect to such" and add "based on".
58. In line 481, strike "mg/l" and add "mg/L".
Agree.
59. In line 496, strike "flowrates" and add "flow rates".
Agree.
60. In line 497, strike "prior to" and add "before".
Agree.
61. In lines 506-507, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
62. In line 515, change "35 Ill. Adm. Code" to "Section".
Agree.
63. In line 525, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
64. In lines 528-529, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
65. In line 543, strike "cross referencing" and add "cross-referencing".
Agree.
66. In the table after line 544, strike "SECTION(S)" and add "SECTIONS".
Agree.
67. In lines 556-557, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
68. In line 569, strike "waste water" and add "wastewater".
Agree.
69. In line 571, after "zinc" add a comma.
Agree.

70. In line 584, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
71. In line 596, strike "application of" and add "applying".
Agree.
72. In lines 596-597, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
73. In line 600, after "reasonableness" add a comma.
Agree.
74. In line 606, reinstate "an".
Agree.
75. In line 617, strike "application of" and add "applying".
Agree.
76. In lines 617-618, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
77. In line 621, strike "whereby" and add "by which".
Agree.
78. In line 622, after "limits" add "the". After "and" add "the".
Agree.
79. In line 625, after "on" add "the".
a. Agree.
b. In line 627, strike "307.103" and add "307.1102".
80. In line 633, strike "which" and add "that". **a. Agree.** After "contribute" add "to".
b. Agree.
81. In line 633, strike "in excess of" and add "above".
a. Disagree. Strike "in excess of" and add "exceeding".
b. In lines 634 and 637, strike "307.103" and add "307.1102".
82. In line 656, after "contributes" add "to". **a. Agree.** Strike "state" and add "State".
b. Agree.
83. In line 657, after "guideline" add a comma.
a. Agree.
b. In line 658, after "unless" add "a". Strike "a" and add "the".
84. In line 670, after "for" add "a".

Agree.

85. In line 684, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
86. In line 685, change "35 Ill. Adm. Code" to "Section".
Agree.
87. In lines 685-686, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
88. In line 690, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
89. In line 695, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
90. In lines 695-696, delete "35 Ill. Adm. Code".
Agree.
91. In line 700, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
92. In line 707, change "35 Ill. Adm. Code" to "Section".
Agree.
93. In line 707, after "and" add "35 Ill. Adm. Code".
Agree.
94. In line 709, after "County" add a comma.
Agree.
95. In line 712, after "and" add "a".
Agree.
96. In line 715, strike "in excess of" and add "above".
Disagree. Strike "in excess of" and add "exceeding".
97. In lines 715, 724, and 739, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
98. In line 777, strike "35 Ill. Adm. Code" and add "Section".
Agree.
99. In line 783, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.

100. In line 797, strike "prior to" and add "before".
Agree.
101. In line 797, strike "where" and add "when".
Agree.
102. In line 797, strike "back-ups" and add "backups".
Agree.
103. In line 800, strike "which" and add "that".
Agree.
104. In lines 810 and 821, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
105. In line 827, strike the comma.
Agree.
106. In lines 835, 848, and 852, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
107. In line 849, strike "five day" and add "5-day".
Disagree. Strike "five day" and add "five-day".
108. In line 873, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
109. In line 874, strike the comma.
Agree.
110. In line 875, strike "five day" and add "5-day".
Disagree. Strike "five day" and add "five-day".
111. In lines 930, 938-939, and 944, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
112. In lines 951 and 964, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
113. In line 953, after "Instead" add a comma.
Agree.
114. In line 1002, strike "and/".
Agree.

115. In line 1034, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
116. In line 1037, after "Instead" add a comma.
Agree.
117. In line 1047, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
118. In line 1065, strike "30 day" and add "30-day".
Agree.

jce
5/26/22

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

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

10	Section	
11	304.101	Preamble
12	304.102	Dilution
13	304.103	Background Concentrations
14	304.104	Averaging
15	304.105	Violation of Water Quality Standards
16	304.106	Offensive Discharges
17	304.120	Deoxygenating Wastes
18	304.121	Bacteria
19	304.122	Total Ammonia Nitrogen
20	304.123	Phosphorus
21	304.124	Additional Contaminants
22	304.125	pH
23	304.126	Mercury
24	304.140	Delays in Upgrading (Repealed)
25	304.141	NPDES Effluent Standards
26	304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

31	Section	
32	304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
34	304.202	Chlor-alkali Mercury Discharges in St. Clair County
35	304.203	Copper Discharges by Olin Corporation
36	304.204	Schoenberger Creek: Groundwater Discharges
37	304.205	John Deere Foundry Discharges (Repealed)
38	304.206	Alton Water Company Treatment Plant Discharges
39	304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
40	304.208	City of Lockport Treatment Plant Discharges
41	304.209	Wood River Station Total Suspended Solids Discharges
42	304.210	Alton Wastewater Treatment Plant Discharges
43	304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough (Repealed)

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- 45 304.212 Sanitary District of Decatur Discharges
- 46 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge (Repealed)
- 47 304.214 Mobil Oil Refinery Ammonia Discharge (Repealed)
- 48 304.215 City of Tuscola Wastewater Treatment Facility Discharges
- 49 304.216 Newton Station Suspended Solids Discharges
- 50 304.218 City of Pana Phosphorus Discharge
- 51 304.219 North Shore Water Reclamation District Phosphorus Discharges
- 52 304.220 East St. Louis Treatment Facility, Illinois-American Water Company (Repealed)
- 53 304.221 Ringwood Drive Manufacturing Facility in McHenry County
- 54 304.222 Intermittent Discharge of TRC
- 55 304.224 Effluent Disinfection

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57 SUBPART C: TEMPORARY EFFLUENT STANDARDS

58

59 Section

- 60 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
- 61 304.302 City of Joliet East Side Wastewater Treatment Plant (Repealed)
- 62 304.303 Amerock Corporation, Rockford Facility (Repealed)

63

64 304.APPENDIX A References to Previous Rules (Repealed)

65

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

68

69 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343,
70 effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended
71 at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June
72 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563,
73 effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective
74 September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill.
75 Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983;
76 amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective
77 November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill.
78 Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984;
79 amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective
80 March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985;
81 amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg.
82 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24,
83 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at
84 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective
85 May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-
86 29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966,
87 effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16,
88 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at

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89 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective
90 April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in
91 R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777,
92 effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990;
93 amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14
94 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective
95 December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993;
96 amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill.
97 Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective
98 December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December
99 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in
100 R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687,
101 effective December 31, 1998; amended in R02-19 at 26 Ill. Reg. 16948, effective November 8,
102 2002; amended in R02-11 at 27 Ill. Reg. 194, effective December 20, 2002; amended in R04-26
103 at 30 Ill. Reg. 2365, effective February 2, 2006; amended in R08-9B at 36 Ill. Reg. 2586,
104 effective February 2, 2012; amended in R13-20 at 38 Ill. Reg. 6107, effective February 26, 2014;
105 amended in R18-23 at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.101 Preamble

111 This Part establishes the maximum concentrations of various contaminants that may be
112 discharged to the waters of the State. Subpart A contains general effluent limitations. Subpart B
113 contains site specific rules and exceptions not of general applicability. Subpart C contains
114 temporary rules.

117 (Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.102 Dilution

- 121 a) Diluting the effluent from a treatment works or from any wastewater source is not
122 acceptable as a method of treatment of wastes to meet the standards in 35 Ill.
123 Adm. Code 304. It is the obligation of any person discharging contaminants of
124 any kind to the waters of the state to provide the best degree of treatment of
125 wastewater consistent with technological feasibility, economic reasonableness and
126 sound engineering judgment. In determining what kind of treatment is the "best
127 degree of treatment" within the meaning of this subsection, any person must
128 consider the following:

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130 1) What degree of waste reduction can be achieved by process change,
131 improved housekeeping and recovery of individual waste components for
132 reuse; and

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2) Whether individual process wastewater streams should be segregated or combined.

b) In any case, measurement of contaminant concentrations to determine compliance with the effluent standards must be made at the point immediately following the final treatment process and before mixture with other waters, unless another point is designated by the Agency in an individual permit, after consideration of the elements contained in this Section. If necessary the concentrations measured must be recomputed to exclude the effect of any dilution that is improper under this Section.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.103 Background Concentrations

Because the effluent standards in 35 Ill. Adm. Code 304 are based upon concentrations achievable with conventional treatment technology which is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting background concentrations. However, these regulations do not intend to require users to clean up contamination caused essentially by upstream sources or to require treatment when only traces of contaminants are added to the background. Compliance with the numerical effluent standards is not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.104 Averaging

a) Except as otherwise specifically provided, proof of violation of the numerical standards of 35 Ill. Adm. Code 304 must be on the basis of one or more of the following averaging rules:

- 1) A monthly average must not exceed the prescribed numerical standard.
- 2) A daily composite must not exceed two times the prescribed numerical standard.
- 3) A grab sample must not exceed five times the prescribed numerical standard.

b) Terms used in subsection (a) have the following meanings:

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- 177 1) The monthly average is the numerical average of all daily composites
178 taken during a calendar month. A monthly average must be based on at
179 least three daily composites.
180
- 181 2) A daily composite is the numerical average of all grab samples, or the
182 result of analysis of a single sample formed by combining all aliquots,
183 taken during a calendar day. A daily composite must be based on at least
184 three grab samples or three aliquots taken at different times.
185
- 186 3) A grab sample is a sample taken at a single time. Aliquots of a daily
187 composite are grab samples only if they are analyzed separately.
188
- 189 c) Subsection (a) establishes a method of interpretation of the effluent standards of
190 35 Ill. Adm. Code 304. The Agency must consider the averaging rule in deciding
191 whether an applicant has demonstrated that a facility complies with 35 Ill. Adm.
192 Code 304 for purposes of permit issuance and in writing the effluent standards
193 into permit conditions. Reporting and monitoring requirements are established by
194 permit condition under 35 Ill. Adm. Code 305.102 and 309.146.
195
- 196 d) Proof of violation of effluent limitations contained in permits must be based on
197 the language of the permit.
198

199 (Source: Amended at 46 Ill. Reg. _____, effective _____)
200

Section 304.105 Violation of Water Quality Standards

201
202
203 In addition to the other requirements of 35 Ill. Adm. Code, effluent must not, alone or in
204 combination with other sources, cause a violation of any applicable water quality standard.
205 When the Agency finds that a discharge which would comply with effluent standards in 35 Ill.
206 Adm. Code 304 would cause or is causing a violation of water quality standards, the Agency
207 must take appropriate action under Section 31 or Section 39 of the Act to require the discharge to
208 meet whatever effluent limits are necessary to ensure compliance with the water quality
209 standards. When such a violation is caused by the cumulative effect of more than one source,
210 several sources may be joined in an enforcement or variance proceeding, and measures for
211 necessary effluent reductions will be determined on the basis of technical feasibility, economic
212 reasonableness and fairness to all dischargers.
213

214 (Source: Amended at 46 Ill. Reg. _____, effective _____)
215

Section 304.106 Offensive Discharges

216
217
218 In addition to the other requirements of 35 Ill. Adm. Code, effluent must not contain settleable
219 solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must
220 be reduced to below obvious levels.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.120 Deoxygenating Wastes

Except as provided in 35 Ill. Adm. Code 306.Subpart C, all effluents containing deoxygenating wastes must meet the following standards:

- a) Effluents must not exceed 30 mg/L of five day biochemical oxygen demand (BOD₅) or 30 mg/L of suspended solids, 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 one or who qualify for exceptions under subsection (c) must not exceed 37 mg/L of suspended solids.
- b) Effluents 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, must not exceed 20 mg/L of BOD₅ or 25 mg/L of suspended solids.
- c) Effluents whose dilution ratio is less than five to one must not exceed 10 mg/L of BOD₅ or 12 mg/L of suspended solids, except that sources employing third-stage treatment lagoons are 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

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265 population equivalents or less which has reached the end of its useful life
266 and which has received an adjusted standard determination from the Board
267 that it qualifies for a lagoon exemption. Such a Board determination will
268 only be made in an adjusted standard proceeding, held in compliance with
269 Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1] and
270 applicable procedures at 35 Ill. Adm. Code 104.

271
272 i) In an adjusted standard proceeding the Board may determine that
273 the petitioning wastewater treatment source qualifies for a lagoon
274 exemption if the wastewater treatment works proves that it is so
275 situated that a land treatment system is not a suitable treatment
276 alternative. Factors relevant to a suitability finding may include
277 the following: cost; influent character; geographic characteristics;
278 climate; soil conditions; hydrologic conditions; and the availability
279 of irrigable land.

280
281 ii) For the purposes of subsection (c)(1)(D), a land treatment system
282 is a wastewater treatment system which does not directly discharge
283 treated effluent to waters of the State but instead uses the treated
284 effluent to irrigate terrestrial vegetation;

285
286 2) The lagoons are properly constructed, maintained and operated; and

287
288 3) The deoxygenating constituents of the effluent do not, alone or in
289 combination with other sources, cause a violation of the applicable
290 dissolved oxygen water quality standard.

291
292 d) Effluents discharged to the Lake Michigan basin must not exceed 4 mg/L of
293 BOD₅ or 5 mg/L of suspended solids.

294
295 e) Compliance with the numerical standards in this Section must be determined on
296 the basis of the type and frequency of sampling prescribed by the NPDES permit
297 for the discharge at the time of monitoring.

298
299 f) For the purposes of this Section, useful life is the period of time during which it is
300 cost effective to operate and maintain a particular wastewater treatment works
301 under consideration. At a minimum, the following factors relating to a
302 wastewater treatment works must be considered in determining its useful life:

303
304 1) Structural and operational condition of components;

305
306 2) Past operations and maintenance record;

307
308 3) Cost for continued use; and

- 309
- 310
- 311
- 312 4) Description and costs of treatment alternatives.
- 313
- 314 g) Compliance with the 5 day biochemical oxygen demand (BOD₅) numerical
- 315 standard in this Part will be determined by the analysis of 5 day carbonaceous
- 316 biochemical oxygen demand (CBOD₅), unless federal regulations require
- 317 treatment works treating industrial wastes to comply with more stringent
- 318 requirements determined by the analysis of BOD₅. Effluent from the treatment
- 319 works subject to the requirements of Section 304.120(a) must not exceed 25 mg/L
- 320 CBOD₅.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.121 Bacteria

- 322
- 323
- 324 a) Effluents discharged to all general use waters must not exceed 400 fecal coliforms
- 325 per 100 ml unless the Illinois Environmental Protection Agency determines that
- 326 an alternative effluent standard is applicable under subsection (b).
- 327
- 328 b) The Agency must, as part of the NPDES Permit Program under 35 Ill. Adm. Code
- 329 309.Subpart A, determine the applicable standard only in compliance with the
- 330 requirements of 35 Ill. Adm. Code 302.209 and 302.306.
- 331
- 332 1) The discharger must demonstrate and document the following:
- 333
- 334 A) The character of the receiving waters under 35 Ill. Adm. Code
- 335 302.202, 302.209, and 302.306.
- 336
- 337 B) The discharge will not cause downstream waters to exceed the
- 338 applicable fecal coliform water quality standards under 35 Ill.
- 339 Adm. Code 302.209 and 302.306.
- 340
- 341 2) Alternate effluent standards consistent with 35 Ill. Adm. Code 302.209
- 342 and 302.306 must be applied on either a year-round or seasonal basis
- 343 consistent with the documentation provided by the discharger.
- 344

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.122 Total Ammonia Nitrogen

- 347
- 348
- 349 a) Effluent from any source which discharges to the Illinois River, the Des Plaines
- 350 River downstream of its confluence with the Chicago River System or the
- 351 Calumet River System, and whose untreated waste load is 50,000 or more
- 352 population equivalents must not contain more than 2.5 mg/L of total ammonia

353 nitrogen as N during the months of April through October, or 4 mg/L at other
354 times.

355
356 b) Sources discharging to any of the above waters and whose untreated waste load
357 cannot be computed on a population equivalent basis comparable to that used for
358 municipal waste treatment plants and whose total ammonia nitrogen as N
359 discharge exceeds 45.4 kg/day (100 pounds per day) must not discharge an
360 effluent of more than 3.0 mg/L of total ammonia nitrogen as N.

361
362 c) In addition to the effluent standards in subsections (a) and (b), all sources are
363 subject to 35 Ill. Adm. Code 304.105.

364
365 (Source: Amended at 46 Ill. Reg. _____, effective _____)

366
367 **Section 304.123 Phosphorus**

368 a) Effluents discharged within the Lake Michigan Basin must not contain more than
369 1.0 mg/L of phosphorus as P.

370
371 b) Effluents from any source which discharges to a lake or reservoir with a surface
372 area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or
373 reservoir whose untreated waste load is 2500 or more population equivalents, and
374 which does not utilize a third-stage lagoon treatment system as specified in 35 Ill.
375 Adm. Code 304.120(a) and (c), must not exceed 1.0 mg/L of phosphorus as P;
376 however, this subsection does not apply where the lake or reservoir, including any
377 side channel reservoir or other portion of it, on an annual basis exhibits a mean
378 hydraulic retention time of 0.05 years (18 days) or less.

379
380 c) Under Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1],
381 the owner or operator of any source subject to subsection (b) may apply for an
382 adjusted standard. In addition to the proofs specified in Section 28.1(c) of the Act
383 [415 ILCS 5/28.1(c)], the application must, at a minimum, contain adequate proof
384 that the effluent resulting from granting the adjusted standard will not contribute
385 to cultural eutrophication, unnatural plant or algal growth or dissolved oxygen
386 deficiencies in the receiving lake or reservoir. For purposes of this subsection,
387 effluent must be deemed to contribute to such conditions if phosphorus is the
388 limiting nutrient for biological growth in the lake or reservoir, taking into account
389 the lake or reservoir limnology, morphological, physical and chemical
390 characteristics, and sediment transport. However, if the effluent discharge enters
391 a tributary at least 40.25 kilometers (25 miles) upstream of the point at which the
392 tributary enters the lake or reservoir at normal pool level, effluent will not be
393 deemed to contribute to such conditions if the receiving lake or reservoir is
394 eutrophic and phosphorus from internal regeneration is not a limiting nutrient.

395
396 d) For the purposes of this Section the term "lake or reservoir" does not include low

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- 397 level pools constructed in free flowing streams or any body of water which is an
398 integral part of an operation which includes the application of sludge on land.
399
- 400 e) Compliance with the limitations of subsection (b) must be achieved by the
401 following dates:
402
- 403 1) Sources with the present capability to comply must do so on the effective
404 date of this Section;
405
- 406 2) All other sources must comply as required by NPDES permit.
407
- 408 f) For purposes of this Section, the following terms have the meanings specified:
409
- 410 1) "Dissolved oxygen deficiencies" means the occurrence of a violation of
411 the dissolved oxygen standard applicable to a lake or reservoir.
412
- 413 (BOARD NOTE: Dissolved Oxygen standards for general use waters are
414 at 35 Ill. Adm. Code 302.206; Dissolved Oxygen standards are at 35 Ill.
415 Adm. Code 302.405 for:
416
- 417 302.405(a): South Fork of the South Branch of the Chicago River
418 (Bubbly Creek);
419 302.405(b): Upper Dresden Island Pool Aquatic Life Use waters;
420 302.405(c): Chicago Area Waterway System Aquatic Life Use A
421 waters; and
422 302.405(d): Chicago Area Waterway System and Brandon Pool
423 Aquatic Life Use B waters.)
424
- 425 2) "Euphotic zone" means that region of a lake or reservoir extending from
426 the water surface to a depth at which 99% of the surface light has
427 disappeared or such lesser depth below which photosynthesis does not
428 occur.
429
- 430 3) "Eutrophic" means a condition of a lake or reservoir in which there is an
431 abundant supply of nutrients, including phosphorus, accounting for a high
432 concentration of biomass.
433
- 434 4) "Eutrophication" means the process of increasing or accumulating plant
435 nutrients in the water of a lake or reservoir. Cultural eutrophication is
436 eutrophication attributable to human activities.
437
- 438 5) "Internal regeneration" means the process of conversion of phosphorus or
439 other nutrients in sediments of a lake or reservoir from the particulate to
440 the dissolved form and the subsequent return of such dissolved forms to

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- 441 the euphotic zone.
442
443 6) "Limiting nutrient" means a substance which is limiting to biological
444 growth in a lake or reservoir due to its short supply or unavailability with
445 respect to other substances necessary for the growth of organisms.
446
447 7) "Unnatural plant or algal growth" means the occurrence of a violation of
448 the unnatural sludge standard applicable to a lake or reservoir with respect
449 to such growth.
450
451 (BOARD NOTE: Unnatural sludge standards for general use waters are at
452 35 Ill. Adm. Code 302.203; unnatural sludge standards for the Chicago
453 Area Waterway System and Lower Des Plaines River waters are at 35 Ill.
454 Adm. Code 302.403.)
455
456 g) Except as provided in subsection (h), any new or expanded discharges into
457 General Use waters from the following treatment works not covered by
458 subsections (b) through (f), are subject to monthly average permit limits for total
459 phosphorus of 1 mg/ℓ:
460
461 1) Treatment works with a Design Average Flow of 1.0 million gallons per
462 day or more receiving primarily municipal or domestic wastewater; or
463
464 2) Any treatment works, other than those treating primarily municipal or
465 domestic wastewater, with a total phosphorus effluent load of 25 pounds
466 per day or more.
467
468 3) For purposes of this subsection:
469
470 A) A new discharge means a discharge from a treatment works
471 constructed after February 2, 2006.
472
473 B) An expanded discharge means a discharge from any existing
474 treatment works that would be greater than the flowrates permitted
475 prior to February 2, 2006.
476
477 h) Discharges qualifying under subsections (g)(1) and (g)(2) may not be subject to
478 the requirements of subsection (g) if the discharger demonstrates that phosphorus
479 from treatment works is not the limiting nutrient in the receiving water. The
480 Agency may impose alternative phosphorus effluent limits where the supporting
481 information shows that alternative limits are warranted by the aquatic
482 environment in the receiving stream.
483

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- 484 i) No additional phosphorus limitations are required under 35 Ill. Adm. Code
485 304.105 and 35 Ill. Adm. Code 302.203 for the discharges that comply with the
486 requirements of subsection (g) or (h).
487
488 j) The provisions of subsections (g), (h), and (i) apply until the Board adopts a
489 numeric water quality standard for phosphorus and the adopted standard is
490 approved by the USEPA.
491
492 k) The averaging rules under 35 Ill. Adm. Code 304.104 (a)(2) and (a)(3) do not
493 apply to permit limits established under subsection (g) or (h).
494

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.124 Additional Contaminants

- 497
498
499 a) A person must not cause or allow the concentration of the following constituents
500 in any effluent to exceed the following levels, subject to the averaging rules in 35
501 Ill. Adm. Code 304.104(a).
502

CONSTITUENT	CONCENTRATION mg/L
Arsenic	0.25
Barium	2.0
Cadmium	0.15
Chromium (hexavalent)	0.1
Chromium (total)	1.0
Copper	0.5
Cyanide	0.10
Fluoride	15.0
Iron (total)	2.0
Lead	0.2
Manganese	1.0
Nickel	1.0
Oils (hexane soluble or equivalent)	15.0
Phenols	0.3
Silver	0.1
Zinc	1.0
Total Suspended Solids (From sources other than those covered by Section 304.120)	15.0

- 503
504 b) Discharges of hexavalent chromium are subject to the averaging rule of 35 Ill.
505 Adm. Code 304.104 modified as follows: monthly averages must not exceed 0.1

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506 mg/L; daily composites must not exceed 0.3 mg/L; and, grab samples must not
507 exceed 1.0 mg/L.

- 508
- 509 c) Oil may be analytically separated into polar and nonpolar components. If
510 separated, neither of the components may exceed 15 mg/L (i.e. 15 mg/L polar
511 materials and 15 mg/L nonpolar materials).
- 512
- 513 d) Unless otherwise indicated, concentrations refer to the total amount of the
514 constituent present in all phases, whether solid, suspended or dissolved, elemental
515 or combined, including all oxidation states. Where constituents are commonly
516 measured as other than total, the word "total" is inserted for clarity.

- 517
- 518 e) The following table is provided for cross referencing purposes:

519

CONSTITUENT	SECTION(S)
Ammonia nitrogen	304.301, 304.122
Bacteria	304.121
Biochemical Oxygen Demand	304.120
Deoxygenating Wastes	304.120
Mercury	304.126
Nitrogen, ammonia	304.301, 304.122
pH	304.125
Phosphorus	304.123

520

521 (Source: Amended at 46 Ill. Reg. _____, effective _____)

522

523 Section 304.125 pH

- 524
- 525 a) Except as provided below a person must not cause or allow the negative logarithm
526 of the hydrogen ion concentration (pH) in any effluent to be more or less
527 respectively than the maximum and minimum values for pH range indicated in the
528 following table:

529

CONSTITUENT	RANGE (pH units)
pH	6-9

- 530
- 531 b) The pH limitation is not subject to the averaging rule contained in 35 Ill. Adm.
532 Code 304.104(a).

- 533
- 534 c) Effluents that are monitored to provide a permanent, continuous pH record may
535 be outside of the listed range for a total of not more than fifteen minutes in any
536 day provided the excursion is accidental and less than one pH unit above or below

- 537 the listed range.
 538
 539 d) The pH 9 maximum limitation may be exceeded if the elevated pH level:
 540
 541 1) is caused entirely by algae in treatment lagoons, in which case there is no
 542 upper pH limit; or
 543
 544 2) is caused by the addition of alkali in the waste water treatment process to
 545 cause precipitation of barium, cadmium, chromium, copper, lead,
 546 manganese, zinc or other materials requiring such elevated pH for
 547 treatment, in which case the upper limit is pH 10 and subsection (c) does
 548 not apply to the upper limit.
 549
 550 e) The burden of proving that subsection (c) or (d) applies is upon the discharger.
 551
 552 (Source: Amended at 46 Ill. Reg. _____, effective _____)
 553

Section 304.126 Mercury

- 554
 555
 556 a) Except as provided below, a person must not cause or allow the concentration of
 557 mercury in any effluent to exceed the following level, subject to the averaging
 558 rule contained in 35 Ill. Adm. Code 304.104(a).
 559

CONSTITUENT	CONCENTRATION mg/L
Mercury	0.0005

- 560
 561 b) It is an exception to subsection (a) if all of the following conditions are met:
 562
 563 1) The discharger does not use mercury; or, the discharger uses mercury and
 564 this use cannot be eliminated; or, the discharger uses mercury only in
 565 chemical analysis or in laboratory or other equipment and takes reasonable
 566 care to avoid contamination of wastewater;
 567
 568 2) The effluent mercury concentration is less than 0.003 mg/L, as determined
 569 by application of the averaging rules of 35 Ill. Adm. Code 304.104(a);
 570
 571 3) The discharger is providing the best degree of treatment consistent with
 572 technological feasibility, economic reasonableness and sound engineering
 573 judgment. This may include no treatment for mercury; and
 574
 575 4) The discharger has an inspection and maintenance program likely to
 576 reduce or prevent an increase in the level of mercury discharges.
 577

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- 578 c) It is exception to subsection (a) if all of the following conditions are met:
579
580 1) The discharger is a publicly owned or publicly regulated sewage treatment
581 works;
582
583 2) The discharger does not use mercury; or, the discharger uses mercury only
584 in chemical analysis or in laboratory or other equipment and takes
585 reasonable care to avoid contamination of wastewater;
586
587 3) The effluent mercury concentration is less than 0.003 mg/L, as determined
588 by application of the averaging rules of 35 Ill. Adm. Code 304.104(a);
589 provided, however, that daily averages may exceed 0.006 mg/L 30% of
590 the time;
591
592 4) The discharger has enforceable ordinances or contract provisions whereby
593 it limits use of mercury by dischargers and discharge of mercury into its
594 sewage system;
595
596 5) The discharger's limitations on use and discharge of mercury to its sewage
597 system are at least as stringent as those provided in 35 Ill. Adm. Code
598 307.103;
599
600 6) The discharger has a surveillance program with a reasonable likelihood of
601 determining sources of mercury discharged to the sewage system;
602
603 7) The discharger takes all lawful steps to eliminate known mercury
604 discharges to the sewage system which contribute levels in excess of those
605 allowed by 35 Ill. Adm. Code 307.103; and
606
607 8) The discharger reports all known violations of 35 Ill. Adm. Code 307.103
608 to the Agency.
609
610 d) When it issues a permit, the Agency may consider applying the exceptions of this
611 Section to determine compliance with this Section. The Agency may impose
612 permit conditions necessary or required to assure continued application of an
613 exception. When subsection (b) applies, the Agency may impose an effluent
614 limitation in the permit which allows discharge of a concentration of mercury
615 greater than 0.0005 mg/L but not more than 0.003 mg/L.
616

617 (Source: Amended at 46 Ill. Reg. _____, effective _____)
618

619 **Section 304.141 NPDES Effluent Standards**

- 620
621 a) A person that has been issued an NPDES Permit must not discharge any

622 contaminant in its effluent in excess of the standards and limitations for that
623 contaminant in its permit.

624
625 b) A person must not discharge any pollutant subject to, or that contributes or
626 threatens to cause a violation of, any applicable federal or state water quality
627 standard, effluent standard, guideline or other limitation, promulgated under the
628 CWA or the Act, unless limitation for a pollutant is in an applicable NPDES
629 Permit. However, the Agency may, by permit condition, provide that the
630 permittee may discharge pollutants present in its water supply intake sources in
631 concentrations not greater than the concentrations in the intake sources, or which
632 are added in trace amounts by normal domestic water usage.

633
634 BOARD NOTE: Section 304.141(b) was declared invalid in Peabody Coal Co. v.
635 PCB, 3 Ill. App. 3d 5 (5th District, 1976) and declared valid in U.S. Steel v. PCB,
636 52 Ill. App. 3d 1 (2d District, 1977).

637
638 c) The standards of this Chapter apply to thermal discharges unless, after public
639 notice and opportunity for public hearing, in compliance with section 316 of the
640 CWA, applicable federal regulations, and procedures in 35 Ill. Adm. Code
641 106.Subpart K, the Board has determined that different standards apply to a
642 particular thermal discharge.

643
644 (Source: Amended at 46 Ill. Reg. _____, effective _____)

645
646 SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL
647 APPLICABILITY

648
649 **Section 304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water**
650 **Reclamation District of Greater Chicago**

651
652 a) Calumet Treatment Plant Discharges:
653 The effluent standards of 35 Ill. Adm. Code 304.124 as applied to cyanide
654 discharges, 35 Ill. Adm. Code 304.120(b) and (c), and 35 Ill. Adm. Code 304.122
655 do not apply to carbonaceous BOD₅ (CBOD₅), total suspended solids (TSS),
656 cyanide, and ammonia-nitrogen as N discharged from the Calumet Sewage
657 Treatment Works of The Metropolitan Water Reclamation District of Greater
658 Chicago. Instead, it must meet the following effluent standards, subject to the
659 averaging rule of 35 Ill. Adm. Code 304.104(a), effective July 1, 1988:

660

CONSTITUENT	CONCENTRATION mg/L
CBOD ₅	24
TSS	28

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Ammonia Nitrogen (as N)	13
Cyanide	0.15

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- b) North Side Sewage Treatment Works:
The effluent standards of 35 Ill. Adm. Code 304.120(b) and (c) and 35 Ill. Adm. Code 304.122 do not apply to carbonaceous BOD₅ (CBOD₅), total suspended solids (TSS), and ammonia-nitrogen discharged from the North Side Sewage Treatment Works of The Metropolitan Water Reclamation District of Greater Chicago. Instead, it must meet the following standard, subject to the averaging rule of 35 Ill. Adm. Code 304.104(a) effective July 1, 1988:

CONSTITUENT	CONCENTRATION mg/L
CBOD ₅	12
TSS	20
Ammonia Nitrogen (as N)	
April - October	2.5
November - March	4.0

670
671
672

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.202 Chlor-alkali Mercury Discharges in St. Clair County

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684

The mercury discharge standards of 35 Ill. Adm. Code 304.124 and 307.1102 do not apply to any manufacturing facility that operates chlor-alkali cells, is located in St. Clair County and discharges directly or indirectly into the Mississippi River; or to any publicly owned treatment works that receives a manufacturing facility's wastewater. The amount of mercury discharged by any such manufacturing facility must not exceed an average of 114 g/day (0.25 pounds per day) during any calendar month and maximum of 227 g (0.5 pounds) during any one day. Any publicly owned treatment works that, directly or indirectly, receives such a manufacturing facility's wastewater is entitled to discharge mercury in excess of the levels provided in 35 Ill. Adm. Code 304.124 to the extent that the discharge exceeds those levels because of such a manufacturing facility's discharge.

685
686
687

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.203 Copper Discharges by Olin Corporation

688
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690
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692

This Section applies to an existing facility owned by Olin Corporation which discharges to Wood River Creek and the East Fork of Wood River Creek in Madison County. The facility's discharges are not subject to 35 Ill. Adm. Code 304.105 as it applies to the water quality standard

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693 for copper of 35 Ill. Adm. Code 302.208.

694

695 (Source: Amended at 46 Ill. Reg. _____, effective _____)

696

697 **Section 304.204 Schoenberger Creek: Groundwater Discharges**

698

699 a) This rule applies to discharges from an existing facility owned by Pfizer
700 Corporation to Schoenberger Creek immediately south of the Baltimore and Ohio
701 main tracks in T2N, R9W of the 3rd P.M., St. Clair County.

702

703 b) This rule applies only to discharges of groundwater used as non-contact cooling
704 water in which naturally occurring background concentrations have not been
705 increased by industrial or other human use.

706

707 c) Instead of the general effluent standards in 35 Ill. Adm. Code 304.124 for the
708 listed parameters, these discharges must not exceed the following limitations:

709

CONSTITUENT	CONCENTRATION mg/L
Iron (total)	20
Total Suspended Solids	37

710

711 (Source: Amended at 46 Ill. Reg. _____, effective _____)

712

713 **Section 304.205 John Deere Foundry Discharges (Repealed)**

714

715 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

716

717 **Section 304.206 Alton Water Company Treatment Plant Discharges**

718

719 This Section applies to the existing 18.3 million gallons per day potable drinking water treatment
720 plant owned by the Alton Water Company, which is located at, and discharges into, river mile
721 204.4 on the Mississippi River. These discharges are not subject to the effluent standards for
722 total suspended solids and total iron of 35 Ill. Adm. Code 304.124.

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724 (Source: Amended at 46 Ill. Reg. _____, effective _____)

725

726 **Section 304.207 Galesburg Sanitary District Deoxygenating Wastes Discharges**

727

728 a) The deoxygenating wastes general effluent standards of 35 Ill. Adm. Code
729 304.120(c) do not apply to the Galesburg Sanitary District discharges into Cedar
730 Creek. These discharges must meet the deoxygenating wastes general effluent
731 standards set below:

732

CONSTITUENT	CONCENTRATION (mg/L)
BOD ₅ April- November	17
December-March	20
Suspended Solids	
June-January	15
February-May	25

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- b) The standards in subsection (a) apply if the Galesburg Sanitary District achieves:
 - 1) by November 1, 1984, compliance with 35 Ill. Adm. Code 302.206 throughout Cedar Creek downstream of the treatment plant outfall, by effluent aeration, in-stream aeration, or other means;
 - 2) by November 1, 1984, the prevention of overflows from the intercepting sewers prior to surcharging except where basement back-ups would result;
 - 3) by March 1, 1984, an operational procedure for the influent pumps which prevents interceptor surcharging at flows below hydraulic capacity;
 - 4) by March 1, 1984, the elimination of all downspout connections; and
 - 5) by November 1, 1984, the prevention of inflow by sealing all leaking catch basins, replacing all leaking manhole lids and frames, and sealing drainage inlets.
- c) If the conditions in subsection (b) are not met, the deoxygenating wastes general effluent standards of 35 Ill. Adm. Code 304.120(c) apply to the Galesburg Sanitary District discharges into Cedar Creek.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

758

Section 304.208 City of Lockport Treatment Plant Discharges

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- a) This Section applies only to discharges from the City of Lockport's sewage treatment plant into Deep Run Creek in Will County, Illinois.
- b) The provisions of 35 Ill. Adm. Code 304.120 do not apply to the discharges, if the discharges do not exceed 20 mg/L of five day biochemical oxygen demand (BOD₅) or 25 mg/L of total suspended solids.

766
767 c) The provisions of 35 Ill. Adm. Code 302.212(b) and 35 Ill. Adm. Code
768 302.212(e) do not apply to the discharges, if the discharges do not cause or
769 contribute to a violation of water quality standards in the Des Plaines River or the
770 Chicago Sanitary and Ship Canal.

771
772 (Source: Amended at 46 Ill. Reg. _____, effective _____)
773

774 **Section 304.209 Wood River Station Total Suspended Solids Discharges**
775

776 The limitation on the discharge of Total Suspended Solids contained in 35 Ill. Adm. Code
777 304.124(a) does not apply to the discharge from the ash pond system of CTI Development LLC's
778 Wood River Station, located in East Alton, Illinois. Instead, the concentration of Total
779 Suspended Solids must not exceed 30 mg/L as an average of daily values for 30 consecutive days
780 and must not exceed 50 mg/L as a maximum for any one day.

781
782 (Source: Amended at 46 Ill. Reg. _____, effective _____)
783

784 **Section 304.210 Alton Wastewater Treatment Plant Discharges**
785

786 The discharge from the City of Alton's sewage treatment works outfall 001 sewer located on
787 Wood River Creek, approximately 1,000 feet from its confluence with the Mississippi River, is
788 not subject to 35 Ill. Adm. Code 304.120(c). Instead, the discharge must not exceed the
789 following limitations: 20 milligrams per liter for five day biochemical oxygen demand (BOD₅)
790 and 25 milligrams per liter for total suspended solids. Compliance must be determined
791 consistent with 35 Ill. Adm. Code 304.120(e).

792
793 (Source: Amended at 46 Ill. Reg. _____, effective _____)
794

795 **Section 304.211 Discharges From Borden Chemicals and Plastics Operating Limited**
796 **Partnership Into an Unnamed Tributary of Long Point Slough (Repealed)**
797

798
799 (Source: Repealed at 46 Ill. Reg. _____, effective _____)
800

801 **Section 304.212 Sanitary District of Decatur Discharges**
802

803 a) This Section applies only to effluent discharges from the Sanitary District of
804 Decatur's Sewage Treatment Plant into the Sangamon River, Macon County,
805 Illinois.

806
807 b) The provisions of 35 Ill. Adm. Code 304.120(c) do not apply to the discharges, if
808 the discharges do not exceed 20 mg/L of five day biochemical oxygen demand
809 (BOD₅) and 25 mg/L of total suspended solids.
810

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811 (Source: Amended at 46 Ill. Reg. _____, effective _____)

812

813 **Section 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge (Repealed)**

814

815 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

816

817 **Section 304.214 Mobil Oil Refinery Ammonia Discharge (Repealed)**

818

819

820 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

821

822 **Section 304.215 City of Tuscola Wastewater Treatment Facility Discharges**

823

824 The requirements of 35 Ill. Adm. Code 304.123(c) do not apply to the discharges from the City
825 of Tuscola's wastewater treatment facility into Scattering Fork Creek, Douglas County, Illinois.

826

827 (Source: Amended at 46 Ill. Reg. _____, effective _____)

828

829 **Section 304.216 Newton Station Suspended Solids Discharges**

830

831 The limitation on the discharge of total suspended solids (TSS) in 35 Ill. Adm. Code 304.124(a)
832 does not apply to the discharge from the ash pond system of Illinois Power Generation
833 Company's Newton Station, located in Jasper County. Instead, Illinois Power Generation
834 Company's ash pond system discharge must not exceed 30 mg/L monthly average and 50 mg/L
835 daily composite for TSS, and 15 mg/L monthly average and 30 mg/L daily composite for non-
836 volatile TSS. The definitions of 35 Ill. Adm. Code 304.104(b) apply to these effluent limits.

837

838 (Source: Amended at 46 Ill. Reg. _____, effective _____)

839

840 **Section 304.218 City of Pana Phosphorus Discharge**

841

842 The general effluent standard for phosphorus as P in 35 Ill. Adm. Code 304.123 does not apply
843 to discharges from the City of Pana wastewater treatment plant. Instead these discharges must
844 comply with an effluent limitation of 2.8 mg/L phosphorus as P as measured at the point of
845 discharge.

846

847 (Source: Amended at 46 Ill. Reg. _____, effective _____)

848

849 **Section 304.219 North Shore Water Reclamation District Phosphorus Discharges**

850

- 851 a) This Section applies to discharges from the North Shore Water Reclamation
852 District excess flow discharge facilities at Waukegan and North Chicago into
853 Lake Michigan;

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- 855 b) The requirements of 35 Ill. Adm. Code 304.123(a) do not apply to the phosphorus
856 content of the North Shore Water Reclamation District excess flow discharges
857 from Waukegan and North Chicago into Lake Michigan. Instead, the following
858 requirements apply to North Shore Water Reclamation District discharges into
859 Lake Michigan:
860
- 861 1) The North Shore Water Reclamation District must not discharge effluent
862 into Lake Michigan from its Waukegan treatment plant until after that
863 plant has achieved its maximum treatment flow capacity and all the
864 Waukegan treatment plant excess flow retention reservoirs are full to
865 capacity;
866
- 867 2) The North Shore Water Reclamation District must not discharge effluent
868 into Lake Michigan from its North Chicago treatment plant until after that
869 plant has achieved its maximum treatment flow capacity, the North
870 Chicago treatment plant excess flow retention reservoirs are full to
871 capacity, the maximum rate of transfer of untreated effluent to Gurnee has
872 been achieved, the Gurnee treatment plant has achieved its maximum
873 treatment flow capacity, and the Gurnee treatment plant excess flow
874 retention reservoirs are full to capacity.
875
- 876 c) The North Shore Water Reclamation District must increase the maximum peak
877 treatment flow capacity of its Waukegan treatment plant to at least 44 million
878 gallons per day before January 1, 1992;
879
- 880 d) The North Shore Water Reclamation District must increase the maximum peak
881 treatment flow capacity of its Gurnee treatment plant to 39 million gallons per day
882 before January 1, 1989;
883
- 884 e) The North Shore Water Reclamation District must increase the excess flow
885 retention reservoir capacity at its Gurnee treatment plant to 50 million gallons
886 before January 1, 1991;
887
- 888 f) The North Shore Water Reclamation District must operate its Waukegan or North
889 Chicago treatment plant at its maximum treatment flow capacity during any
890 period in which less than 90 percent of the retention reservoir capacity is available
891 to receive excess flows at the relevant treatment plant, except when the
892 unavailability occurs during normal treatment plant and/or retention basin
893 maintenance; and
894
- 895 g) The North Shore Water Reclamation District must, as required under 35 Ill. Adm.
896 Code 309.141, immediately embark on a program to monitor excess flow and
897 water quality impact and must periodically submit the data from the monitoring to
898 the Illinois Environmental Protection Agency ("Agency").

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.220 East St. Louis Treatment Facility, Illinois-American Water Company (Repealed)

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 304.221 Ringwood Drive Manufacturing Facility in McHenry County

The general effluent standards for deoxygenating wastes in 35 Ill. Adm. Code 304.120 do not apply to discharges from the manufacturing facility located on Ringwood Drive in Ringwood, McHenry County, that discharges to an unnamed tributary of Dutch Creek. Instead these discharges must comply with the following effluent limitations as measured at the point of discharge after the third lagoon and before discharge to the unnamed tributary:

BOD ₅	25 mg/L	May to September monthly average
	35 mg/L	May to September daily maximum
	60 mg/L	October to April monthly average
	70 mg/L	October to April daily maximum
TSS	12 mg/L	monthly average
	30 mg/L	daily maximum

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.222 Intermittent Discharge of TRC

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The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 and 302.504(a) by operation of 35 Ill. Adm. Code 304.105 does not apply to any discharge that contains TRC solely as the result of intermittent use for antifouling purposes related to the operation of condensers and cooling systems. For this Section using chlorine or related substances measurable as TRC will be deemed to be intermittent if use is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period must not exceed 0.2 mg/L and the TRC concentration must not exceed 0.5 mg/L at any time.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 304.224 Effluent Disinfection

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From March 1 through November 30, effluents discharged to the Primary Contact Recreation waters listed in 35 Ill. Adm. Code 303.220 must not exceed 400 fecal coliform colony forming units (CFU) per 100 ml if fewer than 10 samples are taken in a month. If 10 or more samples are taken in a month, fecal coliform must not exceed a 30-day geometric mean of 200 CFU per 100

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937 ml, and must not exceed 400 CFU per 100 ml in more than 10% of the samples during any 30
938 day period. All effluents in existence on or before February 3, 2012 must meet these standards
939 by March 1, 2016. All new discharges must meet these standards upon the initiation of
940 discharge.

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942 (Source: Amended at 46 Ill. Reg. _____, effective _____)

943
944 **SUBPART C: TEMPORARY EFFLUENT STANDARDS**

945
946 **Section 304.302 City of Joliet East Side Wastewater Treatment Plant (Repealed)**

947
948 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

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950 **Section 304.303 Amerock Corporation, Rockford Facility (Repealed)**

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953 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

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955 **Section 304.APPENDIX A Reference to Previous Rules (Repealed)**

957

958 (Source: Repealed at 46 Ill. Reg. _____, effective _____)