

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1989

IN THE MATTER OF:)
)
MISCELLANEOUS AMENDMENTS TO) R88-1
35 ILL. ADM. CODE, SUBTITLE C:)
WATER POLLUTION.)

ADOPTED RULE. FINAL ORDER.

OPINION AND ORDER OF THE BOARD (by R. C. Flegal):

The Board opened this docket by Order of January 21, 1988 for the purpose of providing a vehicle for making minor amendments to the Board's rules and regulations. Today the Board takes final action.

In its Request for Public Comment which accompanied the January 21, 1988 Order, the Board noted:

From time to time the Board, as well as practitioners before the Board, encounter aspects in the Board's rules and regulations which warrant correction, but which are not of the nature to justify the time and expense associated with conducting an individual rulemaking to address each. The Board proposes today to gather together these materials and address them within a single proceeding. In so doing, the Board borrows a page from the Illinois General Assembly, which often addresses a group of housekeeping matters in an "omnibus bill". In this sense, the instant matter is meant to be the Board's version of an omnibus rulemaking.

In its Request for Public Comment the Board further identified some examples of amendments it believed appropriate for inclusion in this exercise, and invited (1) comment on the example amendments, and (2) suggestions for and merits of additional amendments suitable for inclusion in an omnibus rulemaking proceeding. The Board indicated that inclusion of a suggested amendment within the eventual proposal would be based at the minimum on (1) desirability of the amendment, (2) likelihood that the amendment will be non-contentious, and (3) likelihood that the amendment will not require an Economic Impact Statement. Each of these criteria was selected to assure that the omnibus rulemaking could proceed in an expeditious manner.

The January 21, 1988 Request for Public Comment elicited three comments, one each from the Great Lakes Chapter of the Sierra Club, Waste Management of Illinois, Inc, and the Illinois Environmental Protection Agency ("Agency").

The Board subsequently incorporated certain amendments into a single proposal which it found to be consistent with the concept of an omnibus rulemaking. Since all but one of the proposed amendments was directed to the Board's Water Pollution Regulations, Subtitle C, the Board also limited the scope of this proceeding to just that Subtitle.

First Notice of this proposal was adopted on September 8, 1988 and publication occurred at Illinois Register, Vol. 12, Issue 41, October 7, 1988, pp. 15815-15853. No comments were filed in response to the First Notice publication.

Public hearings were held in Springfield on October 27, 1988 and in DeKalb on November 4, 1988. The sole testimony given at the two hearings was a brief statement by the Agency noting its concurrence with the proposed amendments (R. at 9-10).

On December 5, 1988 the Illinois Department of Energy and Natural Resources determined that a formal Economic Impact Study was not required in this matter, finding that the proposed regulation has no economic impact. The Economic and Technical Advisory Committee concurred in this determination on December 15, 1988. On November 10 and December 9, 1988 the Department of Commerce and Community Affairs filed documents which indicated that there would be no economic effect on small businesses from the proposed rulemaking.

On January 5, 1989 the Board adopted the proposal for Second Notice without change from the First Notice proposal. On March 1, 1989, the Joint Committee on Administrative Rules ("JCAR") issued a certification of no objection to the proposed amendments. However, JCAR made certain recommendations for minor changes similar to those recommendations made by the Illinois Administrative Code Unit to provide consistency for publication of the amendments in the Illinois Register. The Board accepts these recommended changes.

DISCUSSION OF AMENDMENTS

Section 301.200

Over time, various definitions have been added to the water pollution regulations in Parts other than Part 301. In some cases these new definitions are possibly not consistent with the definitions presented in Section 301.200 et seq. This amendment to 301.200 specifies that, should conflict arise, the definition in the Part in question prevails.

Section 301.260

Section 306.103 was renumbered to Section 306.320 at 7 Ill. Reg. 5682, effective April 19, 1983. This amendment acknowledges the renumbering in a form consistent with Illinois Administrative Code Unit practice.

Section 301.365

This amendment deletes treatment works owned by federal agencies from the definition of Publicly Owned Treatment Works ("POTW"). As the Board noted in Scott Air Force Base v. IPCB (PCB 88-69, Slip Op. at 4, August 10, 1988), 40 CFR 122.2 (1987) excludes federally-owned treatment works from the definition of POTW. Accordingly, this amendment provides unity between the federal definition and the Board's regulations.

Section 301.430

This amendment is made to provide consistency between Section 301.430 and the regulations of Parts 307 and 310.

Section 302.211(f)

The relationship between British thermal units ("B.T.U.s") per hour and megawatts as previously expressed is incorrect by a factor of one hundred. That is, 0.5 billion B.T.U.s per hour is equivalent to 150 megawatts, not 15,000 megawatts.

0.5 billion BTUs per hour is the figure present in the Board's original adoption of thermal standards (Ref: In the Matter of: Thermal Standards, Lake Michigan, R70-2, 1 PCB 695 et seq.; In the Matter of: Ohio-Wabash Thermal Standards, R71-12, 2 PCB 563 et seq.; and In the Matter of Mississippi Thermal Standards, R70-16, 3 PCB 177 et seq.). The 15,000 megawatts figure was added as a supplement to the original BTU figure in 1982 concurrently with codification of the regulations (which also codified Section 302.211 out of former rule 203(i)). At that time the Board introduced presumably equivalent metric units of measurement for the previously existing English units. In this case an error was made in the conversions, which the instant amendment corrects.

Section 302.211(j)

These amendments change the internal references within the Section to a form consistent with similar internal references elsewhere within the Board's regulations.

Section 302.304

This amendment substitutes a spelling used elsewhere within the Board's regulations for an otherwise acceptable, but not commonly used, alternative spelling.

Section 302.504

This amendment deletes the cyanide limit identified in this Section. The numeric value of the cyanide limit is the same as that specified in the General Use Standards, Section 302.208. Since the Lake Michigan water quality standards are cumulative with the General Use Standards pursuant to Section 302.501, inclusion of the cyanide limit within Section 302.504 is redundant and inconsistent with treatment afforded other water parameters which have identical numerical limits in the General Use and Lake Michigan Standards.

Section 302.507

These amendments correct a reversal in the captions for the columns representing Centigrade and Fahrenheit temperatures. They also correct the conversion of B.T.U.s to megawatts, as in the amendment to Section 302.311(f), above.

Section 302.509

The rationale and nature of the amendments here are the same as that in the amendment of Section 302.211(f). That is, the correct conversion to megawatts is made.

Section 304.104

This amendment provides consistency of internal references, identical to that in Section 302.211(j), above.

Section 304.124(e)

This amendment corrects reversed cross-references for the constituents mercury and pH.

Section 304.140

Section 304.140 deals with the conditions under which delays in upgrading of effluent discharges are allowable. The amendment repeals the entirety of the Section. There are no facilities any

longer regulated under Section 304.140, and therefore deletion of this Section does not impose hardship on any discharger (R. at 8-9). Moreover, Section 304.140 applies to actions and possible actions now entirely in the past, and therefore no longer has practical import (Agency Comment at 3).

Section 305.102

In its January 21, 1988 Request for Public Comment the Board proposed to modify this Section with the purpose of eliminating duplication and possible inconsistencies between the reporting requirements found at 305.102 and the new reporting requirements found in Part 310, as adopted by the Board in R86-44 (In the Matter of: Pretreatment Regulations, December 3, 1987). In its comment the Agency advised against this action, claiming that it would eliminate the Agency's authority to require reporting from pretreatment works which are not subject to the categorical pretreatment standards of Part 307. For this reason the Board at First Notice retreated from its earlier proposal. This notwithstanding, the Agency recommended that the Board's proposal for adding paragraph (c) to this Section be retained.

Paragraph (c) indicates that reporting under Part 310 satisfies the requirements of Section 305.102. Its inclusion serves to eliminate possible confusion on this matter.

Section 309.281

The previous language in Section 309.281, which determines the effective date of Subpart B, does not reference the calendar date upon which Subpart B became effective. Rather, reference is to "the date of filing with the Secretary of State" and to "such time as the Agency adopts criteria to administer the permit program". Thus, to identify the calendar date, an interested person had to go outside of the regulations, which is an unnecessary inconvenience. Accordingly, this Section is amended by inclusion of the specific calendar dates in question.

ORDER

The Clerk of the Pollution Control Board is directed to submit the following adopted rule to the Secretary of State for final notice.

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

PART 301
INTRODUCTION

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301.101	Authority
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301.103	Repeals
301.104	Analytical Testing
301.105	References to Other Sections
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301.230	Basin
301.235	Board
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301.245	Calumet River System
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301.255	Combined Sewer
301.260	Combined Sewer Service Area
301.265	Construction
301.270	Dilution Ratio
301.275	Effluent
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301.320	New Source
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301.335	Person
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301.345	Population Equivalent
301.350	Pretreatment Works
301.355	Primary Contact
301.360	Public and Food Processing Water Supply
301.365	Publicly Owned Treatment Works

301.370	Publicly Regulated Treatment Works
301.375	Sanitary Sewer
301.380	Secondary Contact
301.385	Sewage
301.390	Sewer
301.395	Sludge
301.400	Standard of Performance
301.405	STORET
301.410	Storm Sewer
301.415	Treatment Works
301.420	Underground Waters
301.425	Wastewater
301.430	Wastewater Source
301.435	Watercraft
301.440	Waters

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. _____, effective _____.

Section 301.200 Definitions

As used in Except as otherwise provided within individual Parts of this Chapter, the following terms defined by in the Sections 301.200 et seq. which follow shall have the meanings specified.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 301.260 Combined Sewer Service Area

Combined Sewer Service Area: Means a specific geographical drainage area served by a combined sewer system. Areas served by separate sewer systems which enter the combined system are not included. Undeveloped areas within a combined sewer service area may be included in that area if deemed appropriate by the Agency pursuant to the guidelines in ~~Section 306-103(a)~~ 35 Ill. Adm. Code 306.102.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 301.365 Publicly Owned Treatment Works

Publicly Owned Treatment Works: A treatment works owned by a municipality, sanitary district, county or state ~~or federal~~ agency, and which treats domestic and industrial wastes collected by a publicly owned or regulated sewer system. Industrial treatment works which are publicly owned and financed by bond issues of public agencies are not included in this definition.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 301.430 Wastewater Source

Wastewater Source: Means any equipment, facility, or other source of any type whatsoever which discharges wastewater, directly or indirectly ~~(except through a sewer tributary to a treatment works)~~, to the waters of the State.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

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

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

- Section
- 302.101 Scope and Applicability
- 302.102 Mixing Zones
- 302.103 Stream Flows
- 302.104 Main River Temperatures
- 302.105 Nondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

- Section
- 302.201 Scope and Applicability
- 302.202 Purpose
- 302.203 Unnatural Sludge
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- 302.205 Phosphorus
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- 302.207 Radioactivity
- 302.208 Chemical Constituents
- 302.209 Fecal Coliform

- 302.210 Substances Toxic to Aquatic Life
- 302.211 Temperature
- 302.212 Ammonia Nitrogen and Un-ionized Ammonia

SUBPART C: PUBLIC AND FOOD PROCESSING WATER
SUPPLY STANDARDS

- Section
- 302.301 Scope and Applicability
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SUBPART D: SECONDARY CONTACT AND INDIGENOUS
AQUATIC LIFE STANDARDS

- Section
- 302.401 Scope and Applicability
- 302.402 Purpose
- 302.403 Unnatural Sludge
- 302.404 pH
- 302.405 Dissolved Oxygen
- 302.406 Fecal Coliform (Repealed)
- 302.407 Chemical Constituents
- 302.408 Temperature
- 302.409 Cyanide
- 302.410 Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN WATER QUALITY
STANDARDS

- Section
- 302.501 Scope and Applicability
- 302.502 Dissolved Oxygen
- 302.503 pH
- 302.504 Chemical Constituents
- 302.505 Fecal Coliform
- 302.506 Temperature
- 302.507 Existing Sources on January 1, 1971
- 302.508 Sources under Construction But Not in Operation
on January 1, 1971
- 302.509 Other Sources

- Appendix A References to Previous Rules
- Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 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; codified at 6 Ill. Reg. 7818, effective June 22, 1982; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. _____, effective _____.

Section 302.211 Temperature

- a) Temperature has STORET number (F^o) 00011 and (C^o) 00010.
- b) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- c) The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.
- d) The maximum temperature rise above natural temperatures shall not exceed 2.8^oC (5^oF).
- e) In addition, the water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 1.7^oC (3^oF).

	^o C	^o F		^o C	^o F
JAN.	16	60	JUL.	32	90
FEB.	16	60	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	32	90	OCT.	32	90
MAY	32	90	NOV.	32	90
JUNE	32	90	DEC.	16	60

- f) The owner or operator of a source of heated effluent which discharges ~~15,000~~ 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Pollution Control Board (Board) not less than 5 nor more than 6 years after the effective

date of these regulations or, in the case of new sources, after the commencement of operation, that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters. If such proof is not made to the satisfaction of the Board appropriate corrective measures shall be ordered to be taken within a reasonable time as determined by the Board.

- g) Permits for heated effluent discharges, whether issued by the Board or the Illinois Environmental Protection Agency (Agency), shall be subject to revision in the event that reasonable future development creates a need for reallocation of the assimilative capacity of the receiving stream as defined in the regulation above.
- h) The owner or operator of a source of heated effluent shall maintain such records and conduct such studies of the effluents from such sources and of their effects as may be required by the Agency or in any permit granted under the Illinois Environmental Protection Act (Act).
- i) Appropriate corrective measures will be required if, upon complaint filed in accordance with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the receiving stream.
- j) All effluents to an artificial cooling lake must comply with the applicable provisions of the thermal water quality standards as set forth in ~~Section 302-211~~ this Section and ~~Part 35 Ill. Adm. Code 303~~, except when all of the following requirements are met:
 - 1) All discharges from the artificial cooling lake to other waters of the State comply with the applicable provisions of ~~Sections 302-211(b) through 302-211(e)~~ subsections (b) through (e).
 - 2) The heated effluent discharged to the artificial cooling lake complies with all other applicable provisions of this Chapter, except ~~Sections 302-211(b) through 302-211(e)~~ subsections (b) through (e).
 - 3) At an adjudicative hearing the discharger shall satisfactorily demonstrate to the Board that the artificial cooling lake receiving the heated effluent will be environmentally acceptable, and within the intent of the Act, including, but not limited to:

- A) provision of conditions capable of supporting shellfish, fish and wildlife, and recreational uses consistent with good management practices, and
 - B) control of the thermal component of the discharger's effluent by a technologically feasible and economically reasonable method.
- 4) The required showing in ~~Section 302-211(j)(3)~~ subsection (j)(3) may take the form of an acceptable final environmental impact statement or pertinent provisions of environmental assessments used in the preparation of the final environmental impact statement, or may take the form of a showing pursuant to Section 316(a) of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which addresses the requirements of ~~Section 302-211(j)(3)~~ subsection (j)(3).
- 5) If an adequate showing as provided in ~~Section 302-211(j)(3)~~ subsection (j)(3) is found, the Board shall promulgate specific thermal standards to be applied to the discharge to that artificial cooling Lake.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
Cadmium (total)	01027	0.010
Chloride	00940	250.
Chromium	01034	0.05
Lead (total)	01051	0.05
Manganese (total)	01055	0.15
Nitrate-Nitrogen	00620	10.
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1

Organics

Pesticides		
Chlorinated Hydrocarbon Insecticides		
Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Epoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxyacetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichlorophenoxy)-propionic acid (2,4,5-TP or Silvex)	39760	0.01
Phenols	32730	0.001
Selenium (total)	01147	0.01
Sulphates Sulfates	00945	250.
Total Dissolved Solids	70300	500.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 302.504 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Ammonia Nitrogen	00610	0.02
Chloride	00940	12.0
Sulfate	00945	24.0
Phosphorus (as P)	00665	0.007
Total Solids (Dissolved)	70300	180.0
Cyanide (total)	00720	0.025

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 302.507 Existing Sources on January 1, 1971

a) All sources of heated effluents in existence as of January 1, 1971, shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or an equal fixed area of simple form.

- 1) There shall be no abnormal temperature changes that may affect aquatic life.
- 2) The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.
- 3) The maximum temperature rise at any time above natural temperatures shall not exceed 1.7°C (3°F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	°C	°F	°C	°F
JAN.	45	7	7	45
FEB.	45	7	7	45
MAR.	45	7	7	45
APR.	55	13	13	55
MAY.	60	16	16	60
JUN.	70	21	21	70
JUL.	80	27	27	80
AUG.	80	27	27	80
SEPT.	80	27	27	80
OCT.	65	18	18	65
NOV.	60	16	16	60
DEC.	50	10	10	50

b) The owner or operator of a source of heated effluent which discharges ~~15,000~~ 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Board not less than 5 nor more than six years after the adoption of this regulation, that discharges from that source have not caused and cannot be reasonably expected in future to cause significant ecological damage to the Lake. If such proof is not made to the satisfaction of the Board, backfitting of alternative cooling devices shall be accomplished within a reasonable time as determined by the Board.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 302.509 Other Sources

a) No source of heated effluent which was not in operation or under construction as of January 1, 1971, shall discharge more than a daily average of ~~2900~~ 29 megawatts (0.1 billion British thermal units per hour).

- b) Sources of heated effluents which discharge less than a daily average of ~~2900~~ 29 megawatts (0.1 billion British thermal units per hour) not in operation or under construction as of January 1, 1971, shall meet all requirements of sections 302.507 and 302.508.

(Source: Amended in R88-1 _____ Ill. Reg. _____,
effective _____)

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

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

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304.101	Preamble
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304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Nitrogen (STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (<u>Repealed</u>)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

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

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges

- 304.210 Alton Wastewater Treatment Plant Discharges
- 304.212 Sanitary District of Decatur Discharges
- 304.213 Union Oil Refinery Ammonia Discharge
- 304.214 Mobil Oil Refinery Ammonia Discharge
- 304.215 City of Tuscola Wastewater Treatment Facility Discharges
- 304.216 Newton Station Suspended Solids Discharges
- 304.219 North Shore Sanitary District Phosphorus Discharges
- 304.220 East St. Louis Treatment Facility, Illinois-American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

- 304.301 Exception for Ammonia Nitrogen Water Quality Violations
- 304.302 City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

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 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. _____, effective _____.

Section 304.104 Averaging

- a) Except as otherwise specifically provided, proof of violation of the numerical standards of this Part shall be on the basis of one or more of the following averaging rules:
 - 1) No monthly average shall exceed the prescribed numerical standard.
 - 2) No daily composite shall exceed two times the prescribed numerical standard.
 - 3) No grab sample shall exceed five times the prescribed numerical standard.
- b) Terms used in ~~Section 304.104(a)~~ subsection (a) shall have the following meanings:
 - 1) The monthly average shall be the numerical average of all daily composites taken during a calendar month. A monthly average must be based on at least three daily composites.
 - 2) A daily composite shall be the numerical average of all grab samples, or the result of analysis of a single sample formed by combining all aliquots, taken during a calendar day. A daily composite must be based on at least three grab samples or three aliquots taken at different times.
 - 3) A grab sample is a sample taken at a single time. Aliquots of a daily composite are grab samples only if they are analyzed separately.
- c) ~~Section 304.104(a)~~ Subsection (a) establishes a method of interpretation of the effluent standards of this Part. The Agency shall consider the averaging rule in deciding whether an applicant has demonstrated that a facility complies with this Part for purposes of permit issuance and in writing the effluent standards into permit conditions. Reporting and monitoring requirements are established by way of permit condition pursuant to Sections 35 Ill. Adm. Code 305.102 and 309.146.

- d) Proof of violation of effluent limitations contained in permits shall be based on the language of the permit.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

Section 304.124 Additional Contaminants

- a) No person shall cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules contained in Section 304.104(a).

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Arsenic	01002	0.25
Barium	01007	2.0
Cadmium	01027	0.15
Chromium (hexavalent)	01032	0.1
Chromium (total)	01034	1.0
Copper	01042	0.5
Cyanide	00720	0.10
Fluoride	00951	15.0
Iron (total)	01045	2.0
Lead	01051	0.2
Manganese	01055	1.0
Nickel	01067	1.0
Oils (hexane soluble or equivalent)	00550	15.0
Phenols	32730	0.3
Silver	01077	0.1
Zinc	01092	1.0
Total Suspended Solids (From sources other than those covered by Section 304.120)	00530	15.0

- b) Discharges of hexavalent chromium shall be subject to the averaging rule of Section 304.104 modified as follows: monthly averages shall not exceed 0.1 mg/l; daily composites shall not exceed 0.3 mg/l; and, grab samples shall not exceed 1.0 mg/l.
- c) Oil may be analytically separated into polar and nonpolar components. If such separation is done, neither of the components may exceed 15 mg/l (i.e. 15 mg/l polar materials and 15 mg/l nonpolar materials).
- d) Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases,

whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents are commonly measured as other than total, the word "total" is inserted for clarity.

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

CONSTITUENT	SECTION(S)
Ammonia nitrogen	304.301, 304.122
Bacteria	304.121
Biochemical Oxygen Demand	304.120
Deoxygenating Wastes	304.120
Mercury	304-125 304.126
Nitrogen, ammonia	304.301, 304.122
pH	304-126 304.125
Phosphorus	304.123

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____).

Section 304.140 Delays in Upgrading (Repealed)

- a) All effluent standards required to be met on December 31, 1973 or December 31, 1974 and in response to Section ~~304-301~~ shall be met unless:
 - 1- The discharger is eligible for a construction grant under Section 201(g) of the Clean Water Act; and
 - 2- The discharger has filed an application for a construction grant on or before December 31, 1975; and
 - 3- The discharger has timely taken all necessary pre-grant and post-grant actions appropriate to the specific grant step for which the discharger is then eligible;
 - 4- The exemption provided in (a)(1), (a)(2) and (a)(3) above shall terminate upon completion of construction under the grant provided and compliance with the provisions of this Section shall thereafter be required.
- b) Nothing in paragraph (a) above shall limit the power of the Board to enter an abatement order pursuant to Section 46 of the Act necessary to abate pollution of the waters of the State, when the Board has found, as

the result of an enforcement or variance case initiated under Titles VIII of IX of the Act, that the discharger is causing a violation of the Act or the regulations.

e) The following Sections were required to be met on December 31, 1973, or December 31, 1974:

Section	Old Rule Number	Date
304-120(e)	404(e)	December 31, 1973
304-120(d)	404(d)	December 31, 1974
304-121	405 (Discharges to Ohio and Mississippi Rivers only)	December 31, 1973
304-122(b)	406 (Second paragraph of old Rule 406 only)	December 31, 1974

(Source: Repealed at R88-1 at 13 Ill. Reg. _____, effective _____)

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

PART 305
MONITORING AND REPORTING

Section	
305.101	Preamble
305.102	Reporting Requirements
305.103	Effluent Measurement

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p.190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. _____, effective _____.

Section 305.102 Reporting Requirements

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which:
- 1) Discharge toxic pollutants, as defined in Section 502(13) of the CWA Clean Water Act, or pollutants which may interfere with the treatment process, into the receiving treatment works or are subject to regulations promulgated under Section 307 of the Clean Water Act (CWA): (33 U.S.C. 1251 et seq.); or
 - 2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or
 - 3) Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.
- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this chapter.
- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

(Source: Amended in R88-1 at 13 Ill. Reg. _____,
effective _____)

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

PART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring
309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance

309.184 Permit Modification Pursuant to Variance
309.185 Public Access to Information
309.191 Effective Date

SUBPART B: OTHER PERMITS

Section
309.201 Preamble
309.202 Construction Permits
309.203 Operating Permits; New or Modified Sources
309.204 Operating Permits; Existing Sources
309.205 Joint Construction and Operating Permits
309.206 Experimental Permits
309.207 Former Permits (Repealed)
309.208 Permits for Sites Receiving Sludge for Land
Application
309.221 Applications - Contents
309.222 Applications - Signatures and Authorizations
309.223 Applications - Registered or Certified Mail
309.224 Applications - Time to Apply
309.225 Applications - Filing and Final Action by Agency
309.241 Standards for Issuance
309.242 Duration of Permits Issued Under Subpart B
309.243 Conditions
309.244 Appeals from Conditions in Permits
309.261 Permit No Defense
309.262 Design, Operation and Maintenance Criteria
309.263 Modification of Permits
309.264 Permit Revocation
309.265 Approval of Federal Permits
309.266 Procedures
309.281 Effective Date
309.282 Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. _____, effective _____.

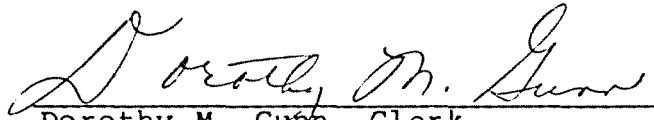
Section 309.281 Effective Date

- a) The effective date of this Subpart B shall be the date of filing with the Secretary of State on an emergency basis: is March 7, 1972.
- b) Notwithstanding (a) above, Section 309.208 shall become effective at such time as the Agency adopts criteria to administer the permit program contained therein: became effective with adoption by the Agency of 35 Ill. Adm. Code 391 on December 15, 1983.

(Source: Amended in R88-1 at 13 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of April, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board