

ILLINOIS POLLUTION CONTROL BOARD  
April 7, 1988

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO ) R87-6  
PHOSPHORUS EFFLUENT STANDARD, )  
35 ILL. ADM. CODE 304.123 )

PROPOSED RULE. FIRST NOTICE.

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a rulemaking petition filed by the Illinois Environmental Protection Agency (Agency) on March 20, 1987 for amendment of the effluent standards for phosphorus contained in 35 Ill. Adm. Code 304.123.

The proposed amendments do not affect current rules for discharges into the Lake Michigan Basin. The proposed amendments would, however, establish an effluent standard of 1.0 mg/l of phosphorus as P for any source which discharges to lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir within 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c).

The proposed amendments would affect 21 wastewater treatment plants which discharge into Crab Orchard Lake, Pistakee Lake, Lake Charleston, Lake Shelbyville and Lake Carlisle. On July 13, 1987, the Agency amended its proposal to exclude discharges into Lake Decatur from the effluent phosphorus limitation on the grounds that the exclusion would then be consistent with the Agency's proposal in the R83-20 Sangamon River Basin proceeding, which was established pursuant to an Agency proposal for review of all discharge parameters in the Sangamon River Basin. (The Agency has since moved to withdraw the R83-20 proposal).

Merit hearings were held on this proposal on May 18 and July 21, 1987. On March 31, 1988, the Department of Energy and Natural Resources (DENR) filed with the Board its "Economic Analysis of Proposed Amendments To Water Pollution Regulations Phosphorus Discharges R87-6" (Blaser, Zeni and Co., March 25, 1988). If the Board's fiscal resources permit, the Board would prefer to schedule the two required economic impact hearings concerning this proposal before this fiscal year ends on June 30, 1988.

On January 21, 1988, the Board adopted Resolution 88-1, which outlined various procedures which the Board would begin to utilize in order to expedite the rulemaking process. One of these procedures is for the Board to send a regulatory proposal to First Notice before ruling on the merits of the proposal. The Board finds that it is appropriate to utilize that procedure in this proceeding.

As a result, the Board hereby adopts the proposal set forth below for First Notice and directs the Hearing Officer to cause the publication of the proposal in the Illinois Register. This action is in no way to be construed as the Board's substantive position with regard to this matter.

Consistent with RES 88-1, the Hearing Officer is to establish deadlines for the submittal of questions and comments to DENR in advance of hearing and for the pre-filing of testimony and exhibits by anyone who wishes to testify at hearing. Those who do not prefile such materials will be able to present testimony to the extent that time permits.

The Board believes that these procedures will accelerate the rulemaking process and at the same time provide continued opportunity for public participation.

#### ORDER

The Board directs that the following proposed amendments be submitted for First Notice publication in the Illinois Register.

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

PART 304  
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
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  
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 Calumet Treatment Plant Cyanide Discharges  
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  
304.212 Sanitary District of Decatur Discharges  
304.213 Union Oil Refinery Ammonia Discharge  
304.214 Mobil Oil Refinery Ammonia Discharge

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section  
304.301 Exception for Ammonia Nitrogen Water Quality  
Violations

Appendix A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, 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 R87-6 at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 304.123 Phosphorus (STORET number 00665)

- a) No effluent discharge within the Lake Michigan Basin shall contain more than 1.0 mg/l of phosphorus as P.
- b) No effluent from any source which discharges within the Fox River Basin above and including Pistakee Lake and whose untreated waste load is 1500 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.
- e) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 ha (20 acres) or more or to any tributary to such a lake or reservoir and whose untreated waste load is 5000 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.
- d) No effluent from any source which discharge to a lake or reservoir with a surface area of 8.1 ha (20 acres) or more which does not comply with Section 302.205 or to any tributary to such a lake or reservoir and whose untreated waste load is 1500 or more population equivalents and which is not governed by Sections 304.120(a) or 304.120(e) shall contain more than 1.0 mg/l of phosphorus as P.
- b) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir within 10.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P.
- e) (c) For the purpose of this Section the term "lake or reservoir" shall not include low level pools constructed in free flowing streams or any body of water which is an

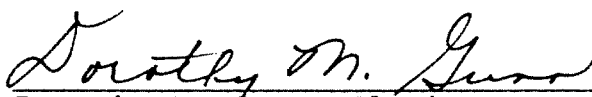
integral part of an operation which includes the application of sludge on land.

- f) Compliance with the limitations of paragraph (c) shall be achieved by the following dates:
  - 1) New sources shall comply on the effective date of this regulation, and
  - 2) Existing sources shall comply by December 31, 1980, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.
- g) Compliance with the limitations of paragraph (d) shall be achieved by December 31, 1985, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.
- d) Compliance with the limitations of paragraph (b) shall be achieved by the following dates:
  - 1) Sources with the present capability to comply shall do so on the effective date of this regulation;
  - 2) All other sources shall comply as required by NPDES permit but in no case later than July 1, 1988.
- e) Paragraph (b) shall not apply to effluent from any source which discharges to Lake Decatur or its tributaries.

(SOURCE: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7<sup>th</sup> day of April, 1988, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board