

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

**PART 304
EFFLUENT STANDARDS**

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304.APPENDIX A References to Previous Rules

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

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective

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

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.101 Preamble

- a) This part prescribes the maximum concentrations of various contaminants that may be discharged to the waters of the State. Subpart A contains general effluent limitations. Subpart B contains site specific rules and exceptions not of general applicability. Subpart C contains temporary rules.
- b) Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.

(Editor's Note: Paragraph (b) was added during the codification process to clarify references to other Parts or Sections of the Illinois Administrative Code.)

Section 304.102 Dilution

- a) Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes in order to meet the standards set forth in this Part. Rather, it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility, economic reasonableness and

sound engineering judgment. In making determinations as to what kind of treatment is the "best degree of treatment" within the meaning of this paragraph, any person shall consider the following:

- 1) What degree of waste reduction can be achieved by process change, improved housekeeping and recovery of individual waste components for reuse; and
 - 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 shall 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 so measured shall be recomputed to exclude the effect of any dilution that is improper under this Section.

Section 304.103 Background Concentrations

Because the effluent standards in this Part 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, it is not the intent of these regulations 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 therefore 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.

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 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) 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 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. 5976, effective April 18, 1989)

Section 304.105 Violation of Water Quality Standards

In addition to the other requirements of this Part, no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. When the Agency finds that a discharge which would comply with effluent standards contained in this Part would cause or is causing a violation of water quality standards, the Agency shall take appropriate action under Section 31 or Section 39 of the Act to require the discharge to meet whatever effluent limits are necessary to ensure compliance with the water quality standards. When such a violation is caused by the cumulative effect of more than one source, several sources may be joined in an enforcement or variance proceeding, and measures for necessary effluent reductions will be determined on the basis of technical feasibility, economic reasonableness and fairness to all dischargers.

Section 304.106 Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

Section 304.120 Deoxygenating Wastes

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

- a) No effluent shall exceed 30 mg/L of five day biochemical oxygen demand (BOD₅) (STORET number 00310) or 30 mg/L of suspended solids (STORET number 00530), except that treatment works employing three stage lagoon treatment systems which are properly designed, maintained and operated, and whose effluent has a dilution ratio no less than five to one or who qualify for exceptions under subsection (c) shall not exceed 37 mg/L of suspended solids.
- b) No effluent from any source whose untreated waste load is 10,000 population equivalents or more, or from any source discharging into the Chicago River System or into the Calumet River System, shall exceed 20 mg/L of BOD₅ or 25 mg/L of suspended solids.
- c) No effluent whose dilution ratio is less than five to one shall exceed 10 mg/L of BOD₅ or 12 mg/L of suspended solids, except that sources employing third-stage treatment lagoons shall be exempt from this subsection (c) provided all of the following conditions are met:
 - 1) The waste source qualifies under one of the following categories:
 - A) Any wastewater treatment works with an untreated waste load less than 2500 population equivalents, which is sufficiently isolated that combining with other sources to aggregate 2500 population equivalents or more is not practicable.
 - B) Any wastewater treatment works in existence and employing third-stage treatment lagoons on January 1, 1986, whose untreated waste load is 5000 population equivalents or less and sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.

- C) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less, which has reached the end of its useful life by January 1, 1987, and is sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
- D) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less which has reached the end of its useful life and which has received an adjusted standard determination from the Board that it qualifies for a lagoon exemption. Such a Board determination will only be made in an adjusted standard proceeding, held in accordance with Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1] and applicable procedures set forth by 35 Ill. Adm. Code 104.
 - i) In an adjusted standard proceeding the Board may determine that the petitioning wastewater treatment source qualifies for a lagoon exemption if the wastewater treatment works proves that it is so situated that a land treatment system is not a suitable treatment alternative. Factors relevant to a suitability finding may include the following: cost; influent character; geographic characteristics; climate; soil conditions; hydrologic conditions; and the availability of irrigable land.
 - ii) For the purposes of subsection (c)(1)(D), a land treatment system is a wastewater treatment system which does not directly discharge treated effluent to waters of the State but instead uses the treated effluent to irrigate terrestrial vegetation;
- 2) The lagoons are properly constructed, maintained and operated; and
- 3) The deoxygenating constituents of the effluent do not, alone or in combination with other sources, cause a violation of the applicable dissolved oxygen water quality standard.
- d) No effluent discharged to the Lake Michigan basin shall exceed 4 mg/L of BOD₅ or 5 mg/L of suspended solids.

- e) Compliance with the numerical standards in this Section shall be determined on the basis of the type and frequency of sampling prescribed by the NPDES permit for the discharge at the time of monitoring.
- f) For the purposes of this Section, useful life is the period of time during which it is cost effective to operate and maintain a particular wastewater treatment works under consideration. At a minimum, the following factors relating to a wastewater treatment works shall be considered in a determination of its useful life:
 - 1) Structural and operational condition of components;
 - 2) Past operations and maintenance record;
 - 3) Cost for continued use; and
 - 4) Description and costs of treatment alternatives.
- g) Compliance with the 5 day biochemical oxygen demand (BOD₅) numerical standard in this Part will be determined by the analysis of 5 day carbonaceous biochemical oxygen demand (CBOD₅) (STORET number 80082), unless federal regulations require treatment works treating industrial wastes to comply with more stringent requirements determined by the analysis of BOD₅. Effluent from the treatment works subject to the requirements of Section 304.120(a) shall not exceed 25 mg/L CBOD₅.

(Source: Amended at 27 Ill. Reg. 194, effective December 20, 2002)

Section 304.121 Bacteria

- a) Effluents discharged to all general use waters shall not exceed 400 fecal coliforms per 100 ml unless the Illinois Environmental Protection Agency determines that an alternative effluent standard is applicable pursuant to subsection (b).
- b) The Agency shall, as part of the NPDES Permit Program under 35 Ill. Adm. Code 309.Subpart A, determine the applicable standard only in accordance with the requirements of Sections 302.209 and 302.306.
 - 1) The discharger must demonstrate and document the following:
 - A) The character of the receiving waters pursuant to Sections 302.202, 302.209, and 302.306.

- B) The discharge will not cause downstream waters to exceed the applicable fecal coliform water quality standards pursuant to Sections 302.209 and 302.306.
- 2) Alternate effluent standards consistent with Sections 302.209 and 302.306 shall be applied on either a year-round or seasonal basis consistent with the documentation provided by the discharger.

(Source: Amended at 12 Ill. Reg. 12064, effective July 12, 1988)

Section 304.122 Total Ammonia Nitrogen (as N: STORET number 00610)

- a) No effluent from any source which discharges to the Illinois River, the Des Plaines River downstream of its confluence with the Chicago River System or the Calumet River System, and whose untreated waste load is 50,000 or more population equivalents shall contain more than 2.5 mg/L of total ammonia nitrogen as N during the months of April through October, or 4 mg/L at other times.
- b) Sources discharging to any of the above waters and whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants and whose total ammonia nitrogen as N discharge exceeds 45.4 kg/day (100 pounds per day) shall not discharge an effluent of more than 3.0 mg/L of total ammonia nitrogen as N.
- c) In addition to the effluent standards set forth in subsections (a) and (b) of this Section, all sources are subject to Section 304.105

(Source: Amended at 26 Ill. Reg. 16948, effective November 8, 2002)

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 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 whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in subsections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P; however, this subsection shall not apply where the lake or reservoir, including any side channel reservoir or other portion

thereof, on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.

- c) Pursuant to Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1], the owner or operator of any source subject to subsection (b) of this Section may apply for an adjusted standard. In addition to the proofs specified in Section 28.1(c) of the Act [415 ILCS 5/28.1(c)], such application shall, at a minimum, contain adequate proof that the effluent resulting from grant of the adjusted standard will not contribute to cultural eutrophication, unnatural plant or algal growth or dissolved oxygen deficiencies in the receiving lake or reservoir. For purposes of this subsection (c), such effluent shall be deemed to contribute to such conditions if phosphorus is the limiting nutrient for biological growth in the lake or reservoir, taking into account the lake or reservoir limnology, morphological, physical and chemical characteristics, and sediment transport. However, if the effluent discharge enters a tributary at least 40.25 kilometers (25 miles) upstream of the point at which the tributary enters the lake or reservoir at normal pool level, such effluent shall not be deemed to contribute to such conditions if the receiving lake or reservoir is eutrophic and phosphorus from internal regeneration is not a limiting nutrient.
- d) For the purposes 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.
- e) Compliance with the limitations of subsection (b) of this Section shall be achieved by the following dates:
 - 1) Sources with the present capability to comply shall do so on the effective date of this Section;
 - 2) All other sources shall comply as required by NPDES permit.
- f) For purposes of this Section, the following terms shall have the meanings specified:
 - 1) "Dissolved oxygen deficiencies" means the occurrence of a violation of the dissolved oxygen standard applicable to a lake or reservoir.

(BOARD NOTE: Dissolved Oxygen standards for general use waters are set forth at 35 Ill. Adm. Code 302.206; Dissolved

Oxygen standards for secondary contact or indigenous aquatic life waters are set forth at 35 Ill. Adm. Code 302.405.)

- 2) "Euphotic zone" means that region of a lake or reservoir extending from the water surface to a depth at which 99% of the surface light has disappeared or such lesser depth below which photosynthesis does not occur.
- 3) "Eutrophic" means a condition of a lake or reservoir in which there is an abundant supply of nutrients, including phosphorus, accounting for a high concentration of biomass.
- 4) "Eutrophication" means the process of increasing or accumulating plant nutrients in the water of a lake or reservoir. Cultural eutrophication is eutrophication attributable to human activities.
- 5) "Internal regeneration" means the process of conversion of phosphorus or other nutrients in sediments of a lake or reservoir from the particulate to the dissolved form and the subsequent return of such dissolved forms to the euphotic zone.
- 6) "Limiting nutrient" means a substance which is limiting to biological growth in a lake or reservoir due to its short supply or unavailability with respect to other substances necessary for the growth of organisms.
- 7) "Unnatural plant or algal growth" means the occurrence of a violation of the unnatural sludge standard applicable to a lake or reservoir with respect to such growth.

(BOARD NOTE: Unnatural sludge standards for general use waters are set forth at 35 Ill. Adm. Code 302.203; unnatural sludge standards for secondary and indigenous aquatic life waters are set forth at 35 Ill. Adm. Code 302.403.)

- g) Except as provided in subsection (h) of this Section, any new or expanded discharges into General Use waters from the following treatment works not covered by subsections (b) through (f) of this Section, are subject to monthly average permit limits for total phosphorus of 1 mg/ l:
 - 1) Treatment works with a Design Average Flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or

- 2) Any treatment works, other than those treating primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more.
- 3) For purposes of this subsection:
 - A) A new discharge means a discharge from a treatment works constructed after February 2, 2006.
 - B) An expanded discharge means a discharge from any existing treatment works that would be greater than the flowrates permitted prior to February 2, 2006.
- h) Discharges qualifying under subsections (g)(1) and (g)(2) of this Section may not be subject to the requirements of subsection (g) of this Section provided the discharger demonstrates that phosphorus from treatment works is not the limiting nutrient in the receiving water. The Agency may impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.
- i) No additional phosphorus limitations are required pursuant to Sections 304.105 and 35 Ill. Adm. Code 302.203 for the discharges that comply with the requirements of subsection (g) or (h) of this Section.
- j) The provisions of subsections (g), (h), and (i) of this Section apply until such time as the Board adopts a numeric water quality standard for phosphorus and the adopted standard is approved by the USEPA.
- k) The averaging rules under subsections (a)(2) and (a)(3) of Section 304.104 do not apply to permit limits established pursuant to subsection (g) or (h) of this Section.

(Source: Amended at 30 Ill. Reg. 2365, effective February 2, 2006)

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
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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	304.126
Nitrogen, ammonia	304.301, 304.122
pH	304.125
Phosphorus	304.123

(Source: Amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989)

Section 304.125 pH

- a) Except as provided below no person shall cause or allow the negative logarithm of the hydrogen ion concentration (pH) in any effluent to be more or less respectively than the maximum and minimum values for pH range indicated in the following table:

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
pH	00400	6-9

- b) The pH limitation is not subject to the averaging rule contained in Section 304.104(a).
- c) Effluents which are monitored so as to provide a permanent, continuous pH record may be outside of the listed range for a total of not more than fifteen minutes in any day provided the excursion is accidental and less than one pH unit above or below the listed range.
- d) The pH 9 maximum limitation may be exceeded if the elevated pH level:
- 1) is caused entirely by algae in treatment lagoons, in which case there is no upper pH limit; or
 - 2) is caused by the addition of alkali in the waste water treatment process to cause precipitation of barium, cadmium, chromium, copper, lead, manganese, zinc or other materials requiring such elevated pH for treatment, in which case the upper limit shall be pH 10 and subsection (c) shall not apply to the upper limit.
- e) The burden of proving that paragraph (c) or (d) applies is upon the discharger.

(Source: Added at 6 Ill. Reg. 563, effective December 24, 1981)

Section 304.126 Mercury

- a) Except as provided below, no person shall cause or allow the concentration of mercury in any effluent to exceed the following level, subject to the averaging rule contained in Section 304.104(a).

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Mercury	71900	0.0005

- b) It shall be an exception to paragraph (a) if all of the following conditions are met:
 - 1) The discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,
 - 2) The effluent mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of Section 304.104(a); and
 - 3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and
 - 4) The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of mercury discharges.
- c) It shall be an exception to paragraph (a) if all of the following conditions are met:
 - 1) The discharger is a publicly owned or publicly regulated sewage treatment works; and
 - 2) The discharger does not use mercury; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and
 - 3) The effluent mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of Section

304.104(a); provided, however, that daily averages may exceed 0.006 mg/l 30% of the time; and

- 4) The discharger has enforceable ordinances or contract provisions whereby it limits use of mercury by dischargers and discharge of mercury into its sewage system; and
 - 5) The discharger's limitations on use and discharge of mercury to its sewage system are at least as stringent as those provided in Section 307.103; and
 - 6) The discharger has a surveillance program with a reasonable likelihood of determining sources of mercury discharged to the sewage system; and
 - 7) The discharger takes all lawful steps to eliminate known mercury discharges to the sewage system which contribute levels in excess of those allowed by Section 307.103; and
 - 8) The discharger reports all known violations of Section 307.103 to the Agency.
- d) For purposes of permit issuance the Agency may consider application of the exceptions of this section to determine compliance with this section. The Agency may impose permit conditions necessary or required to assure continued application of an exception. When paragraph (b) applies, the Agency may impose an effluent limitation in the permit which allows discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.

(Source: Added at 6 Ill. Reg. 563, effective December 24, 1981)

Section 304.140 Delays in Upgrading (Repealed)

(Source: Repealed at R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989)

Section 304.141 NPDES Effluent Standards

- a) No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit.
- b) No person may discharge any pollutant subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated pursuant to the CWA or the Act, unless limitation for such

a pollutant has been set forth in an applicable NPDES Permit. However, the Agency may, by permit condition, provide that the permittee may discharge pollutants present in its water supply intake sources in concentrations not greater than the concentrations in the intake sources, or which are added in trace amounts by normal domestic water usage.

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

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

(Source: Amended at 38 Ill. Reg. 6107, effective February 26, 2014)

Section 304.142 New Source Performance Standards (Repealed)

(Source: Repealed at 8 Ill. Reg. 1600, effective January 18, 1984)

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

Section 304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago

- a) Calumet Treatment Plant Cyanide Discharges:

The effluent standards of Section 304.124 as applied to cyanide discharges, Sections 304.120(b) and (c) and Section 304.122 do not apply to BOD₅, total suspended solids, cyanide, and ammonia-nitrogen discharged from the Calumet Sewage Treatment Works of The Metropolitan Water Reclamation District of Greater Chicago. Instead, it must meet the following effluent standard, subject to the averaging rule of Section 304.104(a), effective July 1, 1988:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
CBOD ₅	80082	24
SS	00530	28
Ammonia Nitrogen (as N)	00610	13
Cyanide	00720	0.15

b) North Side Sewage Treatment Works:

The effluent standards of Sections 304.120(b) and (c) and 304.122 do not apply to BOD₅, total suspended solids, 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 Section 304.104(a) effective July 1, 1988:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
CBOD ₅	80082	12
SS	00530	20
Ammonia Nitrogen (as N)		
April - October	00610	2.5
November - March	00610	4.0

(Source: Amended at 20 Ill. Reg. 3528, effective February 8, 1996.)

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

The mercury discharge standards of Sections 304.124 and 307.103 shall not apply to any manufacturing facility which 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 which receives such a manufacturing facility's wastewater. The amount of mercury discharged by any such manufacturing facility shall 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 which, directly or indirectly, receives such a manufacturing facility's wastewater shall be entitled to discharge mercury in excess of the levels provided in Section 304.124 to the extent that said discharge exceeds those levels because of such a manufacturing facility's discharge.

(Source: Amended at 6 Ill. Reg. 563, effective December 24, 1981)

Section 304.203 Copper Discharges by Olin Corporation

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. Such discharges shall not be subject to Section 304.105 as it applies to the water quality standard for copper of 35 Ill. Adm. Code 302.208.

(Source: Added at 7 Ill. Reg. 3020, effective March 4, 1983)

Section 304.204 Schoenberger Creek: Groundwater Discharges

- a) This rule shall apply to discharges from an existing facility owned by Pfizer Corporation to Schoenberger Creek immediately south of the Baltimore and Ohio main tracks in T2N, R9W of the 3rd P.M., St. Clair County.
- b) This rule shall apply only to discharges of groundwater used as non-contact cooling water in which naturally occurring background concentrations have not been increased by industrial or other human use.
- c) Instead of the general effluent standards set forth in Section 304.124 for the listed parameters, these discharges shall not exceed the following limitations:

Constituent	Storet Number	Concentration mg/l
Iron (total)	01045	20
Total Suspended Solids	00530	37

(Source: Added at 7 Ill. Reg. 8111, effective June 23, 1983)

Section 304.205 John Deere Foundry Discharges

- a) This Section applies to existing effluent discharges from an existing nodular iron foundry owned by Deere and Company which discharges to tributaries of Sugar Creek in Sections 29 and 30, T18N, R1E of the Fourth Principal Meridian, Rock Island County.
- b) If paragraphs (c) and (d) are met, such discharges shall not be subject to Section 304.105 as it applies to the following water quality standards:
 - 1) 35 Ill. Adm. Code 302.211(c);
 - 2) 35 Ill. Adm. Code 302.211(d); and,
 - 3) 35 Ill. Adm. Code 302.208 with respect to total dissolved solids and iron (total).
- c) No person shall cause or allow temperature in any effluent discharge subject to this Section to exceed 37 degrees C (98 degrees F) at any time.

- d) No person shall cause or allow the concentration of total dissolved solids (STORET 70300) in any effluent discharge subject to this Section to exceed 2200 mg/l, subject to the averaging rule of Section 304.104.

(Source: Added at 7 Ill. Reg. 14515, effective October 14, 1983)

Section 304.206 Alton Water Company Treatment Plant Discharges

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

(Source: Added at 8 Ill. Reg. 3687, effective March 14, 1984)

Section 304.207 Galesburg Sanitary District Deoxygenating Wastes Discharges

- a) The deoxygenating wastes general effluent standards of Section 304.120(c) shall not apply to the Galesburg Sanitary District discharges into Cedar Creek. Such discharges must meet the deoxygenating wastes general effluent standards set below:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
BOD ₅ April-November	00310	17
December-March		20
Suspended Solids	00530	
June-January		15
February-May		25

- b) The above standard shall apply so long as 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 set out in paragraph (b), above, are not met, the deoxygenating wastes general effluent standards of Section 304.120(c) shall apply to the Galesburg Sanitary District discharges into Cedar Creek.

(Source: Added at 8 Ill. Reg. 8237, effective May 29, 1984)

Section 304.208 City of Lockport Treatment Plant Discharges

- 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 Section 304.120 shall not apply to said discharges, provided that said discharges shall not exceed 20 mg/l of five day biochemical oxygen demand (BOD₅) (STORET number 00310) or 25 mg/l of total suspended solids (STORET number 00530).
- c) The provisions of Section 302.212(b) and Section 302.212(e) shall not apply to said discharges, provided that said discharges do not cause or contribute to a violation of water quality standards in the DesPlaines River or the Chicago Sanitary and Ship Canal.

(Source: Added at 9 Ill. Reg. 1379, effective January 21, 1985)

Section 304.209 Wood River Station Total Suspended Solids Discharges

The limitation on the discharge of Total Suspended Solids contained in Section 304.124(a) shall not apply to the discharge from the ash pond system of Illinois Power Company's Wood River Station, located in East Alton, Illinois. Instead, the concentration of Total Suspended Solids shall not exceed 30 mg/l as an average of daily values for thirty (30) consecutive days and shall not exceed 50 mg/l as a maximum for any one (1) day.

(Source: Added at 9 Ill. 4510, effective March 22, 1985)

Section 304.210 Alton Wastewater Treatment Plant Discharges

The discharge from the City of Alton's (Alton) sewage treatment works outfall 001 sewer located on Wood River Creek, approximately 1,000 feet from its confluence with the Mississippi River, shall not be subject to Section 304.120(c). Instead, Alton's discharge shall not exceed the following limitations: 20 milligrams per liter for five day biochemical oxygen demand (BOD₅) (STORET number 00310) and 25 milligrams per liter for total suspended solids (STORET number 00530). Compliance shall be determined consistent with Section 304.120(e).

(Source: Added at 12 Ill. Reg. 10712, effective June 9, 1988)

Section 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough

The effluent standards for total dissolved solids and chloride discharged from the Illiopolis, Illinois facility of Borden Chemicals and Plastics Operating Limited Partnership into an unnamed tributary of Long Point Slough shall comply with the following effluent limitations as measured at the point of discharge to the unnamed tributary:

Total Dissolved Solids	3,000 mg/l daily maximum
Chloride	900 mg/l daily maximum

(Source: Added at 15 Ill. Reg. 241, effective December 18, 1990)

Section 304.212 Sanitary District of Decatur Discharges

- a) This Section applies only to effluent discharges from the Sanitary District of Decatur's Sewage Treatment Plant into the Sangamon River, Macon County, Illinois.
- b) The provisions of Section 304.120(c) shall not apply to said discharges, provided that said discharges shall not exceed 20 mg/l of five day biochemical oxygen demand (BOD₅) (STORET number 00310) and 25 mg/l of total suspended solids (STORET number 00530).

(Source: Added at 11 Ill. Reg. 3117, effective January 28, 1987)

Section 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge

- a) This Section applies to discharges from the PDV Midwest Refining, L.L.C. (PDVMR) Refinery, located in Lemont into the Chicago Sanitary and Ship Canal.
- b) The requirements of Section 304.122(b) shall not apply to the discharge. Instead PDVMR must meet applicable Best Available Technology Economically Achievable (BAT) limitations pursuant to 40 CFR 419.23 (1992) incorporated by reference in subsection (c). PDVMR shall also meet a monthly average limitation for ammonia nitrogen of 9.4 mg/l and a daily maximum limitation of 26.0 mg/l.
- c) The Board incorporates by reference 40 CFR 419.23 (1992) only as it relates to ammonia nitrogen as N. This incorporation includes no subsequent amendments or editions.
- d) PDVMR shall continue its efforts to reduce the concentration of ammonia nitrogen in its wastewaters.
- e) PDVMR shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency.
- f) PDVMR shall submit the reports described in subsection (e) no later than 60 days after the end of a calendar year.
- g) The provisions of this Section shall terminate on December 31, 2008.

(Source: Amended at 22 Ill. Reg. 687, effective December 31, 1998)

Section 304.214 Mobil Oil Refinery Ammonia Discharge

- a) This Section applies to discharges from Mobil Oil Corporation's Refinery, located near Joliet, into the Des Plaines River.
- b) The requirements of Section 304.122(b) do not apply to Mobil's discharge. Instead Mobil's discharge may not exceed the following limitations:

CONSTITUENT	CONCENTRATION (mg/l)
Ammonia Nitrogen	
Monthly Average	9.0
Daily Maximum	23.0

- c) Section 304.104(a) does not apply to this Section. Monthly average and daily composites are as defined in Section 304.104(b).

- d) Mobil shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency. The report shall be filed with the Agency by January 31 of each year.
- e) The provisions of this Section shall terminate on December 31, 2007.

(Source: Amended at 22 Ill. Reg. 3512, effective February 3, 1998)

Section 304.215 City of Tuscola Wastewater Treatment Facility Discharges

The requirements of Section 304.123(c) shall not apply to the discharges from the City of Tuscola's wastewater treatment facility into Scattering Fork Creek, Douglas County, Illinois.

(Source: Added at 12 Ill. Reg. 8658, effective May 10, 1988)

Section 304.216 Newton Station Suspended Solids Discharges

The limitation on the discharge of total suspended solids (TSS) contained in Section 304.124(a) does not apply to the discharge from the ash pond system of Central Illinois Public Service Company's Newton Station (CIPS), located in Jasper County. Instead, CIPS' ash pond system discharge shall not exceed 30 mg/l monthly average and 50 mg/l daily composite for TSS, and 15 mg/l monthly average and 30 mg/l daily composite for non-volatile TSS. The definitions of Section 304.104(b) apply to these effluent limits.

(Source: Added at 12 Ill. Reg. 13966, effective August 23, 1988)

Section 304.218 City of Pana Phosphorus Discharge

The general effluent standard for phosphorus as P contained in Section 304.123 shall not apply to discharges from the City of Pana wastewater treatment plant. Instead these discharges shall comply with an effluent limitation of 2.8 mg/l phosphorus as P as measured at the point of discharge.

(Source: Added at 14 Ill. Reg. 20719, effective December 11, 1990)

Section 304.219 North Shore Sanitary District Phosphorus Discharges

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

- b) The requirements of Section 304.123(a) shall not apply to the phosphorus content of the North Shore Sanitary District excess flow discharges from Waukegan and North Chicago into Lake Michigan. Instead, the following requirements shall apply to North Shore Sanitary District discharges into Lake Michigan:
 - 1) The North Shore Sanitary District shall discharge no effluent into Lake Michigan from its Waukegan treatment plant until after that plant has achieved its maximum treatment flow capacity and all the Waukegan treatment plant excess flow retention reservoirs are full to capacity;
 - 2) The North Shore Sanitary District shall discharge no effluent into Lake Michigan from its North Chicago treatment plant until after that plant has achieved its maximum treatment flow capacity, the North Chicago treatment plant excess flow retention reservoirs are full to capacity, the maximum rate of transfer of untreated effluent to Gurnee has been achieved, the Gurnee treatment plant has achieved its maximum treatment flow capacity, and the Gurnee treatment plant excess flow retention reservoirs are full to capacity.
- c) The North Shore Sanitary District shall increase the maximum peak treatment flow capacity of its Waukegan treatment plant to at least 44 million gallons per day before January 1, 1992;
- d) The North Shore Sanitary District shall increase the maximum peak treatment flow capacity of its Gurnee treatment plant to 39 million gallons per day before January 1, 1989;
- e) The North Shore Sanitary District shall increase the excess flow retention reservoir capacity at its Gurnee treatment plant to 50 million gallons before January 1, 1991;
- f) The North Shore Sanitary District shall operate its Waukegan or North Chicago treatment plant at its maximum treatment flow capacity during any period in which less than 90 percent of the retention reservoir capacity is available to receive excess flows at the relevant treatment plant, except when such unavailability results during times of normal treatment plant and/or retention basin maintenance; and
- g) The North Shore Sanitary District shall, as required pursuant to Section 309.141, immediately embark on a program of excess flow and water quality impact monitoring, shall periodically submit the data from such monitoring to the Illinois Environmental Protection Agency ("Agency"), and shall submit a comprehensive study of this data and monitoring for the

period 1987 through 1991 to the Board and the Agency before April 1, 1992.

(Source: Added at 12 Ill. Reg. 20126, effective November 16, 1988)

**Section 304.220 East St. Louis Treatment Facility,
Illinois-American Water Company**

This Section applies to the potable drinking water treatment plant owned by Illinois-American Water Company (Company) which is located at East St. Louis, and which discharges into the Mississippi River. The discharges of the plant shall not be subject to the effluent standards for total suspended solids and total iron of Section 304.124, provided that the Company uses only biodegradable coagulants approved by the United States Environmental Protection Agency pursuant to Section 1442(a) and (b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-1(a) and (b)(1) as acceptable drinking water additives. The Company, in consultation with the Illinois Environmental Protection Agency, shall conduct a comprehensive study of the effects of the use of those coagulants on the receiving stream, including but not limited to information on the toxicity of the discharge, both to humans and to fish; the concentration of the coagulants in the discharge as compared with the raw water application rate of the coagulants; and the rate and chemical pathway for degradation of the coagulants. This Section will expire on January 1, 1992.

(Source: Added at 13 Ill. Reg. 2060, effective February 6, 1989)

**Section 304.221 Ringwood Drive Manufacturing Facility in
McHenry County**

The general effluent standards for deoxygenating wastes contained in Section 304.120 shall not apply to discharges from the manufacturing facility located on Ringwood Drive in Ringwood, McHenry County, which discharges to an unnamed tributary of Dutch Creek. Instead these discharges shall comply with the following effluent limitations as measured at the point of discharge after the third lagoon and prior to 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

(Source: Added at 14 Ill. Reg. 9437, effective May 31, 1990)

Section 304.222 Intermittent Discharge of TRC

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 and 302.504(a) by operation of Section 304.105 shall not apply to any discharge which contains TRC solely as the result of intermittent usage for antifouling purposes related to the operation of condensers and cooling systems. For the purposes of this Section usage of chlorine or related substances measurable as TRC shall be deemed to be intermittent if usage 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 shall not exceed 0.2 mg/l nor shall the TRC concentration exceed 0.5 mg/l at any time.

(Source: Amended at 22 Ill. Reg. 1351, effective December 24, 1997.)

Section 304.224 Effluent Disinfection

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 less than 10 samples are taken in a month. If 10 or more samples are taken in a month, fecal coliform shall not exceed a 30-day geometric mean of 200 CFU per 100 mL, nor shall more than 10% of the samples during any 30 day period exceed 400 CFU per 100 mL. All effluents in existence on or before February 3, 2012 must meet these standards by March 1, 2016. All new discharges must meet these standards upon the initiation of discharge.

(Source Added at 36 Ill. Reg. 2586, effective February 2, 2012).

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)

(Source: Repealed at 21 Ill. Reg. 364, effective December 23, 1996)

Section 304.302 City of Joliet East Side Wastewater Treatment Plant

This Section applies only to the City of Joliet's East Side Wastewater Treatment Plant which discharges into Hickory Creek in Will County, Illinois. The discharges of that plant shall not be subject to the effluent standards of Section 304.120(c), provided that those discharges meet the five day biochemical oxygen demand (BOD) and suspended solids limitations of Section 304.120(b). This Section will expire on January 1, 1994.

(Source: Added at 13 Ill. Reg. 851, effective January 9, 1989)

Section 304.303 Amerock Corporation, Rockford Facility

- a) This Section applies only to stormwater discharges from Amerock Corporation's Rockford facility into North Kent Creek in Winnebago County, Illinois.
- b) Instead of the general effluent limitations set forth in Section 304.124(a) for the following listed parameters, stormwater discharges from Amerock's Rockford facility shall not exceed the following limitations:

CONSTITUENT	STORET NUMBER	LIMITATION (lbs/mo)
Chromium (total)	01032	4.0
Chromium (hexavalent)	01033	1.0
Copper	01042	20.0
Cyanide	00720	3.0
Zinc	01092	60.0
Total Suspended Solids	00530	300.0

- c) This Section is not effective after December 31, 2000.

(Source: Added at 18 Ill. Reg. 11574, effective July 7, 1994)

**Section 304.APPENDIX
Reference to Previous Rules**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 3: Water Pollution Part IV, Effluent Standards	35 Ill. Admin. Code Part 304
Unnumbered Preamble	Section 304.101
Rule 401(a)	Section 304.102
Rule 401(b)	Section 304.103
Rule 401(c)	Section 304.104
Rule 402	Section 304.105
Rule 402.1	Section 304.301
Rule 403	Section 304.106
Rule 404	Section 304.120
Rule 405	Section 304.121
Rule 406	Section 304.122

Rule 407	Section 304.123
Rule 408	Section 304.124
Rule 408(a) f.3	Section 304.201
Rule 409	Section 304.140
Rule 410	Section 304.141
Rule 411	Section 304.126
Rule 412	Section 304.142
Rule 413	Section 304.125
Rule 450	Section 304.201
Rule 451	Section 304.202