

ORIGINAL



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

8/3/2004

POLLUTION CONTROL BOARD

100 West Randolph 11-500

Dorothy Gunn

CHICAGO, IL 606010601

RECEIVED
CLERK'S OFFICE

AUG 11 2004

STATE OF ILLINOIS
Pollution Control Board

Dear Dorothy Gunn

Your rules Listed below met our codification standards and have been published in Volume 28, Issue 32 of the Illinois Register, dated 8/6/2004.

PROPOSED RULES

Water Quality Standards

35 Ill. Adm. Code 302

Point Of Contact: Dorothy M. Gunn

Page 10887

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.207	Amend
302.307	Add
302.525	Amend
- 4) Statutory authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]
- 5) A complete description of the subjects and issues involved:

The Board started this rulemaking in response to a proposal filed by the Illinois Environmental Protection Agency. The Board has already held two public hearings prior to its adoption of its July 8, 2004 first notice order in this docket, R04-21.

The proposed changes to Sections 302.207 and 302.525 would eliminate the existing general use and Lake Michigan (respectively) water quality standards for radium 226, yet retain the existing radioactivity standards for gross beta particle activity and strontium 90. The proposed new Section 302.307 establishes a public and food processing water supply standard for radium 226 and 228 combined of 5 pCi/L. These proposed amendments correspond to the United States Environmental Protection Agency's (USEPA) Maximum Contaminant Level for finished drinking water. The USEPA final drinking water standard became effective December 8, 2003 (National Primary Drinking Water Regulations; Radionuclide; Final Rule. 65 Fed. Reg. 76707 (Dec. 7, 2000)). The Board adopted these federal amendments in its identical in substance rulemaking SDWA Update, USEPA Amendments (July 1, 2000 through December 31, 2000) (R01-20) at 25 Ill. Reg. 13611, effective October 9, 2001.

- 6) Will these proposed rules replace emergency rules currently in effect?: No.
- 7) Does this rulemaking contain an automatic repeal date?: No.

RECEIVED

JUL 22 2004

SECRETARY OF STATE
INDEX DEPARTMENT

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of statewide policy objectives:

The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-21 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Additionally, the Board will hold a hearing on these proposed amendments on August 25, 2004, at 1:30 pm at the Illinois Pollution Control Board Hearing Room, 1021 North Grand Avenue East, North Entrance, Springfield, IL.

Address all questions to Amy Antonioli, at 312-814-3665 or antonioa@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R04-21 from Dorothy M. Gunn, at 312-814-3620, or download copies from the Board's Web site at www.ipcb.state.il.us.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This proposal will primarily benefit publicly owned treatment works (POTWs) and public drinking water supplies and the people who drink the water they furnish.

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance:

None

13) Regulatory Agenda on which this rulemaking was summarized /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas.

This proposal appears in the Board's January 2004 regulatory agenda.

The full text of the proposed amendments begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDs
302.103	Stream Flows
302.104	Main River Temperatures
302.105	Antidegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Total Ammonia Nitrogen
302.213	Effluent Modified Waters (Ammonia)(Repealed)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	
302.301	Scope and Applicability
302.302	Algicide Permits
302.303	Finished Water Standards
302.304	Chemical Constituents
302.305	Other Contaminants

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 302.306 Fecal Coliform
302.307 Radium 226 and Radium 228

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 BASIN WATER QUALITY STANDARDS

- Section
302.501 Scope, Applicability, and Definitions
302.502 Dissolved Oxygen
302.503 pH
302.504 Chemical Constituents
302.505 Fecal Coliform
302.506 Temperature
302.507 Thermal Standards for Existing Sources on January 1, 1971
302.508 Thermal Standards for Sources Under Construction But Not In Operation on
January 1, 1971
302.509 Other Sources
302.510 Incorporations by Reference
302.515 Offensive Conditions
302.520 Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.521 Supplemental Antidegradation Provisions for Bioaccumulative Chemicals of
Concern (BCCs)
302.525 Radioactivity
302.530 Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern
(BCCs)
302.535 Ammonia Nitrogen
302.540 Other Toxic Substances
302.545 Data Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 302.550 Analytical Testing
- 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
- 302.555 Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
- 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
- 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
- 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
- 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
- 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife
- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health – General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance – General Procedures
- 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
- 302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
- 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedure for Combinations of Substances
- 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combinations of Substances
- 302.633 The Wild and Domestic Animal Protection Criterion
- 302.642 The Human Threshold Criterion
- 302.645 Determining the Acceptable Daily Intake
- 302.648 Determining the Human Threshold Criterion
- 302.651 The Human Nonthreshold Criterion
- 302.654 Determining the Risk Associated Intake
- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria

- APPENDIX A References to Previous Rules
- APPENDIX B Sources of Codified Sections
- APPENDIX C Maximum total ammonia nitrogen concentrations allowable for certain combinations of pH and temperature
 - TABLE A pH-Dependent Values of the AS (Acute Standard)
 - TABLE B Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Absent
 - TABLE C Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Present

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

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 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; 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 at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505, effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective November 8,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21 at 28 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.207 Radioactivity

- a) Gross beta (STORET number 03501) concentration shall not exceed 100 picocuries per liter (pCi/L).
- b) Concentrations of radium 226 (STORET number 09501) and sStrontium 90 (STORET number 13501) concentration shall not exceed ~~1 and 2~~ picocuries per liter (pCi/L) respectively.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section 302.307 Radium 226 and 228

Radium 226 and 228 (STORET number 11503) combined concentration shall not exceed 5 picocuries per liter (pCi/L) at any time.

(Source: Added at 28 Ill. Reg. _____, effective _____)

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section 302.525 Radioactivity

Except as provided in Section 302.102, all waters of the Lake Michigan Basin must meet the following concentrations in any sample:

- a) Gross beta (STORET number 03501) concentrations must not exceed 100 picocuries per liter (pCi/L).
- b) Concentrations of radium 226 (STORET number 09501) and sStrontium 90 (STORET number 13501) concentration shall not exceed ~~1 and 2~~ picocuries per liter (pCi/L) respectively.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. _____, effective _____)