POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Water Quality Standards

2) Code citation: 35 Ill. Adm. Code 302

3)

Section Numbers:	Proposed Action:
302.207	Amend
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: A more detailed discussion of the amendments in this rulemaking can be found in the Board's April 7, 2005 opinion and order in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21). The Board's amendments to the water quality standards propose a general use water quality standard of 3.75 pCi/L combined radium 226 and 228 to replace the existing radium 226 standard of 1 pCi/L. This standard, like the current one, will apply to all general use waters of the State, as well as the Lake Michigan Basin. The proposal also applies a combined radium standard of 30 pCi/L to stream segments that receive discharge from Publicly Owned Treatment Works (POTWs) receiving wastewater discharge from public drinking water supplies using groundwater with a high radium concentration. The 30 pCi/L combined radium 226 and 228 standard will apply from the point of discharge to one mile downstream of the discharge outfall.

This is the second first-notice publication in this rulemaking. The Board found that the record in this rulemaking developed during the original first-notice period supported significant changes to the original proposal. The Board's original rulemaking in this matter proposed eliminating the general use and Lake Michigan water quality standards for radium of 1 picocurie per liter (pCi/L) radium 226 and setting a new standard of 5 pCi/L combined radium 226 and 228, applicable only to surface waters used for public and food processing water supplies. Because the Board made substantial changes to the original proposal, it withdrew those amendments (see Notice of Withdrawal of Amendments in the April 22, 2005 issue of the *Illinois Register*).

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

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8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective: 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 at least 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

Address all questions to Amy Antoniolli, 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.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This proposal will have an impact on POTWs, 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: January 2004

The full text of the Proposed Amendments begins on the next page:

JCAR350302-0505873r01

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

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

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, 2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21 at 29 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.207 Radioactivity

a) Gross beta (STORET number 03501) concentration ~~must~~shall ~~shall~~ not exceed 100 picocuries per liter (pCi/*l*).

b) Strontium~~Concentrations of radium 226 (STORET number 09501) and strontium~~ 90 (STORET number 13501) concentration must ~~shall~~ not exceed ~~1 and~~ 2 ~~picocuries per liter~~ pCi/*l*~~respectively~~.

c) Radium 226 and 228 (STORET number 11503) combined concentration must not exceed 3.75 pCi/*l*, except as provided in subsection (d) of this Section.

d) The concentration of combined radium 226 and 228 must not exceed 30 pCi/*l* in waters receiving discharge from a publicly owned treatment works (POTW) for up to one mile downstream of the POTW discharge outfall, if the POTW receives wastewater from any community that extracts, for drinking water use, groundwater containing radium 226 and 228 combined at concentration levels exceeding 3.75 pCi/*l*.

(Source: Amended at 29 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*~~L~~).

b) Strontium~~Concentrations of radium 226 (STORET number 09501) and strontium~~ 90 (STORET number 13501) concentration must not exceed ~~1 and~~ 2 ~~picocuries per liter~~ pCi/*l*~~, respectively~~.

c) Radium 226 and 228 (STORET number 11503) combined concentration must not exceed 3.75 pCi/*l* at any time.

(Source: Amended at 29 Ill. Reg. _____, effective _____)