

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

R09-8

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Number: 303.446                      Proposed Action: New Section
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking see the Board's September 4, 2008 opinion and order in Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power (CWLP) and Springfield Metro Sanitary District (District) From 35 Ill. Adm. Code Section 302.208(g). (R09-08) This site specific rule would authorize an alternative water quality standard for boron from the point of discharge at the District's Spring Creek Sanitary Treatment Plant to the Sangamon River and then to the confluence with the Illinois River, and in the Illinois River 100 yards downstream from the confluence with the Sangamon River. The rule is proposed to enable the Spring Creek Sanitary Treatment Plant to accept a pretreated industrial effluent stream from the CWLP's power station. CWLP's power plant is a critical power supply for the City of Springfield and surrounding communities; the site-specific water quality standard for boron is necessary to enable CWLP to operate its power plant in compliance with its National Pollutant Discharge Elimination System Permit and State and Federal air pollution Regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No published studies, reports and sources of underlying data were used to compose this rulemaking.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS

RECEIVED  
CLERK'S OFFICE

OCT 09 2008

STATE OF ILLINOIS  
Pollution Control Board

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

805/3(b) (2004)].

- 12) 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 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R09-08 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Marie Tipsord at 312/814-4925 or email at [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is site-specific and applies only to CWLP. However, it would have a positive economic impact on CWLP's customers including the City of Springfield's residents, businesses, not-for-profit organizations and surrounding small municipalities.
  - B) Reporting, bookkeeping or other procedures required for compliance: This proposed rulemaking includes numerous reporting requirements as mandated by P.A. 94-849.
  - C) Types of Professional skills necessary for compliance: Compliance with this rulemaking may require the skills of an attorney, chemist, and/or engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the Board's regulatory agenda because: as the Board was unaware of the rulemaking until the rule was filed on August 29, 2008.

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

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE C: WATER POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 303  
6 WATER USE DESIGNATIONS AND SITE-SPECIFIC  
7 WATER QUALITY STANDARDS  
8

9 SUBPART A: GENERAL PROVISIONS  
10

11	Section	
12	303.100	Scope and Applicability
13	303.101	Multiple Designations
14	303.102	Rulemaking Required

15  
16 SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS  
17

18	Section	
19	303.200	Scope and Applicability
20	303.201	General Use Waters
21	303.202	Public and Food Processing Water Supplies
22	303.203	Underground Waters
23	303.204	Secondary Contact and Indigenous Aquatic Life Waters
24	303.205	Outstanding Resource Waters
25	303.206	List of Outstanding Resource Waters

26  
27 SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
28 SPECIFIC WATER QUALITY STANDARDS  
29

30	Section	
31	303.300	Scope and Applicability
32	303.301	Organization
33	303.311	Ohio River Temperature
34	303.312	Waters Receiving Fluorspar Mine Drainage
35	303.321	Wabash River Temperature
36	303.322	Unnamed Tributary of the Vermilion River
37	303.323	Sugar Creek and Its Unnamed Tributary
38	303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
39	303.331	Mississippi River North Temperature
40	303.341	Mississippi River North Central Temperature
41	303.351	Mississippi River South Central Temperature
42	303.352	Unnamed Tributary of Wood River Creek
43	303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal

- 44 303.361 Mississippi River South Temperature
- 45 303.400 Bankline Disposal Along the Illinois Waterway/River
- 46 303.430 Unnamed Tributary to Dutch Creek
- 47 303.431 Long Point Slough and Its Unnamed Tributary
- 48 303.441 Secondary Contact Waters
- 49 303.442 Waters Not Designated for Public Water Supply
- 50 303.443 Lake Michigan Basin
- 51 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 52 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 53 303.446 Springfield Metro Sanitary District Spring Creek Treatment Plant Boron
- 54 Discharge

55  
56 SUBPART D: THERMAL DISCHARGES

- 57
- 58 Section
- 59 303.500 Scope and Applicability
- 60 303.~~502~~~~501~~ Lake Sangchris Thermal Discharges

- 61
- 62 303.APPENDIX A References to Previous Rules
- 63 303.APPENDIX B Sources of Codified Sections

64

65 AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the

66 Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

67

68 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221,

69 effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill.

70 Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg.

71 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983;

72 amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill.

73 Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective

74 May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended

75 in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill.

76 Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective

77 August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended

78 in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg.

79 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February

80 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-

81 24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. \_\_\_\_\_,

82 effective \_\_\_\_\_.

83

84 SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE

85 SPECIFIC WATER QUALITY STANDARDS

86

87 **Section 303.446 Springfield Metro Sanitary District Spring Creek Treatment Plant Boron**  
88 **Discharge**

89  
90 The general use water quality standard for boron set forth in Section 302.208(g) shall not apply  
91 to waters of the State that receive discharge from Outfall 007 of the Spring Creek Treatment  
92 Plant located at 3017 North 8<sup>th</sup> Street, Springfield, Illinois, owned by the Springfield Metro  
93 Sanitary District. Boron levels in those waters must meet the water quality standard for boron as  
94 set forth in this Section:

- 95  
96 a) 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007  
97 to 182 yards downstream from the confluence of Spring Creek with the Sangamon  
98 River;  
99  
100 b) 4.5 mg/L from 182 yards downstream of the confluence of Spring Creek with the  
101 Sangamon River to the confluence of Salt Creek with the Sangamon, a distance of  
102 39.0 river miles;  
103  
104 c) 1.6 mg/L from the confluence of Salt Creek with the Sangamon River to the  
105 confluence of the Sangamon River with the Illinois River, a distance of 36.1 river  
106 miles; and  
107  
108 d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the  
109 confluence of the Sangamon River to 100 yards downstream of the confluence of  
110 the Illinois River with the Sangamon River.

111  
112 (Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 303  
WATER USE DESIGNATIONS AND SITE-SPECIFIC  
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section  
303.100 Scope and Applicability  
303.101 Multiple Designations  
303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section  
303.200 Scope and Applicability  
303.201 General Use Waters  
303.202 Public and Food Processing Water Supplies  
303.203 Underground Waters  
303.204 Secondary Contact and Indigenous Aquatic Life Waters  
303.205 Outstanding Resource Waters  
303.206 List of Outstanding Resource Waters

SUBPART C: SPECIFIC USE ~~DESIGNATIONS~~DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section  
303.300 Scope and Applicability  
303.301 Organization  
303.311 Ohio River Temperature  
303.312 Waters Receiving Fluorspar Mine Drainage  
303.321 Wabash River Temperature  
303.322 Unnamed Tributary of the Vermilion River  
303.323 Sugar Creek and Its Unnamed Tributary  
303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River  
303.331 Mississippi River North Temperature  
303.341 Mississippi River North Central Temperature  
303.351 Mississippi River South Central Temperature  
303.352 Unnamed Tributary of Wood River Creek  
303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal  
303.361 Mississippi River South Temperature  
303.400 Bankline Disposal Along the Illinois Waterway/River  
303.430 Unnamed Tributary to Dutch Creek  
303.431 Long Point Slough and Its Unnamed Tributary  
303.441 Secondary Contact Waters  
303.442 Waters Not Designated for Public Water Supply  
303.443 Lake Michigan Basin  
303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des  
Plaines River  
303.445 Total Dissolved Solids Water Quality Standard for the Lower Des  
Plaines River  
303.446 Springfield Metro Sanitary District Spring Creek Treatment Plant  
Boron Discharge

SUBPART D: THERMAL DISCHARGES

Section

303.500 Scope and Applicability~~303.501~~  
303.502 Lake Sangchris Thermal Discharges

303.APPENDIX A References to Previous Rules  
303.APPENDIX B Sources of Codified Sections

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. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section 303.446 Springfield Metro Sanitary District Spring Creek Treatment  
~~Plan~~Plant Boron Discharge

The general use water quality standard for boron set forth in Section 302.208(g) shall not apply to waters of the ~~state~~State that receive discharge from Outfall 007 of the Spring Creek Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in ~~such~~those waters must meet the water quality standard for boron as set forth in this ~~section~~Section:

~~1-a)~~ 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007 to 182 yards downstream from the confluence of Spring Creek with the Sangamon River;

~~2-b)~~ 4.5 mg/L from 182 yards downstream of the confluence of Spring Creek with the Sangamon River to the confluence of Salt Creek with the Sangamon, a distance ~~ex~~of 39.0 river miles;

~~3-c)~~ 1.6 mg/L from the confluence of Salt Creek with the Sangamon River to the confluence of the Sangamon River with the Illinois River, a distance of 36.1 river miles; and

4-d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the confluence of the Sangamon River to 100 yards downstream of the confluence of the Illinois River with the Sangamon River.

(Source: Added at 33 Ill. AdmReg. Code \_\_\_\_\_, effective \_\_\_\_\_)  
ILLINOIS REGISTER

JCAR350303-0816303r01

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT



Document comparison done by DeltaView on Thursday, October 02, 2008 1:24:59 PM

Input:	
Document 1	file:///I:/Input/35-303-Agency(issue41).doc
Document 2	file:///I:/Input/35-303-JCARr01(issue41).doc
Rendering set	Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	14
Deletions	19
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	33