

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

3) Section Numbers: Proposed Action:
303.447 New
303.448 New

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STATE OF ILLINOIS
Pollution Control Board

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]

5) A Complete Description of the Subjects and Issues Involved: For a more detailed discussion of these amendments, see the Board's February 5, 2009 opinion and order in docket R09-11 (City of Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek (35 Ill. Adm. Code 303.447 and 303.448 (R09-11))). The City of Galva (Galva) proposed site-specific amendments to allow alternative boron standards for discharges from both of its Sewage Treatment Plants (STPs). The proposal seeks to establish a 3.0 milligram per liter (mg/L) alternative boron standard to the generally applicable 1.0 mg/L boron water quality standard in 35 Ill. Adm. Code. 302.208(g). The alternative standard for boron would apply to certain segments of an unnamed tributary to the South Branch of the Edwards River, the South Branch of the Edwards River, and the Mud Creek Run. These segments receive discharges from the two Sewage Treatment Plants (STPs) operated by Galva. Galva states that the source of the boron in its STP discharge is the groundwater from aquifers that supply Galva's drinking water. Galva states that the requested relief from this standard is necessary to ensure that it does not violate any relevant regulation or appropriate permit condition. 35 Ill. Adm. Code 303.447 contains certain exemptions that are only applicable to boron standards in discharges from the Northeast STP into the South Branch Edwards River, and its Southwest STP discharges into Mud Run Creek. According to Galva, compliance with the Agency effluent standard for boron would be cost prohibitive for a rural community without the resources to deal with these costs. In response to Galva's request, the Board accepted the proposal for hearing, and First Notice publication, but does not comment on the merits of the Galva proposal.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None presently identified.

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes, there is a new section at 32 Ill. Reg. 16303, proposed in the October 10, 2008 Register.
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will hold a hearing in the rulemaking on March 31, 2009. Additionally, 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 R09-11 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 may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Marie E. Tipsord at 312/814-4925 or email at tipsorm@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking is site specific and will only impact the City of Galva.
- B) Reporting, bookkeeping or other procedures required for compliance:
This rulemaking does not impose any additional reporting or recordkeeping requirements.
- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

control regulations applicable to affected source will be required.

- 14) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included in the two most recent regulatory agendas because: the Board did not anticipate that the City of Galva would request this site-specific relief.

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

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
303.447 Unnamed Tributary of the South Branch Edwards River and South Branch
Edwards River
303.448 Mud Run Creek

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-~~811~~ at 33 Ill. Reg. ~~16303,~~ , effective ~~October 10, 2008; amended in R09-11 at 33 Ill. Reg. , effective~~

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

Section 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River

The general use water quality standard for boron at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at 523 NE 9th Street in Galva, known as the Galva Northeast Sewage Treatment Plant, to an unnamed tributary of the South Branch of the Edwards River (the discharge point being located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, ~~28, 33, 34, 28, 33, 34~~ and 35 in the Fourth Principal Meridian, Latitude N 41.175°, Longitude+ W 90.035°) to the confluence of unnamed tributary with the South Branch Edwards River; to the confluence with the Edwards River. Boron levels in ~~such~~these waters must meet a water quality standard for boron of 3.0 mg/L.

(Source: Added at 33 Ill. Reg. effective)

Section 303.448 Mud Run Creek

The general use water quality standard for boron set forth at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at 1/2 mile South of the Burlington Northern Santa Fe Railroad and SW 4th Street in Galva, known as the Galva Southwest Sewage Treatment Plant, to Mud Run Creek (~~said~~the point is located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34 and 35 of the Fourth Principal Meridian, Latitude ~~N 41.154-degrees~~°, Longitude W ~~90.053-degrees~~°) to the confluence of Mud Run Creek with Walnut Creek. Boron levels in ~~such~~these waters must meet a water quality standard for boron of 3.0 mg/L.

(Source: Added at 33 Ill. Reg.)

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Deletions	20
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Style change	0
Format changed	0
Total changes	39

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16 SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS
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- 61 303.~~502~~~~504~~ Lake Sangchris Thermal Discharges
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Section 303.448 Mud Run Creek

The general use water quality standard for boron set forth at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at ½ mile South of the Burlington Northern Santa Fe Railroad and SW 4th Street in Galva, known as the Galva Southwest Sewage Treatment Plant, to Mud Run Creek (the point is located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34 and 35 of the Fourth Principal Meridian, Latitude N 41.154°, Longitude W 90.053°) to the confluence of Mud Run Creek with Walnut Creek. Boron levels in these waters must meet a water quality standard for boron of 3.0 mg/L.

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