



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 26, 2009

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

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CLERK'S OFFICE
MAR 02 2009
STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 33, Issue 10 of the Illinois Register, dated 3/6/2009.

PROPOSED RULES

Water Use Designations and Site-Specific Water Quality Standards
35 Ill. Adm. Code 303
Point of Contact: Nancy Miller

3898

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

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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

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 proposed rulemaking replace an emergency rule currently in effect? No

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- 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? Yes, there is a new section 32 Ill. Reg. 16303, proposed in the October 10, 2008 Register.
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)]
- 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

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beyond those currently required by the existing state and federal air pollution control regulations applicable to affected source will be required.

- 14) Reason this rulemaking was not included in the two most recent regulatory agendas:

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:

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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 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

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- 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 Creek

SUBPART D: THERMAL DISCHARGES

- Section
- 303.500 Scope and Applicability
- 303.501 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. 16303, , effective October 10, 2008; amended in R09-11 at 33 Ill. Reg. _____, effective _____.

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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, 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 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 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 (said point 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 waters must meet a water quality standard for boron of 3.0 mg/L.

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