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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

June 4, 2009

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

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 33, Issue 24 of the Illinois Register, dated 6/12/2009.

ADOPTED RULES

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

7903

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

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NOTICE OF ADOPTED AMENDMENT

- 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: 303.446 Adopted Action: New Section
- 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) Effective Date of Amendments: MAY 29 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
October 10 2008; 32 Ill. Reg. 16303
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:

In the table of contents, deleted "Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge" and replace with "Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River".

In Section 303.446, the title deleted "Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge" and replace with "Boron Water Quality Standard for segments of the Sangamon River and the Illinois River".

In Section 303.446, the first line replaced "Section" with 35 Ill. Adm. Code 302.208(g). In Section 303.446, the second line after "shall not apply to" added "segments of the Sangamon River and the Illinois River (described below)".

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In Section 303.446, the third line deleted “waters of the State: waters of the State”

In Section 303.446, the fifth line replaced “waters” with “river segments” and added “following” after “meet the”

In Section 303.446, the sixth line deleted “as set forth in this section”

In Section 303.446(a), the first line deleted “an area of dispersion within”

In Section 303.446(a) the second line added “(Latitude: 39° 51’ 37.234” North, Longitude: 89° 38’ 30.082” West)”

In Section 303.446(a), the last line added “(Latitude: 39° 51’ 42.595” North, Longitude: 89° 38’ 30.089” West)”

In Section 303.446(b), the first line after “4.5 mg/L” added “in the Sangamon River”

In Section 303.446(b) the second line after “Sangamon River” added “(Latitude: 39° 51’ 42.595” North, Longitude: 89° 38’ 30.089” West)”

In Section 303.446(b), the third line after “Sangamon” added “River (Latitude: 40° 7’ 33.009” North, Longitude: 89° 49’ 40.224” West)”

In Section 303.446(c), the first line after “1.6 mg/L” added “in the Sangamon River”

In Section 303.446 at the end of the first line added “River (Latitude: 40° 7’ 33.009” North, Longitude: 89° 49’ 40.224” West)”

In Section 303.446(c) in the third line after “Illinois River” added “(Latitude: 40° 1’ 20.995” North, Longitude: 90° 25’ 59.451” West)”

In Section 303.446(d) the second line removed “confluence of” and added after “Sangamon River” “(Latitude: 40° 1’ 20.995” North, Longitude: 90° 25’ 59.451” West)”

In Section 303.446(d) the last line after “Sangamon River” added “(Latitude: 40° 1’ 20.197” North, Longitude: 90° 26’ 3.205” West)”

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
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.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R09-08 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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

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NOTICE OF ADOPTED AMENDMENT

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

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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	<u>Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River</u>

SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
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;

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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 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River

The general use water quality standard for boron set forth in 35 Ill. Adm. Code 302.208(g) shall not apply to segments of the Sangamon River and the Illinois River (described below) that receive discharge from Outfall 007 of the Spring Creek Sewage Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in those river segments must meet the following water quality standards for boron:

- a) 11.0 mg/L in the Sangamon River from Outfall 007 (Latitude: 39° 51' 37.234" North, Longitude: 89° 38' 30.082" West) to 182 yards downstream from the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West);
- b) 4.5 mg/L in the Sangamon River from 182 yards downstream of the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West) to the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West), a distance of 39.0 river miles;
- c) 1.6 mg/L in the Sangamon River from the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West) to the confluence of the Sangamon River with the Illinois River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West), a distance of 36.1 river miles; and
- d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West) to 100 yards downstream of the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.197" North, Longitude: 90° 26' 3.205" West).

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