



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

July 20, 2011

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

708-9(B)
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CLERK'S OFFICE
JUL 25 2011
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 35, Issue 31 of the Illinois Register, dated 7/29/2011.

PROPOSED RULES

Effluent Standards

35 Ill. Adm. Code 304

12634

Point of Contact: Nancy Miller

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Proposed Action:
304.224 New
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The Board proposes for first notice a rule establishing an effluent limit of 400 fecal coliforms colony forming units (CFU) per 100 mL from March 1 through November 30 for effluent discharges to Primary Contact Recreation Use water segments of the Chicago Area Waterway System (CAWS). Those segments are 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel. The proposed rulemaking is intended to meet certain obligations of the State of Illinois under the Federal Water Pollution Control Act (Clean Water Act or CWA) (33 U.S.C. § 1313).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
 - A. Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
 - B. Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
 - C. Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook—Second Edition, EPA -823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).
 - D. Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).

Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).

- E. Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
- F. Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
- G. Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).
- H. Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I. Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J. Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- K. Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L. Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).
- M. Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio Environmental Protection Agency, Surface Water Section (Updated January 1,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1988).

- N. Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O. Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P. 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H₂CO₃ (soluble CO₂) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q. Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).
- R. 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S. The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-96-007) (June 1996).
- T. 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U. 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).
- V. 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).
- W. Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X. Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

071) (October 1980).

- Y. Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z. Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA. Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB. 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).
- CC. The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD. 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).
- EE. Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF. Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- GG. Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- HH. Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).

- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

Statutes and Regulations

Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. §1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 U.S.C. §1313.

Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq*

40 C.F.R. Part 131 (Water Quality Standards)

35 Illinois Administrative Code Subtitle C: Water Pollution

U.S. EPA Guidance Documents

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

Board Opinions

In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).

In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).

In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).

Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).

In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).

In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).

In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System, R87-27 (May 19, 1988).

Commonwealth Edison v. Illinois EPA, PCB 87-40 (dismissed August 20, 1987).

Commonwealth Edison Company v. Illinois EPA, PCB 84-33 (Variance – Water) (December 20, 1984).

Commonwealth Edison Company v. Illinois EPA, PCB 81-34 (Variance – Water) (June 10, 1981).

Commonwealth Edison Company v. Illinois EPA, PCB 78-79 (Variance – Water) (May 25, 1978).

In the Matter of: Water Quality Standards Revisions, R72-4 (November 8, 1973).

In the Matter of: Water Quality Standards Revisions, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 7) Will these proposed amendments replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the Illinois Register. Comments should reference Docket R08-09(B) 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 in R08-09(B) 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 Tipsord at 312/814-4925 or e-mail at tipsorm@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENT

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

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL
APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENT

- 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
- 304.212 Sanitary District of Decatur Discharges
- 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge
- 304.214 Mobil Oil Refinery Ammonia Discharge
- 304.215 City of Tuscola Wastewater Treatment Facility Discharges
- 304.216 Newton Station Suspended Solids Discharges
- 304.218 City of Pana Phosphorus Discharge
- 304.219 North Shore Sanitary District Phosphorus Discharges
- 304.220 East St. Louis Treatment Facility, Illinois-American Water Company
- 304.221 Ringwood Drive Manufacturing Facility in McHenry County
- 304.222 Intermittent Discharge of TRC
- 304.224 Effluent Disinfection

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

- 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
- 304.302 City of Joliet East Side Wastewater Treatment Plant
- 304.303 Amerock Corporation, Rockford Facility
- 304.Appendix A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 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; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; 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 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENT

12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687, effective December 31, 1998; amended in R02-19 at 26 Ill. Reg. 16948, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 194, effective December 20, 2002; amended in R04-26 at 30 Ill. Reg. 2365, effective February 2, 2006; amended in R08-9B at 35 Ill. Reg. _____, effective _____.

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.224 Effluent Disinfection

Effluents discharged to the Primary Contact Recreation waters listed in 35 Ill. Adm. Code 303.220 must not exceed 400 fecal coliforms per 100 mL from March 1 through November 30. All effluents in existence on or before the effective date of this Section must meet these standards. All new discharges must meet these standards upon the initiation of discharge.

(Source: Added at 35 Ill. Reg. _____, effective _____.)