

Illinois Pollution Control Adopts Interim Phosphorus Effluent Standard

The Illinois Pollution Control Board, on January 19, 2006, adopted proposed interim phosphorus effluent standard docketed as In the Matter of: Interim Phosphorus Effluent Standard, Proposed New 35 Ill. Adm. Code 304.123(g-k) (R04-26). On May 14, 2004, the Illinois Environmental Protection Agency (IEPA) proposed the interim phosphorus effluent standard to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth in waters of the state.

The IEPA and others are currently in the process of developing scientific information to support a proposal for numeric water quality nutrient standards. The IEPA expects to file a rulemaking proposal addressing nutrient water quality standards with the Board in 2007. As adopted, the effluent phosphorus limit is intended to sunset when the Board adopts a numeric water quality standard for phosphorus as a part of the new suite of nutrient water quality standards.

The adopted proposal sets forth a phosphorus effluent limit of 1.0 milligram per liter (mg/L) as a monthly average that applies to new or expanded discharges from wastewater treatment plants with either a design average flow over 1.0 million gallons per day receiving municipal or domestic waste water, or a total phosphorus effluent load of 25 pounds per day or more for treatment works other than those treating municipal or domestic wastewater. However, if the source can demonstrate that phosphorus is not limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water, the 1.0 mg/L effluent limit would not apply. All of these provisions dealing with the phosphorus effluent limit are contained in one section of the Board's rules: 35 Ill. Adm. Code 304.123.

The final rule differs in only one substantive manner than the proposal as set forth in its entirety in the Board's first notice opinion and order – the addition of proposed language to ensure that permits issued under Section 304.104(g) as well as 304.104(b) are exempted from the averaging rule at 35 Ill. Adm. Code 304.104 (a)(2) and (3). Illinois Association of Wastewater Agencies, the Environmental Law & Policy Center, Prairie Rivers Network, Sierra Club, and the IEPA in post first-notice filings supported this change.

Opinions and orders of the Board, hearing transcripts, and other documents in this rulemaking record are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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