

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED 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 Number: 303.410      Proposed Action: New Section
- 4) Statutory Authority: Implementing Sections 9.8 and 13 and authorized by Sections 11(b), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, 28].
- 5) A Complete Description of the Subjects and Issues Involved: The Sanitary District of Decatur (District) treats wastewater for the City of Decatur, other municipalities, and industrial and commercial users. The District's discharge to the Sangamon River exceeds the water quality standard for nickel, and the District attributes this chiefly to a single industrial discharger. The District argues that there is no technically feasible and economically reasonable treatment available that would allow it to meet the nickel standard. The District proposed that the Board adopt a new Section 303.410 of its water pollution regulations providing a site-specific numeric standard based on the bioavailability of nickel to aquatic life in the Sangamon River.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The District stated that reports prepared in support of its proposal are unpublished. As submitted to the Board, they are available to the public through the Clerk's Office On-Line ([pcb.illinois.gov](http://pcb.illinois.gov)) under Board docket number R 14-24.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking 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 accept written public comments on this proposal for a period

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of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to docket R14-24 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [www.pcb.illinois.gov](http://www.pcb.illinois.gov). Comments may be filed with the Clerk of the Board and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R14-24 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at [www.pcb.illinois.gov](http://www.pcb.illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The Sanitary District of Decatur proposed this site-specific rule to apply to itself.
  - B) Reporting, bookkeeping or other procedures required for compliance: None are required beyond those required to comply with the generally-applicable rule.
  - C) Types of Professional skills necessary for compliance: None are necessary beyond those to comply with the generally applicable rule.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

The full text of the Proposed Amendment 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

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- Section
- 303.100 Scope and Applicability
- 303.101 Multiple Designations
- 303.102 Rulemaking Required (Repealed)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

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- 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 Chicago Area Waterway System and Lower Des Plaines River
- 303.205 Outstanding Resource Waters
- 303.206 List of Outstanding Resource Waters
- 303.220 Primary Contact Recreation Waters
- 303.225 Incidental Contact Recreation Waters
- 303.227 Non-Contact Recreation Waters and Non-Recreational Waters
- 303.230 Upper Dresden Island Pool Aquatic Life Use Waters
- 303.235 Chicago Area Waterway System Aquatic Life Use A Waters
- 303.240 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

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

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- Section
- 303.300 Scope and Applicability
- 303.301 Organization
- 303.311 Ohio River Temperature
- 303.312 Waters Receiving Fluorspar Mine Drainage (Repealed)
- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary

- 44 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
- 45 303.331 Mississippi River North Temperature
- 46 303.341 Mississippi River North Central Temperature
- 47 303.351 Mississippi River South Central Temperature
- 48 303.352 Unnamed Tributary of Wood River Creek
- 49 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
- 50 303.361 Mississippi River South Temperature
- 51 303.400 Bankline Disposal Along the Illinois Waterway/River
- 52 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River
- 53 303.430 Unnamed Tributary to Dutch Creek
- 54 303.431 Long Point Slough and Its Unnamed Tributary
- 55 303.441 Secondary Contact Waters (Repealed)
- 56 303.442 Waters Not Designated for Public Water Supply
- 57 303.443 Lake Michigan Basin
- 58 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 59 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 60 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the
- 61 Illinois River
- 62 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch
- 63 Edwards River
- 64 303.448 Mud Run Creek
- 65 303.449 Chicago Sanitary and Ship Canal

SUBPART D: THERMAL DISCHARGES

- 69 Section
- 70 303.500 Scope and Applicability
- 71 303.502 Lake Sangchris Thermal Discharges

- 72
- 73 303.APPENDIX A References to Previous Rules
- 74 303.APPENDIX B Sources of Codified Sections

75

76 AUTHORITY: Implementing Section 13 and authorized by Sections 11(b), 27, and 28 of the  
77 Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

78

79 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221,  
80 effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill.  
81 Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg.  
82 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983;  
83 amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill.  
84 Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective  
85 May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended  
86 in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill.

87 Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective  
 88 August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended  
 89 in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg.  
 90 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February  
 91 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-  
 92 24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903,  
 93 effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009;  
 94 amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36  
 95 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517,  
 96 effective February 13, 2014; amended in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015;  
 97 amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

98  
 99 **Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon**  
 100 **River**

101  
 102 The general use chronic water quality standard for dissolved nickel contained in Section  
 103 302.208(e) shall not apply to the segment of the Sangamon River that receives discharges from  
 104 the Sanitary District of Decatur's Main Sewage Treatment Plant, from that facility's Outfall 001  
 105 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the confluence of  
 106 the Sangamon River with the South Fork of the Sangamon River near Riverton. Instead, waters  
 107 in this segment of the Sangamon River must meet a chronic water quality standard for dissolved  
 108 nickel as follows:

109  
 110 Chronic Dissolved Nickel Standard (µg/L) = exp[A+Bln(H)] x 0.997\* x WER

111  
 112 where:

113  
 114 A = -2.286,

115  
 116 B = 0.8460,

117  
 118 ln(H) = natural logarithm of Hardness, and

119  
 120 WER (Water Effect Ratio) = 2.50.

121  
 122 \* conversion factor multiplier for dissolved metals

123  
 124 (Source: Added at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Chronic Dissolved Nickel Standard ( $\mu\text{g/L}$ ) =  $\exp[A+B\ln(H)] \times 0.997^* \times \text{WER}$ , ~~—~~

where  $\ln$

A = -2.286,

B = 0.8460,

$\ln(H)$  = natural logarithm of Hardness, and

WER (Water Effect Ratio) = ~~2.50~~ 2.50.

\* conversion factor multiplier for dissolved metals ~~—~~

(Source: Added at 42 Ill. Reg.       , effective                     )

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Deletions	13
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	19