

ILLINOIS POLLUTION CONTROL BOARD
November 15, 2018

IN THE MATTER OF:)
)
PROPOSED SITE-SPECIFIC RULE FOR) R14-24
SANITARY DISTRICT OF DECATUR) (Site-Specific Rule - Water)
FROM 35 ILL. ADM. CODE 302.208(e))

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by C.M. Santos):

The Board today adopts a new Section 303.410 of its water pollution regulations, which establishes a site-specific chronic water quality standard for dissolved nickel based on the bioavailability of nickel to aquatic life in the Sangamon River. The adopted rule does not change the Board's second-notice proposal. It will become effective upon filing with the Secretary of State.

The Sanitary District of Decatur (District) treats wastewater for the City of Decatur and other municipalities, as well as for industrial and commercial users. The District's discharge to the Sangamon River exceeds the Board's chronic water quality standard for dissolved nickel, and the District attributes this chiefly to Archer Daniels Midland Company (ADM). According to the District, no technically feasible and economically reasonable treatment method would allow it to meet the standard. In an amended petition filed on November 30, 2017, the District proposed that the Board adopt a site-specific standard for the Sangamon River near its discharge.

On July 26, 2018, the Board submitted a proposal to first-notice publication. *See* 42 Ill. Reg. 14468-73 (Aug. 10, 2018). On October 4, 2018, the Board proposed the rule for second-notice review by the Joint Committee on Administrative Rules (JCAR), making only non-substantive clarifying revisions to the first-notice proposal. At its meeting on November 13, 2018, JCAR issued a certificate of no objection to the Board's proposed site-specific rule.

The Board's first-notice opinion discusses matters including the District's facilities and operations, sources of nickel in wastewater received by the District, nickel mitigation efforts to date, potential additional treatments, and derivation of the site-specific proposal. The Board does not repeat these discussions today and directs readers who wish to review them to the first-notice opinion on the Board's website (pcb.illinois.gov) under this docket number R14-24.

At second notice, the Board found that its proposal, with a limited number of non-substantive clarifying revisions, is technically feasible and economically reasonable. The adopted rules do not include any change affecting this finding. The Board finds that the adopted rules are technically feasible and economically reasonable and will not have an adverse economic impact on the people of the State of Illinois.

ORDER

The Board directs the Clerk to submit the adopted amendment to Part 303 in the order below to the Secretary of State for publication in the *Illinois Register*. Additions are underlined.

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 (Repealed)

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	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

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
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
303.400	Bankline Disposal Along the Illinois Waterway/River
<u>303.410</u>	<u>Chronic Nickel Water Quality Standard for Segment of the Sangamon River</u>
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters (Repealed)
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	Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
303.447	Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
303.448	Mud Run Creek
303.449	Chicago Sanitary and Ship Canal

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), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

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. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517, effective February 13, 2014; amended at in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015; amended in R14-24 at 42 Ill. Reg. _____, effective _____.

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

Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River

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

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

where:

$A = -2.286,$

$B = 0.8460,$

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

WER (Water Effect Ratio) = 2.50.

* conversion factor multiplier for dissolved metals.

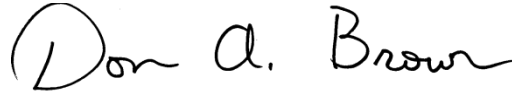
(Source: Added at 42 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the

order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 15, 2018 by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk
Illinois Pollution Control Board