

ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

IN THE AMOUNT OF:)
)
PETITION FOR SITE-SPECIFIC)
EXCEPTION TO EFFLUENT STANDARDS)
FOR THE ILLINOIS-AMERICAN) R85-11
WATER COMPANY, EAST ST. LOUIS)
TREATMENT PLANT.)

PROPOSED RULE. SECOND NOTICE.

PROPOSED OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a petition for site-specific rulemaking filed by Illinois-American Water Company (Company), a subsidiary of American Water Works Company. In its original petition, filed April 23, 1985, the Company asked that its East St. Louis water treatment plant be totally exempted from the effluent limitations for total suspended solids (TSS) and total iron. The limitations for these contaminants, found at 35 Ill. Adm. Code 304.124, are 15 milligrams per liter (mg/l) and 2 mg/l, respectively. On September 25, 1986 the Board denied the Company's request for complete relief. On October 28, 1986 the Company filed a motion to reopen the record so that it could submit additional evidence regarding alternative treatment methods. The Board granted that motion on November 20, 1986. An additional hearing was held, and the Company and the Illinois Environmental Protection Agency (Agency) submitted briefs.

On June 16, 1988 the Board proposed for First Notice a temporary rule exempting the Company from the TSS and total iron limitations of Section 304.124 for a period of three years, provided that the Company uses only biodegradable coagulants listed by the United States Environmental Protection Agency (USEPA) as acceptable drinking water additives. The proposed rule would expire on January 1, 1992. During the three years of the rule, the Company is to conduct a comprehensive study of the effects of the use of the coagulants on the receiving stream. The proposed rule was published in the Illinois Register on July 8, 1988, at 12 Ill. Reg. 11397.

Several comments were received after First Notice publication. The Department of Commerce and Community Affairs filed a comment which stated that the proposed rule will have no effect on small businesses. (P.C. #77.) Comments were also filed by the Company (P.C. #75) and the Agency (P.C. #76). This Opinion will address only these comments. The Board's rationale for proposing this rule is set forth in the Proposed Opinion of June 16, 1988.

In its comments, the Company states that, based upon a careful review of the proposed rule, it supports the issuance of the rule. (P.C. #75.) The Company believes that the proposed rule shields its East St. Louis customers from economic hardship while promoting environmental goals. The Company feels that the on-site testing which will occur during the temporary rule will protect water quality and facilitate the Company's use of innovative treatment technology.

Furthermore, the Company states that the proposed rule is consistent with federal and state approval requirements for drinking water polymers. The Company notes that the Safe Drinking Water Act (42 U.S.C. 300f et seq.) provides that USEPA is the designated regulatory authority for drinking water additives. The proposed rule requires the Company to use only coagulants that have been approved by USEPA. The Company also points out that Section 653.202(b) of the Agency's Technical Policy Statements (35 Ill. Adm. Code 653.202(b)) provides that public water supply chemical treatment additives must be listed by USEPA and the American Water Works Association (AWWA). The Company states that AWWA guidelines do not generally recommend polymer additives which have not been approved by USEPA.

On the other hand, the Agency's comments (P.C. #76) reflect its continuing objection to the proposed rule. The Agency raises three claims: 1) that the proposed rule violates Section 39 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ par. 1039), which provides for Agency issuance of permits; 2) that the Board's consideration of water quality and economic impact in proposing the rule violates federal law; and 3) that the proposed opinion and order does not define what testing is required during the period of the proposed rule.

The first two issues raised by the Agency (issuance of permit and consideration of water quality and economic impact) were also argued in the Agency's post-hearing briefs. The Board addressed both claims in its June 16, 1988 Opinion and Order (slip op. at 8), and reaffirms its belief in those holdings. As to the Agency's third claim (that the proposed opinion does not define what testing is to be done), the Board points out that the June 16 Opinion does contain general guidelines on what the study shall contain. (Slip op. at 7.) However, the Board agrees that the Agency's expertise should be used to more specifically define what testing should be done by the Company. Therefore, the Company is directed to consult with the Agency when designing the comprehensive study, and to periodically consult with the Agency during the course of the study.

Finally, the Board notes that the Company's comments indicate that it will consider acting upon the Board's suggestion

that it might join other water treatment plants in a general rulemaking. In order to avoid any possible confusion, the Board wishes to state that its suggestion of a general rulemaking was directed only to other water treatment plants which are similarly situated to the Company's East St. Louis treatment facility (i.e. plants which intake from and discharge to the Mississippi).

After consideration of the comments received during the First Notice period, the Board sees no need to alter the substance of the proposed rule. The only change which has been made from First Notice is the incorporation by reference of USEPA's September 1987 list of acceptable drinking water additives.

ORDER

The Board hereby proposes the following amendment for Second Notice, which is to be filed with the Joint Committee on Administrative Rules.

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

PART 304
EFFLUENT STANDARDS

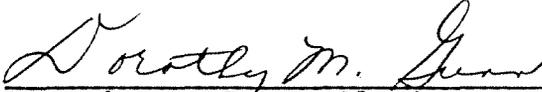
SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section 304.220 East St. Louis Treatment
Facility, Illinois-American Water Company

This Section applies to the potable drinking water treatment plant owned by Illinois-American Water Company which is located at East St. Louis, and which discharges into the Mississippi River. The discharges of that plant shall not be subject to the effluent standards for total suspended solids and total iron of Section 304.124, provided that the Illinois-American Water Company uses only biodegradable coagulants listed on September 25, 1987 by the United States Environmental Protection Agency as acceptable drinking water additives (does not include any later amendments or additions; USEPA, Office of Drinking Water Criteria and Standards Division, 401 M Street SW, Washington, D.C. 20460). This Section will expire on January 1, 1992.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Proposed Opinion and Order was adopted on the 20th day of October, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board