

ILLINOIS POLLUTION CONTROL BOARD
April 1, 1982

IN THE MATTER OF:)
)
REVIEW OF EXISTING REGULATIONS,) R81-17
RULE 602 OF CHAPTER 3: WATER POLLUTION)
(COMBINED SEWER OVERFLOW))

Proposed Rule. First Notice.

ORDER OF THE BOARD (by J. Anderson):

These proposed rules have been drafted in response to the DENR submittal pursuant to R81-17, P.A. 80-1218 (formerly P.A. 79-790), recommending that the Board change Rule 602, Combined Sewer Overflow, of Chapter 3: Water Pollution.

As noted in the accompanying Initial Opinion, this proposal uses the numbering system adopted by the Board in its recent codification of Chapter 3.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD

SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES

~~Section-306-103~~

Section 306.302 Expansion of Combined Sewers

a) The expansion of existing or establishment of new combined sewer service areas is prohibited, except where the Agency has determined from the permit application the following:

- 1a) The combined sewer service area has adequate treatment or retention capacity to ensure that the effluent limitations of Part 304 and the provisions of the Act are not violated;

- 2b) Any anticipated increased flow will not overload connecting segments of the combined sewer system;
- 3c) Increased flow shall not aggravate combined sewer overflow problems; including, but not limited to, combined sewer surcharges, basement back-ups and street flow;
- 4d) The new combined sewer service area will be tributary to an existing combined sewer system.

Section 306.303 Excess Infiltration

b) Excess infiltration into sewers shall be eliminated, and the maximum practicable flow shall be conveyed to treatment facilities.

Section 306.304 Overflows

Overflows from sanitary sewers are expressly prohibited.

Section 306.305 Treatment of Overflows and Bypasses

e) All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water quality standards, unless an exception has been granted by the Board pursuant to Subpart D. Sufficient treatment shall consist of the following:

- 1a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the applicable effluent standards; and

2b) Additional flows, as determined by the Agency but not less than ten times the average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and

~~3.---To the extent necessary to prevent accumulations of sludge deposits or depression of oxygen levels, flows in excess of those described under paragraph (e)(2) above shall be treated by retention and return to the treatment works or otherwise.---When the Agency finds it necessary, part of all such excess flow shall be treated to substantially remove floating debris and solids.---~~

c) Flows in excess of those described in paragraph (b) shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids, and to prevent depression of oxygen levels; or

d) A sufficient treatment program has been authorized by the Board in an exception granted pursuant to Subpart D.

Section 306.306 Compliance Dates

~~d)~~ Compliance with ~~paragraph e)~~ Section 306.305 shall be achieved on or before the following dates:

1a) All treatment plant bypasses, by the applicable date for improvement of treatment works under Part 304.

- 2b) All combined sewer overflows within the Metropolitan Sanitary District of Greater Chicago, by December 31, 1977;
- 3c) All other combined sewer overflows, by December 31, 1975.
- 4d) The compliance dates set by ~~(d)(2)~~ and ~~(d)(3)~~ paragraph (b) and (c) shall be met unless:
- A1) The discharger's combined sewer overflow is eligible for a construction grant under Section 201(g) of the CWA; and,
- B2) The discharger has filed an application for a construction grant on or before March 1, 1977; and,
- e3) The discharger has timely taken all appropriate pre-grant and post-grant actions necessary to the specific grant step for which the discharger is then eligible, or
- 4) The discharger has been granted an exception by the Board pursuant to Subpart D; an exception procedure is pending, or the Agency has not notified the discharger pursuant to Section 306.352.
- 5e) Nothing in paragraph (d)~~(4)~~ shall limit the power of the Board to enter an abatement order pursuant to Section 46 of the Act necessary to abate pollution of waters of the State, when the Board has found, as the result of an enforcement or variance case initiated under Titles VIII or IX of the Act, that the discharger is causing a violation of the Act or regulations.

6f) The exemption provided by paragraph (d)(4)-above shall terminate upon completion of construction under the grant provided. ~~and-compliance-with-the-provisions-of-this Section-shall-thereafter-be-required.~~

SUBPART D: EXCEPTION PROCEDURE

Section 306.350 Preamble

Exceptions to Section 306.305 or 306.306 shall be granted by the Board based upon water quality effects, actual and potential stream uses, and economic considerations including those of the discharger and those affected by the discharge. The following procedures shall be used for evaluation and justification of and petitions for exceptions to the otherwise applicable water quality standards of this Chapter, the sufficient treatment provisions contained in Section 305.306, 306.305(a), 306.305(b), and 306.305(c).

Section 306.351 Categories of Dischargers

No later than July 1, 1983 and prior to the initiation of any exception proceeding the Agency shall have established categories of dischargers or their individual discharges according to the potential for detrimental impact on actual stream use. All evaluations of such impacts shall be based upon, as a minimum, information concerning receiving stream ratios, known stream uses, accessibility of stream and side land use activities (residential, commercial, agricultural, industrial, recreational), and frequency and extent of overflow events.

Section 306.352 Notification by Agency

The Agency shall notify the discharger of any Agency proposal for exception, including any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated. The Agency shall promptly notify the discharger of any discretionary determination that it will not propose an exception.

Section 306.360 Joint or Single Petition for Exception

If the discharger accepts the Agency proposal for exception, an exception proceeding before the Board shall be commenced by the discharger by filing jointly with the Agency a petition for exception. If the Agency has declined to propose an exception or if the discharger declines to accept an Agency proposal, the discharger may commence singly an exception proceeding before the Board.

Section 306.361 Justification of Joint Petition

If the discharger and the Agency file jointly a Petition for exception, exception justifications shall be established in the proposal for exception as follows:

- a) An exception justification based upon minimal discharge impact shall include, as a minimum, the evaluation pursuant to Section 306.351 and an evaluation of inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.

- b) Where minimal impact exception justification cannot be established pursuant to Section 306.361(a), or where an exception will include a modification of otherwise applicable water quality standards, an exception justification shall include, as a minimum, evaluations pursuant to Section 306.361(a) and evaluations of stream sediment analyses, biological surveys (including habitat assessment), and thorough stream chemical analyses that include diurnal monitoring under both dry and wet weather conditions.
- c) Exception justifications which include projections of the improvement from alternative control programs may include reasonably reliable mathematical models based upon information gathered pursuant to Section 306.361(b).

Section 306.362 Justification of Single Petition

If the discharger files singly a Petition for Exception, exception justifications shall be established by the discharger, pursuant to Section 306.361(b) and 306.361(c).

Section 306.363 Contents of Joint Petition

Requirements for jointly filed Petition. Ten copies of such petition shall be filed with the Clerk of the Board. The petition shall include the following information:

- a) A written statement, signed by the Petitioners or their authorized representatives outlining the scope of the evaluation, the nature of, the reasons for, and the basis for the justification for the exception; and
- b) The nature of the discharger's operations and control equipment; and
- c) Any Agency proposal for exception; and
- d) Citations to any final enforcement actions against the discharger, and any variances granted to the discharger where compliance has not been achieved.

Section 306.364 Contents of Single Petition

Requirement for Petition filed singly by the Discharger. In addition to the information specified in Section 5 above, the petition shall include any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.

Section 306.370 Notice and Hearing

Notice and Hearing. The clerk shall give notice of the petition and shall schedule a hearing in accordance with 103 of Subtitle A. The proceedings shall be in accordance with 103 of Subtitle A.

Section 306.371 Opinion and Order

Opinion and Order. The Board shall consider the proposed petition for exception and the hearing record. The Board may accept, remand to the petitioners with suggested revisions in or reject the proposal, or direct further hearings or take other actions as it deems appropriate. Another hearing shall be held on any revised petition for exception.

Section 306.372 Transcripts

Transcripts. In any proceeding brought pursuant to Subpart D, the discharger at its own cost shall furnish the Board within 15 days following completion of the hearing seven legible copies of a complete transcript of the proceedings of the hearing. Upon petition and good cause shown the Board may assume such cost.

Section 306.373 Final Date for Petitions

No petition for exception shall be accepted by the Board after January 1, 1985.

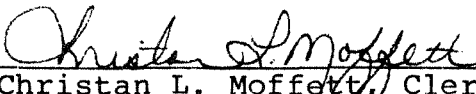
Section 306.374 Other Proceedings

Nothing in Subpart D shall impair any rights authorized in the Act or Board Regulations that the discharger or any other person may have to initiate or participate in regulatory proceedings, variance petitions, enforcement actions, or permit appeals.

However, Agency determinations made pursuant to Section 306.351 and 306.352 may not be appealed to the Board.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 1st day of April, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board