

ILLINOIS REGISTER

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POLLUTION CONTROL BOARD

MAR 23 2006

NOTICE OF PROPOSED AMENDMENT

STATE OF ILLINOIS
Pollution Control Board

- 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: 303.445 Proposed Action:
Added
- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 2, 2006 in docket R06-24. This site-specific rulemaking proposal was filed with the Board by the ExxonMobil Oil Corporation (ExxonMobil) on February 7, 2006 for discharges of Total Dissolved Solids (TDS) from the ExxonMobil Joliet Refinery during the months of November through April in each year. The proposal would set 1,686 milligrams per Liter (mg/L) as the TDS levels for both Secondary Contact and Indigenous Aquatic life Use Waters General Use Waters. This 1,686 mg/L standard would apply instead of the general use standard of 1,000 mg/L found in 35 Ill. Adm. Code 302.208 and the secondary contact use standard of 1,500 mg/L found in 302.407. On March 2, 2006, the Board adopted the proposal as it appears below for first notice publication rulemaking without commenting on the merits of the proposal, in response to a joint motion to expedite this rulemaking made by ExxonMobil and the Illinois Environmental Protection Agency (Agency). The Board presently intends to schedule only one hearing during the 45-day first notice period.

ExxonMobil owns and operates the Joliet Refinery (refinery) located in Channahon Township on a 1,300 acre tract of land in unincorporated Will County. The site is adjacent to Interstate 55 at the Arsenal Road exit, approximately 50 miles southwest of Chicago. The refinery employs more than 500 full-time employees, and approximately 100 additional ExxonMobil employees who provide regional support services are also located at the refinery.

On October 11, 2005, ExxonMobil was a party to a consent decree involving the United States of America, as well as the States of Illinois, Louisiana, and Montana. Under that consent decree, ExxonMobil must, among other things, make substantial investments in air emissions reductions at the Joliet Refinery. The consent decree calls for the use of a wet gas scrubber in addition to added technology, which will contribute to additional sulfate and TDS to the wastewater treatment system.

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ExxonMobil has asserted that because of occasional observed TDS violations in the Des Plaines River and in light of 35 Ill. Adm. Code 302.102(b)(9), the Agency could not issue the wastewater construction permit needed by ExxonMobil. ExxonMobil and the Agency believe that Board adoption of the proposed 1,686 mg/L TDS standard would allow for issuance of a permit approvable by the United States Environmental Protection Agency.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-24 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to John Knittle, at 217/278-3111 or email at knittlej@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: The Board did not include this rulemaking on either of the last two regulatory agendas because it had no advance notice that ExxonMobile would request this site-specific relief to allow it to comply with the October 11, 2005 federal consent decree.

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

Section
303.100 Scope and Applicability
303.101 Multiple Designations
303.102 Rulemaking Required

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 Secondary Contact and Indigenous Aquatic Life Waters
303.205 Outstanding Resource Waters
303.206 List of Outstanding Resource 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
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
303.430 Unnamed Tributary to Dutch Creek
303.431 Long Point Slough and Its Unnamed Tributary
303.441 Secondary Contact Waters
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 Plainses River

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

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~~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~~11 at 28 Ill. Reg. ~~Reg.~~ 3071, effective February 4, 2004; amended in R06-24 at 30 Ill. Reg. ~~Reg.~~ Reg. _____, effective _____.

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

Section 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River

a) Beginning November 1 and continuing through April 30 of each year, the total dissolved solids (TDS) water quality standard for Secondary Contact and Indigenous Aquatic ~~life~~Life Use waters in 35 Ill. Adm. Code 302.407 does not apply to the portion of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at I-55 and Arsenal Road (said point being located in Will County, T34N, R9E, S15, Latitude: 41^o, 25" North, Longitude: 88^o, 11', 20" West) and continuing to the ~~Interstate-I-55~~ bridge. TDS levels in ~~such~~these waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.

b) Beginning November 1 and continuing through April 30 of each year, the TDS water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208 does not apply to the Des Plaines River from the ~~Interstate-I-55~~ bridge to the confluence of the Des Plaines River with the Kankakee River. TDS levels in ~~such~~these waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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Padding cell	

Statistics:	
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Deletions	17
Moved from	0
Moved to	0
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Format changed	0
Total changes	32

- 44 303.361 Mississippi River South Temperature
- 45 303.400 Bankline Disposal Along the Illinois Waterway/River
- 46 303.430 Unnamed Tributary to Dutch Creek
- 47 303.431 Long Point Slough and Its Unnamed Tributary
- 48 303.441 Secondary Contact Waters
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- 50 303.443 Lake Michigan Basin
- 51 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 52 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River

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54 SUBPART D: THERMAL DISCHARGES

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- 56 Section
- 57 303.500 Scope and Applicability
- 58 303.502 Lake Sangchris Thermal Discharges
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- 60 303.APPENDIX A References to Previous Rules
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79 24 at 30 Ill. Reg. _____, effective _____.

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81 SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE

82 SPECIFIC WATER QUALITY STANDARDS

83

84 Section 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines

85 River

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