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OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

10/2/2008

POLLUTION CONTROL BOARD

JAMES R THOMPSON CENTER 100 W RANDOLPH ST STE 11-500
JOHN THERRIAULT ASSISTANT CLERK
CHICAGO, IL 60601

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CLERK'S OFFICE

OCT - 6 2008

STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 32, Issue 41 of the Illinois Register, dated 10/10/2008.

PROPOSED RULES

Water Use Designations and Site Specific Water Quality Standards

35 Ill. Adm. Code 303

Point Of Contact:Nancy Miller

Page 16303

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

COPY

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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 Numbers: Proposed Action:
303.446 New Section
- 4) Statutory Authority: 415 ILCS 5/13.6
- 5) A Complete Description of the Subjects and Issues Involved:
For a more detailed description of this rulemaking see the Board's September 4, 2008 opinion and order in Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power (CWLP) and Springfield Metro Sanitary District (District) From 35 Ill. Adm. Code Section 302.208(g). (R09-08) This site specific rule would authorize an alternative water quality standard for boron from the point of discharge at the District's Spring Creek Sanitary Treatment Plant to the Sangamon River and then to the confluence with the Illinois River, and in the Illinois River 100 yards downstream from the confluence with the Sangamon River. The rule is proposed to enable the Spring Creek Sanitary Treatment Plant to accept a pretreated industrial effluent stream from the CWLP's power station. CWLP's power plant is a critical power supply for the City of Springfield and surrounding communities; the site-specific water quality standard for boron is necessary to enable CWLP to operate its power plant in compliance with its National Pollutant Discharge Elimination System Permit and State and Federal air pollution Regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No published studies, reports and sources of underlying data were used to compose this rulemaking.
- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there any other proposed rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]

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ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

(2004)].

12) 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 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R09-08 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at 312/814-4925 or email at tipsordm@ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is site-specific and applies only to CWLP. However, it would have a positive economic impact on CWLP's customers including the City of Springfield's residents, businesses, not-for-profit organizations and surrounding small municipalities.

B) Reporting, bookkeeping or other procedures required for compliance:
This proposed rule includes numerous reporting requirements as mandated by P.A. 94-849.

C) Types of Professional skills necessary for compliance:
Compliance with this rule may require the skills of an attorney, chemist, and/or engineer.

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in the Board's regulatory agenda as the Board was unaware of the rulemaking until the rule was filed on August 29, 2008.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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 Plaines River
303.446	<u>Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge</u>

SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
303.501	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, 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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. _____, effective _____.

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

Section 303.446 Springfield Metro Sanitary District Spring Creek Treatment Plan Boron Discharge

The general use water quality standard for boron set forth in Section 302.208(g) shall not apply to waters of the state that receive discharge from Outfall 007 of the Spring Creek Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in such waters must meet the water quality standard for boron as set forth in this section:

1. 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007 to 182 yards downstream from the confluence of Spring Creek with the Sangamon River;
2. 4.5 mg/L from 182 yards downstream of the confluence of Spring Creek with the Sangamon River to the confluence of Salt Creek with the Sangamon, a distance or 39.0 river miles;
3. 1.6 mg/L from the confluence of Salt Creek with the Sangamon River to the confluence of the Sangamon River with the Illinois River, a distance of 36.1 river miles; and
4. 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the confluence of the Sangamon River to 100 yards downstream of the confluence of the Illinois River with the Sangamon River.

(Source: Added at 33 Ill. Adm. Code _____, effective _____).