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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 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:** **Adopted Action:**
303.447 New Section
303.448 New Section
- 4) **Statutory Authority:** Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].
- 5) **Effective Date of Amendments:**
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Do these amendments contain incorporations by reference?** No
- 8) The adopted amendments, on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) **Notice of Proposal Published in Illinois Register:**
March 6, 2009; 33 Ill. Reg. 3898
- 10) **Has JCAR issued a Statement of Objections to these amendments?** No
- 11) **Differences between proposal and final version:**

Inserted into the Table of Contents:
"303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River"

Inserted at the end of the main source note:
"amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009."

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part?
- 15) Summary and Purpose of Amendments: For a more detailed discussion of these amendments, see the Board's August 6, 2009, opinion and order in docket R09-11. City of Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek (35 Ill. Adm. Code 303.447 and 303.448 (R09-11)). The City of Galva (Galva) proposed site-specific amendments to allow alternative boron standards for discharges from both of its Sewage Treatment Plants (STPs). The proposal seeks to establish a 3.0 milligram per liter (mg/L) alternative boron standard to the generally applicable 1.0 mg/L boron water quality standard in 35 Ill. Adm. Code. 302.208(g). The alternative standard for boron would apply to certain segments of an unnamed tributary to the South Branch of the Edwards River, the South Branch of the Edwards River, and the Mud Creek Run. These segments receive discharges from the two Sewage Treatment Plants (STPs) operated by Galva. Galva states that the source of the boron in its STP discharge is the groundwater from aquifers that supply Galva's drinking water. Galva states that the requested relief from this standard is necessary to ensure that it does not violate any relevant regulation or appropriate permit condition. 35 Ill. Adm. Code 303.447 contains certain exemptions that are only applicable to boron standards in discharges from the Northeast STP into the South Branch Edwards River, and its Southwest STP discharges into Mud Run Creek. According to Galva, compliance with the Agency effluent standard for boron would be cost prohibitive for a rural community without the resources to deal with these costs.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R09-11 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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The full text of the Adopted Amendments begins on the next page:

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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~~ 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 |

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- 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 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

SUBPART D: THERMAL DISCHARGES

- Section
- 303.500 Scope and Applicability
- ~~303.501~~ 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, 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. _____, effective _____.

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

Section 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River

The general use water quality standard for boron at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at 523 NE 9th Street in Galva, known as the Galva Northeast Sewage Treatment Plant, to an unnamed tributary of the South Branch of the Edwards River (the discharge point being located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34, and 35 in the Fourth Principal Meridian, Latitude N 41.175°, Longitude: W 90.035°) to the confluence of unnamed tributary with the South Branch Edwards River; to the confluence with the Edwards River. Boron levels in these waters must meet a water quality standard for boron of 3.0 mg/L.

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

Section 303.448 Mud Run Creek

The general use water quality standard for boron set forth at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at ½ mile South of the Burlington Northern Santa Fe Railroad and SW 4th Street in Galva, known as the Galva Southwest Sewage Treatment Plant, to Mud Run Creek (the point is located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34 and 35 of the Fourth Principal Meridian, Latitude: N 41.154°, Longitude W. 90.053°) to the confluence of Mud Run Creek with Walnut Creek. Boron levels in these waters must meet a water quality standard for boron of 3.0 mg/L.

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