

Board Sends to Final Notice a Proposal to Update Water Quality Standards for Sulfate and Total Dissolved Solids

The Illinois Pollution Control Board, on September 4, 2008 sent to final notice the rulemaking docketed as Triennial Review of Sulfate and Total dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h) (R07-9). The Board sent this rulemaking to final notice making only slight changes as suggested by the Joint Committee on Administrative Rules (JCAR). JCAR voted to issue a certificate of no objection on August 19, 2008.

Illinois Environmental Protection Agency's proposed rule set forth a sulfate standard for general use waters that varied from 500 milligrams per liter (mg/L) to 2,500 mg/L, depending on the associated chloride and hardness levels measured in the water. The sulfate standard in waters used for livestock watering had a maximum level of 2,000 mg/L. The proposal eliminated the total dissolved solids (TDS) water quality standard for general use waters. The proposal also amended the mixing zone regulations to allow for mixing in 7Q1.1 zero flow streams, and in streams with less than a 3:1 dilution ratio. Finally, the proposal deleted the provisions addressing separate sulfate and chloride water quality standards for discharges from mining operations. Discharges from mining operations would be subject to the general use water quality standards under the proposed regulations. The Board requested additional comment on several of the provisions proposed for first notice, particularly regarding the economic reasonableness of the proposal to delete a special sulfate water quality standard for coal mines.

In response to the comments, the Board made changes to Section 302.208(h)(3)(C) and Section 309.102(b)(8). Specifically, the Board amended Section 302.208(h)(3)(C) to establish a standard for sulfate where chlorides exceed 500 mg/L and hardness is at or below 500 mg/L, according to Section 303(c) of the Clean Water Act and federal regulations at 40 C.F.R. 131.10(j)(2). Section 309.102(b)(8) was amended to require an NPDES permit applicant seeking a mixing zone more than 50% of the volume flow in streams where the dilution ratio is less than 3:1 to demonstrate the provision of an adequate zone of passage.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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