



OFFICE OF THE SECRETARY OF STATE

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August 6, 2018

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AUG 10 2018

STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 42, Issue 32 of the Illinois Register, dated 8/10/2018.

PROPOSED RULES

| | |
|---|-------|
| Water Use Designations and Site-Specific Water Quality Standards 35 Ill. Adm. Code 303 Point of Contact: Nancy Hoepfner | 14468 |
| Introduction 35 Ill. Adm. Code 601 Point of Contact: Nancy Hoepfner | 14474 |
| Permits 35 Ill. Adm. Code 602 Point of Contact: Nancy Hoepfner | 14494 |
| Design, Operation and Maintenance Criteria 35 Ill. Adm. Code 604 Point of Contact: Nancy Hoepfner | 14523 |
| Primary Drinking Water Standards 35 Ill. Adm. Code 611 Point of Contact: Nancy Hoepfner | 14663 |

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

ILLINOIS REGISTER

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 Number: 303.410 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Sections 9.8 and 13 and authorized by Sections 11(b), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, 28].
- 5) A Complete Description of the Subjects and Issues Involved: The Sanitary District of Decatur (District) treats wastewater for the City of Decatur, other municipalities, and industrial and commercial users. The District's discharge to the Sangamon River exceeds the water quality standard for nickel, and the District attributes this chiefly to a single industrial discharger. The District argues that there is no technically feasible and economically reasonable treatment available that would allow it to meet the nickel standard. The District proposed that the Board adopt a new Section 303.410 of its water pollution regulations providing a site-specific numeric standard based on the bioavailability of nickel to aquatic life in the Sangamon River.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The District stated that reports prepared in support of its proposal are unpublished. As submitted to the Board, they are available to the public through the Clerk's Office On-Line (pcb.illinois.gov) under Board docket number R 14-24.
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Does this proposed rulemaking contain incorporations by reference? No.
- 10) Are there any other proposed rulemakings pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the Illinois Register. Public

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ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

comments should refer to docket R14-24 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.pcb.illinois.gov. Comments may be filed with the Clerk of the Board and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R14-24 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Sanitary District of Decatur proposed this site-specific rule to apply to itself.
- B) Reporting, bookkeeping or other procedures required for compliance: None beyond those required to comply with the generally-applicable rule.
- C) Types of Professional skills necessary for compliance: None beyond those necessary to comply with the generally applicable rule.

14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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 (Repealed) |

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 | Chicago Area Waterway System and Lower Des Plaines River |
| 303.205 | Outstanding Resource Waters |
| 303.206 | List of Outstanding Resource Waters |
| 303.220 | Primary Contact Recreation Waters |
| 303.225 | Incidental Contact Recreation Waters |
| 303.227 | Non-Contact Recreation Waters and Non-Recreational Waters |
| 303.230 | Upper Dresden Island Pool Aquatic Life Use Waters |
| 303.235 | Chicago Area Waterway System Aquatic Life Use A Waters |
| 303.240 | Chicago Area Waterway System and Brandon Pool Aquatic Life Use B 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 (Repealed) |
| 303.321 | Wabash River Temperature |

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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
- 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River
- 303.430 Unnamed Tributary to Dutch Creek
- 303.431 Long Point Slough and Its Unnamed Tributary
- 303.441 Secondary Contact Waters (Repealed)
- 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
- 303.449 Chicago Sanitary and Ship Canal

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), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517, effective February 13, 2014; amended at in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015; amended in R14-24 at 42 Ill. Reg. _____, effective _____.

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

Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River

The general use chronic water quality standard for dissolved nickel contained in Section 302.208(e) shall not apply to the segment of the Sangamon River, which receives discharges from the Sanitary District of Decatur's Main Sewage Treatment Plant, from that facility's Outfall 001 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton. Instead, waters in this segment of the Sangamon River must meet a chronic water quality standard for dissolved nickel as follows:

Chronic Dissolved Nickel Standard ($\mu\text{g/L}$) = $\exp[A+B\ln(H)] \times 0.997^* \times \text{WER}$,

where A = -2.286, B = 0.8460, $\ln(H)$ = natural logarithm of Hardness, and WER (Water Effect Ratio) = 2.50

* conversion factor multiplier for dissolved metals.

(Source: Added at 42 Ill. Reg. _____, effective _____)