

## **Illinois Pollution Control Board Sends Proposal to Set Interim Phosphorus Effluent Standard to Second-Notice**

On September 15, 2005, the Illinois Pollution Control Board sent a proposed interim phosphorus effluent standard docketed as In the Matter of: Interim Phosphorus Effluent Standard, Proposed New 35 Ill. Adm. Code 304.123(g-k) (R04-26) to second-notice. On May 14, 2004, the Illinois Environmental Protection Agency (IEPA) proposed the interim phosphorus effluent standard to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth in waters of the state. Meanwhile, the IEPA and others are in the process of developing scientific information to support a proposal for numeric water quality nutrient standards. The IEPA expects to file a nutrient standards rulemaking proposal with the Board in 2007.

In the rulemaking to establish an interim effluent standard, the IEPA proposes a total phosphorus limit of 1.0 milligram per liter (mg/L) as a monthly average. Generally, the limit would apply to new or expanded discharges from wastewater treatment plants with either a design average flow over 1.0 million gallons per day receiving municipal or domestic waste water, or a total phosphorus effluent load of 25 pounds per day or more for treatment works other than those treating municipal or domestic wastewater. But, the 1.0 mg/L limit would not apply to a source that can demonstrate that phosphorus is not the limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water.

The second-notice proposal differs in only one substantive manner than the proposal as set forth in its entirety in the Board's first notice opinion and order – the addition of proposed language to ensure that permits issued under Section 304.104(g) as well as 304.104(b) are exempted from the averaging rule at 35 Ill. Adm. Code 304.104 (a)(2) and (3). Illinois Association of Wastewater Agencies, the Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club the IEPA in post first-notice filings supported this change.

As proposed, this effluent limit would sunset when the Board adopts a numeric water quality standard for phosphorus. All of these proposed changes would be made to one section of the Board's rules: 35 Ill. Adm. Code 304.123.

Two hearings were held. The first hearing was held on August 30, 2004, in Chicago. The second hearing was held on October 25, 2004, in Springfield.

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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