ILLINOIS POLLUTION CONTROL BOARD
July 23, 2026

VILLAGE OF FRANKFORT,	)	
	)	
Petitioner	)	
	)	
v.	)	PCB 26-48
	)	(Time Limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by A. Liva):

On March 13, 2026, the Village of Frankfort (Frankfort, Village, or Petitioner) filed a petition (Pet.) for a time limited water quality standard (TLWQS) under Section 38.5(b)(2) of the Environmental Protection Act (Act) and Part 104.520(b) of the Board's procedural rules. *See* 415 ILCS 5/38.5(b)(2) (2024); 35 Ill. Adm. Code 104.520(b). The Village seeks a total chloride TLWQS for discharges from its regional wastewater treatment plant (Regional Plant) located at 20538 South LaGrange Road, Frankfort, Will County. Specifically, the Petitioner seeks a TLWQS for the total chloride standard under 35 Ill. Adm. Code 302.407(g) for the months of April through November for discharges of chloride from the Regional Plant's Outfall 001 to Hickory Creek.

Based on an evaluation of the Village's TLWQS petition and supporting information, the Board finds the TLWQS petition contains the required components and is therefore in "substantial compliance" as defined by the Board's rules. See 35 Ill. Adm. Code 104.515, 530 and 545. Therefore, the Board directs the Illinois Environmental Protection Agency (IEPA) to file its recommendation by September 8, 2026.

First, the Board provides background information on TLWQS. The Board then discusses its previous order that established the class of discharger covered by the proposed total chloride TLWQS and identified the waterbody to which the TLWQS would apply. Next, the Board assesses whether the TLWQS petition is in substantial compliance with the petition content requirements. The Board concludes by describing the next steps in the proceeding.

BACKGROUND

The Act and the Board rules allow a petitioner to request a TLWQS from a water quality standard that would otherwise apply to the petitioner. See 415 ILCS 5/38.5; 35 Ill. Adm. Code 104.Subpart E. A TLWQS is "a time-limited designated use and criterion for a specific pollutant or water quality parameter that reflects the highest attainable condition during the term of that relief." 35 Ill. Adm. Code 104.515.

The procedures that govern a TLWQS proceeding are found in Part 104, Subpart E of the Board's procedural rules. 35 Ill. Adm. Code 104.Subpart E. Section 104.530 specifies the content requirements of a TLWQS petition. 35 Ill. Adm. Code 104.530. Section 104.530(a) lists 17 requirements that must be met in every TLWQS petition. 35 Ill. Adm. Code 104.530(a)(1)-(17). There are three additional requirements that address TLWQS covering a watershed, water body, or waterbody segment or multiple dischargers. These requirements are not applicable to the instant TLWQS petition.

CLASSES OF DISCHARGERS AND THE AFFECTED WATERBODY

When a petition for a TLWQS is filed, the Board must first establish the "classes of dischargers that may be covered by the time-limited water quality standard" (415 ILCS 38.5(f), see 35 Ill. Adm. Code 104.540), and identify the receiving water to which the requested TLWQS would apply. After this step is completed, the Board must review the petition for substantial compliance (35 Ill. Adm. Code 104.545(a)).

On April 16, 2026, the Board issued an order that established the Village of Frankfort Regional Wastewater Treatment Plant (Regional Plant or Plant), operating under National Pollutant Discharge Elimination System (NPDES) Permit No. IL0072192, Outfall 001, is the only discharger covered by the TLWQS. *See*, 35 Ill. Adm. Code 104.530(a)(9). Further, the Board identified that the receiving water to which the requested TLWQS would apply is Hickory Creek, Waterbody Segment IL GG-06, located within the Lower Des Plaines watershed. *See*, 35 Ill. Adm. Code 104.530(a)(1)

With the class of dischargers (single discharger) established and the water body to which the TLWQS applies identified, the Board will review the Petition for substantial compliance. 415 ILCS 5/38.5(g); 35 Ill. Adm. Code 104.545(a).

SUBSTANTIAL COMPLIANCE ASSESSMENT

A petition is in substantial compliance when it meets "the substantial or essential content requirements of 40 CFR 131.14, Section 38.5 of the Act, and Section 104.530 of this Part." 35 Ill. Adm. Code 104.515. The Board's substantial compliance review assesses a petition "on a case-by-case basis by determining whether the petition is responsive to the content requirements of Section 104.530." Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104.Subpart E, R 18-18, slip op. at 6 (Feb. 8, 2018). The substantial compliance assessment therefore serves as "a screening mechanism… determining only whether the petition contains the required components of a TLWQS petition." *Id*. Below the Board summarizes the key aspects of the petition addressing the informational requirements of Section 104.530.

The Petition requests a five-year TLWQS for the total chloride standard under 35 Ill. Adm. Code 302.407(g) for the months of April through November at Outfall 001 of its Regional Plant. *See* 35 Ill. Adm. Code 104.530(a)(1), (3). Hickory Creek Waterbody Segment IL GG-06, the receiving waters, is designated as "General Use" as described in 35 Ill. Adm. Code 303.445. *See* 35 Ill. Adm. Code 104.530(a)(5). The total chloride standard in Section 302.407(g) is 500 milligrams per liter (mg/L). *See* 35 Ill. Adm. Code 104.530(a)(2). The Village reports that its

potable water source is groundwater from shallow range aquifers, "which characteristically contain iron and exhibits high levels of hardness." Pet. at 4. While the Village has iron removal systems in place at 9 of its 10 wells, it does not provide for system-wide softening of the potable water. *Id*. "The levels of iron and hardness in the Village's potable source water require users to utilize individual water softeners to make it suitable for many normal residential, commercial, and industrial uses, which results in substantial chloride loading to the Plant." *Id*., See 35 Ill. Adm. Code 104.530(a)(6).

The Regional Plant is required to monitor chloride levels once per week. Pet. at 5. From 2023 to 2025, the Regional Plant exceeded the daily maximum limit of total chloride (500 mg/L) seven times during the months of April through November. *Id.* at 6. Frankfort calculated the 99th percentile of monthly averages of the total chloride level in its discharge at 582 mg/L. *Id.* Because the Village's water treatment does not include a softening system to remove chloride, users rely on individual water softeners to make the water "suitable for many normal residential, commercial, and industrial uses." Pet. at 4. This results in substantial chloride loading to the Plant. *Id*. Therefore, the Village argues it cannot attain the current chloride standard due to "a man-made condition that is caused by the wide-spread individual use of water softeners to address iron and hardness in the Village of Frankfort's water supply source and cannot be addressed in the next 5 years." Pet. at 12, *see* 35 Ill. Adm. Code 104.530(a)(7), (10).

Further, the Village argues "it is economically infeasible to implement water treatment or wastewater treatment solutions to remove chloride." *Id.* at 6. The Village outlined the following treatment options for softening of source water and wastewater, along with their estimated costs:

> Their respective capital costs, updated in 2025, including ion exchange at an estimated cost of $73.5 million, lime softening for $81.49 million (both water and wastewater system-wide softening), and reverse osmosis to remove chlorides at the [waste water treatment plant] for $69.94 million… Estimated annual operation and maintenance costs (information gathered in 2025) are $793,000 for ion exchange, $3.54 million for centralized lime softening, and $2.18 million for [reverse osmosis]. Pet. at 6-7.

Should the Village implement any of these methods, it would result in higher water and sewer rates for its utility customers. Frankfort estimates an increase in water and sewer rates between 27% and 79%. "For a customer consuming 10,000 gallons of water a month… the monthly water/sewer bill at FY 2025 rates is $151.50, which, after factoring in the rate increase … would range from $191.76 to $271.17." Pet. at 11. In addition to the economic infeasibility, the Village described technical impracticalities with each of the possible methods. Pet. at 8-11, 35 Ill. Adm. Code 104.530(a)(7).

The Village has "prepared and distributed public outreach materials to educate individual users of the publicly-owned utilities on how to 'Dial Back' privately-owned softening systems and optimize softener settings and regeneration cycles." Pet. at 5. The Village's petition included the following outreach information: a copy of an explanatory pamphlet, which was provided to users with the utility bills; notices provided in the Village's newsletter; and a link to an informational video on the Village's website. Pet. Ex. 4, 5, See 35 Ill. Adm. Code 104.530(a)(11), (13).

The proposed total chloride TLWQS would cover Segment IL GG-06 of Hickory Creek, depicted by the map in Exhibit 2 of the petition and described in the Board's April 16, 2026, order. *See* 35 Ill. Adm. Code 104.530(a)(4) (12). The Board has previously issued a seasonal TLWQS for total chloride for the Lower Des Plaines Watershed in PCB 19-29. *See* 35 Ill. Adm. Code 104.530(a)(8). The Petition identifies the highest attainable condition as an interim chloride criterion of 582 mg/L as a geometric mean, on a 12-month rolling-geometric mean basis, and 612 mg/L as a daily maximum. Pet. at 15, *see* 35 Ill. Adm. Code 104.530(12). Because the requested term is less than five years, the Village does not propose a re-evaluation schedule. *See* 35 Ill. Adm. Code 104.530(a)(14), (15).

The Village reports that its total chloride levels:

> will remain at or below levels in its current discharge. The IEPA's 2020/2022 303(d) List of Impaired Waters for Hickory Creek has de-listed chloride as an impairment for any Hickory Creek segment. Consequently, downstream waters of Hickory Creek Segment GG-06, including most immediate segments GG-04 and GG-22, are not impaired due to the Regional Plant's chloride discharge. Pet. at 16, *see* 35 Ill. Adm. Code 104.530(a)(17).

Considering the above, the Board finds that the Petition contains the required components for a TLWQS petition under Section 104.530 and is therefore in substantial compliance.

CONCLUSION

Based on an evaluation of the Village of Frankfort's TLWQS petition and supporting information, the Board finds the petition substantially complaint. Therefore, the Board directs IEPA to file its recommendation by September 8, 2026, which is the first business day following the 45th day after this order. *See* 35 Ill. Adm. Code 104.545(b), 105.550(a). Additionally, IEPA must transmit copies of its recommendation and the petition to USEPA. *See* 35 Ill. Adm. Code 104.550(d). The Village, or any other person or entity, may file questions or responses to IEPA's recommendation within 14 days from filing. *See* 35 Ill. Adm. Code 104.550(c). Thereafter, the Board will hold a public hearing to be set by the hearing officer with at least 45 days written notice. *See* 35 Ill. Adm. Code 104.555. The Board may submit questions to the Village of Frankfort and IEPA through a Board or hearing officer order prior to the public hearing.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2024); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final order may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code

104.545(e), 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 23, 2026, by a vote of 4-0.

Don A. Brown, Clerk
Illinois Pollution Control Board