

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1991

IN THE MATTER OF:)
)
GROUNDWATER QUALITY STANDARDS) R89-14(C)
AMENDMENTS TO 35 ILL. ADM. CODE 303) (Rulemaking)

PROPOSED RULE. FIRST NOTICE.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

The principal regulations adopted today by separate opinion and order consist of new Part 620. However, the promulgation of Part 620 requires a conforming amendment to 35 Ill. Adm. Code: Subtitle C. Such amendment was proposed November 2, 1990 at 14 Ill. Reg. 17862. Since it has been over one year since the publication in the Illinois Register of the Part 303 amendments, the Board must return to first notice with the Part 303 amendments only. Therefore, the Board will open a docket C in this proceeding for the purpose of again proposing the Part 303 amendments.

Today's groundwater standards at Part 620 supersede the standards previously applicable to groundwater as found in Subtitle C, the General Use and Public and Food Processing Water Supply Standards, which are applicable to groundwaters through the action of Section 303.203 of Subtitle C. Today's proposed amendment to Section 303.203 would delete the applicability of the General Use and Public and Food Processing Water Supply Standards to groundwater.

It is worth noting with regard to both the Part 620 rules and Subtitle C that there is an important distinction between groundwater and underground water. Groundwater is expressly defined in both the IGPA and the Illinois Environmental Protection Act:

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.64 and par. 7453(g)).

Conversely, underground water is defined in the IGPA¹:

¹ In a similar definition adopted by the Board prior to enactment of the IGPA underground water is defined as "any waters of the State located beneath the ground surface" (35 Ill. Adm. Code 301.420)

"UNDERGROUND WATER" MEANS ALL WATER BENEATH THE LAND SURFACE. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7453(k)).

Pursuant to these two definitions, "groundwater" is a subset of "underground waters". Among other matters, it is that subset that occurs within the saturated zone. Not included within groundwater are underground waters that may occur in unsaturated portions of the subsurface, such as within the aerated portions of the soil. Also not included is the water normally found in the root zone of crops, since the roots of most crops do not propagate into the saturated zone (R2 at 139)².

The way Section 303.203 is today proposed to be amended, underground waters that are groundwaters are subject to Part 620. Underground waters that are not groundwaters remain subject to the Subtitle C regulations.

ORDER

The Clerk of the Board is directed to submit the text of the following amendments to the Secretary of State for first notice pursuant to Section 6 of the Illinois Administrative Procedures Act.

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 USED DESIGNATIONS

Section
303.200 Scope and Applicability
303.201 General Use Waters
303.202 Public and Food Processing Water Supplies

² Transcripts of the December 1990 hearings on the R89-14(A) and (B) proceedings are cited as "R2 at _____".

- 303.203 Underground Waters
- 303.204 Secondary Contact and Indigenous Aquatic Life 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
- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.331 Mississippi River North Temperataure
- 303.341 Mississippi River North Central Temperature
- 303.351 Mississippi River South Central Temperature
- 303.352 Unnamed Tributary of Wood River Creek
- 303.353 Shoenberger Creek; Unnamed Tributary of Cahokia Canal
- 303.361 Mississippi River South Temperature
- 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

SUBPART D: THERMAL DISCHARGES

Section

- 303.500 Scope and Applicability
- 303.502 Lake Sangchris Thermal Discharges

- Appendix A References to Previous Rules
- Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 19897, ch. 111 1/2, pars. 1013 and 1027).

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) _____ Ill. Reg. _____, effective _____.

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PART 303
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SPECIFIC WATER QUALITY STANDARDS

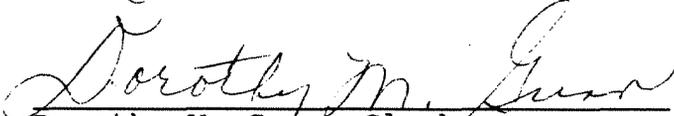
Section 303.203 Underground Waters

~~The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.~~ The underground waters of Illinois which are groundwater shall meet the standards set forth in 35 Ill. Adm. Code 620.

(Source: Amended in R89-14(C) at ____ Ill. Reg. _____,
effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of November, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board