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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE * Secretary of State

Administrative Code Division

Attn: Illinois Register

111 East Monroe
INDEX DEPARTMENT
111 EAST MONROE STREET

Ro3-11

Monday, August 18, 2003

POLLUTION CONTROL BOARD Erin Conley 1021 North Grand Ave East SPRINGFIELD, IL 62702

Dear Erin Conley

Your rules Listed below met our codification standards and have been published in Volume 27, Issue 33 of the Illinois Register, dated 8/15/2003.

PROPOSED RULES

Water Use Designations and Site Specific Water Quality Standards 35 III. Adm. Code 303 Point Of Contact:Dorothy Gunn

Page 13680

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017/18.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Water Use Designations And Site Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

3) Section Numbers:

Proposed Action:

303.326

Add

4) Statutory Authority: 415 ILCS 5/13, 11(b), and 27.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking is explained in more detail in the Board's first notice opinion and order of July 24, 2003, R03-11, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the City of Effingham (City), Blue Beacon International, Inc. (BBI) and Truckomat Corporation (Truckomat) to add Section 303.326 as a site-specific water quality designation. A hearing was held in Effingham on April 11, 2003.

In summary, the proposed amendments seek to add a new Section 303.326 to allow a discharge level of 5.0 mg/L for fluoride from the City's publicly owned treatment works (POTW). BBI and Truckomat operate truck washes in Effingham, and the wastewater from the truck washes contains fluoride resulting from the brighteners used in washing the trucks. Both companies have testified at the hearing held in this rulemaking that there are no alternative replacements for these brighteners, and that discontinuing their use would cause a severe negative economic impact. Additionally, these amendments propose a fluoride water quality standard that will continue to be protective of the waters of the state located downstream from the POTW.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) <u>Does this rulemaking contain an automatic repeal date?</u> No
- 8) <u>Does this proposed amendment contain incorporations by reference?</u> No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) <u>Statement of Statewide Policy Objectives:</u>

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

AUG 4 2003

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) <u>Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:</u>

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-11 and be addressed to:

Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St. Suite 11-500 Chicago, IL 60601

Address all questions to John Knittle, at 217-278-3110 or knittlej@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R03-11 from Dorothy M. Gunn, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected:

The over-the-road truck wash facilities located in Effingham, Illinois will benefit from this proposal. These amendments will relieve them of the need to install cost-prohibitive fluoride removal systems.

B) Reporting, bookkeeping or other procedures required for compliance:

No changes in the reporting, bookkeeping or other procedures will be required for compliance with this proposal.

C) Types of professional skills necessary for compliance:

No professional skills beyond those currently required by the rules will be required.

13) Regulatory agenda on which this rulemaking was summarized:

This proposal appeared in the Board's July 2003 regulatory agenda.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION SUBTITLE B: 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 USE DESIGNATIONS		
Section	SODIARI B. NONSI ECIPIC WATER OSE DESIGNATIONS		
303.200	Scope and Applicability		
303.200	General Use Waters		
303.201	Public and Food Processing Water Supplies		
303.203	Underground Waters		
303.204	Secondary Contact and Indigenous Aquatic Life Waters		
303.205	Outstanding Resource Waters		
303.206	List of Outstanding Resource Waters		
	SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE		
	SPECIFIC WATER QUALITY STANDARDS		
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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		
303.326	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		
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

303.400	Bankline Disposal Along the Illinois Waterway/River
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 Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River

SUBPART D: THERMAL DISCHARGES

303.500 303.502	Scope and Applicability Lake Sangchris Thermal Discharges
APPENDIX A	,

Section

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27].

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) 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 Ill. Reg. effective

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

Section 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River.

The fluoride general use water quality standard of 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State which are located from the point of discharge of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POTW located at 903 E. Eichie Avenue in Effingham, Illinois, owned by the City of Effingham, to an unnamed tributary of Salt Creek, said point being located in Effingham County, T8N, R6E, Sec. 28, Lat: 39°06'24", Long: 88°31'55", to the confluence of said unnamed tributary with Salt Creek; to the confluence of Salt Creek with the Little Wabash River; to the confluence of Buck Creek and the Little Wabash River. Fluoride levels in such waters must meet a water quality standard for fluoride (STORET Number 00951) as set forth below.

- a) From the point of discharge of the City of Effingham POTW to the unnamed tributary to the confluence of the unnamed tributary with Salt Creek and from the confluence of the unnamed tributary with Salt Creek to the confluence of Salt Creek with the Little Wabash River, the fluoride water quality standard is 5.0 mg/L.
- b) From the confluence of Salt Creek with the Little Wabash River to monitoring station C-19 located on the Little Wabash River approximately 2.8 miles downstream of Louisville, Illinois, the fluoride water quality standard is 3.2 mg/L.
- c) From monitoring station C-19 located on a point on the Little Wabash River approximately 2.8 miles downstream of Louisville, Illinois to the confluence of Buck Creek and the Little Wabash River, a point on the Little Wabash River located approximately 9.8 miles downstream of Louisville, Illinois, the fluoride water quality standard is 2.0 mg/L.

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