

ILLINOIS POLLUTION CONTROL BOARD
July 27, 1989

IN THE MATTER OF:)
)
MARATHON PETROLEUM COMPANY) R87-2
SITE-SPECIFIC)

PROPOSED RULE SECOND NOTICE

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter is before the Board on the January 28, 1987 petition of the Marathon Petroleum Company ("Marathon") pursuant to Section 28 of the Environmental Protection Act ("Act"), Ill. Rev. Stat. ch. 111 1/2, par. 1028. That petition seeks site-specific relief from Section 304.105 of the Board's water pollution rules, 35 Ill. Adm. Code 304.105, as it applies to the total dissolved solids (TDS) and chloride (Cl) content of Marathon's wastewater discharges from outfall 001, under NPDES permit No. IL0004073, into an unnamed tributary of Sugar Creek, in the Wabash River Basin, at Robinson, in Crawford County. The signatures of more than 200 persons accompanied Marathon's petition.

The Board proposed new section 35 Ill. Adm. Code 303.323 for first notice publication on May 11, 1989. That publication occurred on May 26, 1989. See 13 Ill. Reg. 7863 (May 26, 1989).

The Board received two public comments during the first notice public comment period. Neither affects the substance of the rule. Public Comment number four (P.C. #4), dated June 20, 1989 from the Illinois Department of Commerce and Community Affairs, includes the Small Business Bureau's Impact Analysis. P.C. #4 indicates that the proposed rule will have no effect on small businesses. Public Comment number five (P.C. #5), dated June 27, 1989 from the Office of the Secretary of State, suggests a minor revision to the rule and instructs the Board as to the filing of the ultimately-adopted rule.

Revisions From First Notice Proposed Rule

The Board will revise the proposed rule in one minor regard as a result of P.C. #5. In Section 303.323(b), that portion that reads "Section 304.105 shall not apply ..." will read "35 Ill. Adm. Code 304.105 shall not apply" The Board makes no further revision and will hereby propose the rule for second notice publication.

ORDER

The Board hereby proposes the following rule for second notice publication and directs the Clerk of the Board to file it with the Office of the Secretary of State.

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 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 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 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 Shoenberger Creek; Unnamed Tributary of Cahokia
Canal
303.361 Mississippi River South Temperature
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. 1987, ch. 111 1/2, pars. 1013 and 1027).

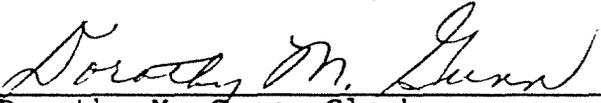
SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective 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 ____ Ill. Reg. _____, effective _____.

Section 303.323 Sugar Creek and Its Unnamed Tributary

- a) This Section applies only to Sugar Creek and its unnamed tributary from the point at which Marathon Petroleum Company's outfall 001 discharges into the unnamed tributary to the confluence of Sugar Creek and the Wabash River.
- b) 35 Ill. Adm. Code 304.105 shall not apply to total dissolved solids and chlorides discharged by Marathon Petroleum Company's outfall 001, so long as both of the following conditions are true:
 - 1) Effluent from Marathon Petroleum Company's outfall 001 does not exceed either 3,000 mg/l total dissolved solids or 700 mg/l chlorides,
 - 2) The water in the unnamed tributary does not exceed 2,000 mg/l total dissolved solids or 550 mg/l chlorides.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Second Notice Opinion and Order was adopted on the 27th day of July, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board