

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1988

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC RULE) R87-35
CHANGE FOR THE CITY OF EAST)
MOLINE'S PUBLIC WATER SUPPLY)
TREATMENT PLANT DISCHARGE:)
35 ILL. ADM. CODE 304.218)

PROPOSED RULE FIRST NOTICE.

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the October 9, 1987 petition for site specific rule change filed by the City of East Moline, Rock Island County. East Moline seeks this rule change to allow for the discharge by its drinking water treatment plant of effluent containing solids to the Mississippi River. This effluent does not meet the requirements of 35 Ill. Adm. Code 304.106 or 35 Ill. Adm. Code 304.124(a) for iron, manganese and total suspended solids. Section 304.124(a) establishes the following effluent limitations applicable to East Moline's effluent discharge: iron 2.0 mg/l, manganese 1.0 mg/l and total suspended solids 15.0 mg/l. East Moline seeks a total exemption from these standards, alleging that the general standard as applied to East Moline is economically unreasonable, and that the proposed rule would adequately protect the water quality of the Mississippi River.

No hearings have been held on this petition. The Board notes that, by Order of December 17, 1987, it denied a request to consolidate this rulemaking with R87-34 which is a petition filed by the City of Rock Island, Rock Island County, seeking identical relief for discharges from its drinking water treatment plant. Instead, the Board directed the Hearing Officer to coordinate the hearings in these matters to the extent practicable.

On January 21, 1988, the Board adopted Resolution 88-1, which outlined various procedures which the Board would begin to utilize in order to expedite the rulemaking process. One of these procedures is for the Board to send a regulatory proposal to First Notice before ruling on the merits of the proposal. The Board finds that it is appropriate to utilize that procedure in this proceeding.

As a result, the Board hereby adopts the proposal set forth below for First Notice and directs the Hearing Officer to cause the publication of the proposal in the Illinois Register. This

action is in no way to be construed as the Board's substantive position with regard to this matter.

Consistent with RES-88-1, the Board directs the Hearing Officer to schedule only one merit hearing in this matter. No other hearings will be scheduled unless the Board finds that the issues of this proceeding warrant further investigation. In addition, the Hearing Officer is to establish deadlines for the pre-filing of testimony and exhibits for anyone who wishes to introduce evidence at the merit hearings and for the pre-filing of questions concerning these submittals. Those who do not prefile such materials will be able to present their evidence only if time permits at the end of the hearing process.

The Board believes that such procedures will accelerate the rulemaking process and at the same time provide continued opportunity for public participation.

Finally, the Board notes that if its fiscal resources permit, the Board would intend to schedule the hearing concerning this proposal before this fiscal year ends on June 30, 1988, and directs that a suitable time table for the pre-hearing exchange of information be developed.

ORDER

The Board directs the Hearing Officer to submit, the following proposed amendments to the Secretary of State's Office for First Notice publication.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Nitrogen (STORET number 00610)
304.123	Phosphorus (STORET number 00665)

304.124 Additional Contaminants
304.125 pH
304.126 Mercury
304.140 Delays in Upgrading
304.141 NPDES Effluent Standards
304.142 New Source Performance Standards (repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section
304.201 Calumet Treatment Plant Cyanide Discharges
304.202 Chlor-alkali Mercury Discharges in St. Clair County
304.203 Copper Discharges by Olin Corporation
304.204 Schoenberger Creek: Groundwater Discharges
304.205 John Deere Foundry Discharges
304.206 Alton Water Company Treatment Plant Discharges
304.207 Galesburg Sanitary District Deoxygenating Wastes
Discharges
304.208 City of Lockport Treatment Plant Discharges
304.209 Wood River Station Total Suspended Solids
Discharges
304.212 Sanitary District of Decatur Discharges
304.213 Union Oil Refinery Ammonia Discharge
304.214 Mobil Oil Refinery Ammonia Discharge
304.218 City of East Moline Drinking Water Treatment Plant
Discharge

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
304.301 Exception for Ammonia Nitrogen Water Quality
Violations

Appendix A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111-1/2, pars 1013 and 1027)

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20 p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25 p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818, amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750 effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515,

effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R87-35 at _____ Ill. Reg. _____, effective _____.

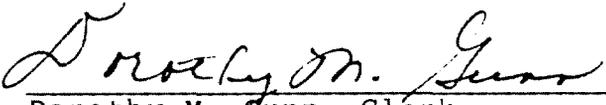
Section 304.218 City of East Moline Drinking Water Treatment Plant Discharges

This Section applies to the existing water treatment plant known as the East Moline Public Water Supply Treatment Plant, owned by the City of East Moline, which discharges into the Mississippi River. Such discharges shall not be subject to the effluent standards for total suspended solids, iron and manganese of 35 Ill. Adm. Code 304.124.

(Source: Added at _____, Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of April, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board