

ILLINOIS POLLUTION CONTROL BOARD
February 2, 1989

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO)
35 ILL. ADM. CODE 304.120) R86-17(B)
DEOXYGENATING WASTES STANDARDS)

PROPOSED RULE. SECOND NOTICE.

ORDER OF THE BOARD (By J. Marlin):

On October 20, 1988, the Board proposed a rule for First Notice. The proposed rule was published in the Illinois Register on November 14, 1988. 12 Ill. Reg. 18092. The First Notice comment period expired December 29, 1988.

On November 29, 1988, the Board received comments from the Secretary of State and Administrative Code Unit which suggested non-substantive editorial changes to the Board's proposal (P.C. #13). The Board has made those requested changes.

Also, the Department of Commerce and Community Affairs, Small Business Office (DCCA) filed comments on January 19, 1989. The Board accepts the filing as P.C. #14. In the comments, DCCA concludes that the proposed rule will have no economic effect on small businesses.

On its own initiative the Board will add the phrase "applicable procedures set forth by" just before "35 Ill. Adm. Code 106" in Section 304.120(c)(D). This reflects the possibility that this rule will become effective prior to the effective date of general procedural rules governing adjusted standards which are currently being proposed as amendments to Part 106. Given the extent of the comments received, the Board finds no reason to substantively alter the version of the rule which the Board proposed for First Notice.

The Board hereby proposes for Second Notice the following amendments to be filed with the Joint Committee on Administrative Rules.

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

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.120 Deoxygenating Wastes

Except as provided in Section 306.103, all effluents containing deoxygenating wastes shall meet the following standards:

- a) No effluent shall exceed 30 mg/l of five day biochemical oxygen demand (BOD₅) (STORET number 00310) or 30 mg/l of suspended solids (STORET number 00530), except that treatment works employing three stage lagoon treatment systems which are properly designed, maintained and operated, and whose effluent has a dilution ratio no less than five to one or who qualify for exceptions under subsection (c) shall not exceed 37 mg/l of suspended solids.
- b) No effluent from any source whose untreated waste load is 10,000 population equivalents or more, or from any source discharging into the Chicago River System or into the Calumet River System, shall exceed 20 mg/l of BOD₅ or 25 mg/l of suspended solids.
- c) No effluent whose dilution ratio is less than five to one shall exceed 10 mg/l of BOD₅ or 12 mg/l of suspended solids, except that sources employing third-stage treatment lagoons shall be exempt from this subsection (c) provided all of the following conditions are met:
 - 1) The waste source qualifies under one of the following categories:
 - A) Any wastewater treatment works with an untreated waste load less than 2500 population equivalents, which is sufficiently isolated that combining with other sources to aggregate 2500 population equivalents or more is not practicable.
 - B) Any wastewater publicly owned treatment works in existence and employing third-stage treatment lagoons on January 1, 1986, whose untreated waste load is 5000 population equivalents or less and sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
 - C) Any wastewater publicly owned treatment works with an untreated waste load of 5000 population equivalents or less, which has reached the end of its useful life by January 1, 1987, and is sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
 - D) Any wastewater treatment works with an untreated waste load of 5000 population

equivalents or less which has reached the end of its useful life and which has received an adjusted standard determination from the Board that it qualifies for a lagoon exemption. Such a Board determination will only be made in an adjusted standard proceeding, held in accordance with Section 28.1 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, par. 1028.1) and applicable procedures set forth by 35 Ill. Adm. Code 106.

- i) In an adjusted standard proceeding the Board may determine that the petitioning wastewater treatment source qualifies for a lagoon exemption if the wastewater treatment works proves that it is so situated that a land treatment system is not a suitable treatment alternative. Factors relevant to a suitability finding may include the following: cost; influent character; geographic characteristics; climate; soil conditions; hydrologic conditions; and the availability of irrigable land.
 - ii) For the purposes of this subsection (D), a land treatment system is a wastewater treatment system which does not directly discharge treated effluent to waters of the State but instead uses the treated effluent to irrigate terrestrial vegetation.
- 2) The lagoons are properly constructed, maintained and operated; and
 - 3) The deoxygenating constituents of the effluent do not, alone or in combination with other sources, cause a violation of the applicable dissolved oxygen water quality standard.
 - d) No effluent discharged to the Lake Michigan basin shall exceed 4 mg/l of BOD₅ or 5 mg/l of suspended solids.
 - e) Compliance with the numerical standards in this Section shall be determined on the basis of the type and frequency of sampling prescribed by the NPDES permit for the discharge at the time of monitoring.
 - f) For the purposes of this Section, useful life is the period of time during which it is cost effective to operate and maintain a particular wastewater treatment works under consideration. At a minimum, the following factors relating to a wastewater treatment works shall be considered in a determination of its useful life:

- 1) Structural and operational condition of components;
- 2) Past operations and maintenance record;
- 3) Cost for continued use; and
- 4) Description and costs for treatment alternatives.

(Source: Amended at Ill. Reg. ,
 effective)

IT IS SO ORDERED.

J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3rd day of February, 1989, by a vote of 7-0



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board