

ILLINOIS POLLUTION CONTROL BOARD  
September 22, 1988

IN THE MATTER OF: )  
 )  
PETITION OF THE CITY OF )  
JOLIET FOR A SITE SPECIFIC ) R84-20  
RULE FOR THE EAST SIDE )  
JOLIET WASTEWATER TREATMENT )  
FACILITY )

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a May 29, 1984 petition for site-specific rulemaking filed by the City of Joliet. Joliet asks that its East Side Wastewater Treatment Plant (EWTP), which discharges into Hickory Creek, be exempted from the effluent limitations for biochemical oxygen demand (BOD) and suspended solids (SS) applicable to Hickory Creek. Those limitations, found at 35 Ill. Adm. Code 304.120(c), are 10 milligrams per liter (mg/l) and 12 mg/l, respectively. Instead, Joliet requests that the discharges from EWTP be subject to the BOD and SS limitations applicable to the Des Plaines River. Those standards, set forth at 35 Ill. Adm. Code 304.120(b), are 20 mg/l BOD and 25 mg/l SS.

On June 30, 1988, the Board proposed for first notice the requested regulation exempting the EWTP from the BOD and SS limitations applicable to Hickory Creek. However, because of concerns about the effect of the regulation on levels of dissolved oxygen and ammonia nitrogen in Hickory Creek, the Board proposed a temporary regulation which will expire on January 1, 1994. This period would allow Joliet to conduct water quality monitoring for approximately three years and still have time to petition the Board for permanent relief if the monitoring results are positive. The rationale for proposing this rule is set forth in the Proposed Opinion of June 30, 1988. The proposed regulation was published in the Illinois Register on July 15, 1988, at 12 Ill. Reg. 11669.

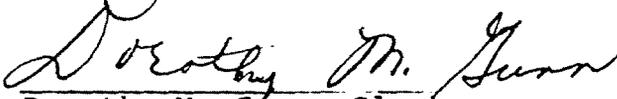
It has recently come to the Board's attention that under a proposed federal consent decree, Joliet would pay a \$160,000 civil penalty to resolve a federal enforcement action alleging Clean Water Act violations at this EWTP. (U.S. v. Joliet, DC N. Ill. No. 88-5661.) The consent decree apparently would also require Joliet to attain and maintain compliance with its discharge permit, upgrade treatment facilities to meet secondary treatment standards, construct a single-stage nitrification facility, and take measures to ensure proper operation and maintenance of the EWTP. The Board has no further information on

the proposed consent decree, nor was it previously aware of the federal enforcement action.

Because this activity raises several questions, the Board will take no further action on this request for site-specific rulemaking until both Joliet and the Illinois Environmental Protection Agency (Agency) have commented on any relation between this rulemaking and the federal consent decree. Comments should include information on the exact nature of the alleged violations, whether any allegation of violation of the BOD and SS limitations were included, and all other relevant information. Additionally, Joliet shall include a copy of the proposed consent decree and any documents referenced in that decree, and shall indicate whether the proposed decree has been entered. These comments by Joliet and the Agency shall be filed on or before October 24, 1988. Of course, any other interested persons may also comment in this time period.

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 22<sup>nd</sup> day of September, 1988, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board