

ILLINOIS POLLUTION CONTROL BOARD
May 25, 1989

IN THE MATTER OF:)
)
PROPOSED AMENDMENT TO) R87-6
PHOSPHORUS EFFLUENT STANDARD,)
35 ILL. ADM. CODE 304.123)

CORRECTION TO PROPOSED OPINION AND ORDER OF THE BOARD
(by J. Anderson):

In its Proposed Opinion of May 11, 1989, the Board on Page 20, first full paragraph, noted the potential burden of demonstrating that a given point source of phosphorus, if untreated for removal of phosphorus would contribute less than 3% of the phosphorus loading of all tributaries to the receiving lake or reservoir. The proposed opinion then states as follows:

"Therefore, the Board will amend the rule to require that the 1973 federal National Eutrophication Surveys (NES) data, as adjusted by IEPA to reflect estimated improvements in non-point source control, be utilized until such time as a more current data base is adopted by regulation for the affected watershed system."

In its proposed Order, the proposed amendment to Section 304.123 was not altered to reflect the Board's intent in this regard. Therefore, the Board today corrects this oversight. The correction consists of adding a single sentence at the end of subsection (c)(2). For the sake of convenience, the entire proposed amendment is set forth in the Order below.

ORDER

The Board hereby proposes the following revised and corrected proposed amendment for Second First Notice, which is 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	
304.101	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304.140	Delays in Upgrading (Repealed)
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304.142	New Source Performance Standards (Repealed)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	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
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
304.210	Alton Wastewater Treatment Plant Discharges
304.212	Sanitary District of Decatur Discharges
304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations
304.302	City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

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. 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 R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989, amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17B at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R87-6 at Ill. Reg. _____, effective _____.

Section 304.123 Phosphorus (STORET number 00665)

- a) No effluent discharge within the Lake Michigan Basin shall contain more than 1.0 mg/l of phosphorus as P.
- b) No effluent from any source which discharges within the Fox River Basin above and including Pistakee Lake and whose untreated waste load is 1500 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.

- c) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more or to any tributary to such a lake or reservoir and whose untreated waste load is 5000 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.
- d) No effluent from any source which discharge to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more which does not comply with Section 302.205 or to any tributary to such a lake or reservoir and whose untreated waste load is 1500 or more population equivalents and which is not governed by Sections 304.120(a) or 304.120(c) shall contain more than 1.0 mg/l of phosphorus as P.
- b) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir within 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P; however, this subsection (b) shall not apply where the lake or reservoir on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.
- c) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir beyond 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P.; however, this subsection (c) shall not apply:
- 1) Where the lake or reservoir on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less; or
 - 2) Where effluent, if untreated for removal of phosphorus, would contribute less than 3% of the phosphorus loading of all tributaries to such lake or reservoir, including non-point sources. Except as otherwise expressly provided by this Section, phosphorus loading of all tributaries to a lake or resevoir shall be estimated utilizing data

pertaining to such lake or reservoir contained in the National Eutrophication Surveys, Working Paper Series, U.S. Environmental Protection Agency, June 1975, adjusted to reflect estimated improvements in non-point source control as contained in records and reports of the Agency.

e)d) For the purpose of this Section the term "lake or reservoir" shall not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land.

f) Compliance with the limitations of paragraph (c) shall be achieved by the following dates:

- 1) New sources shall comply on the effective date of this regulation, and
- 2) Existing sources shall comply by December 31, 1980, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.

g) Compliance with the limitations of paragraph (d) shall be achieved by December 31, 1985, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.

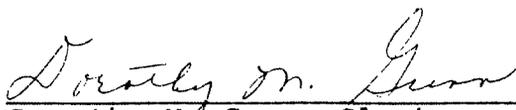
de) Compliance with the limitations of paragraph (b) shall be achieved by the following dates:

- 1) Sources with the present capability to comply shall do so on the effective date of this regulation;
- 2) All other sources shall comply as required by NPDES permit.

IT IS SO ORDERED.

J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Correction to Proposed Opinion and Order was adopted on the 25th day of May, 1989, by a vote of 7-6.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board