

ILLINOIS POLLUTION CONTROL BOARD
June 15, 1995

IN THE MATTER OF:)
)
Amendments to 35 Ill. Adm.)
Code 302.202, 302.208, 302.212) R94-1
302.213, 302.407, 304.122 and) (Rulemaking - Water)
304.301 (Ammonia Nitrogen, Lead)
and Mercury))

ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on a "Motion to Correct a Typographical Error" filed on June 1, 1995 by the Illinois Environmental Protection Agency (Agency). The Agency requests that the Board correct a typographical error in Section 302.213 of the proposed regulations and allow a short comment period to allow the regulated community to respond to this correction. While the Board has closed the record in this matter, the Board will reopen the record to respond to the issues presented in the motion.

The Agency states that factors for identifying Effluent Modified Waters (EMW) contained in Section 302.213 should be connected with "or" instead of "and". Section 302.213 should be corrected as follows:

Section 302.213 Effluent Modified Waters (Ammonia)

- a) Effluent modified waters are those waters or portions of waters that the Agency has determined pursuant to 35 Ill. Adm. Code 309, Subpart A, to have the potential to exceed, and are therefore not subject to, the chronic ammonia standards of Section 302.212(b) downstream of an effluent outfall and outside of any allowable mixing zone. The Agency shall not identify a waterbody as an effluent modified water if it:
- 1) receives effluent discharges that do not meet the requirements of 35 Ill. Adm. Code 304.122(d) prior to dilution with the receiving water;
 - 2) has uses known to be adversely impacted by ammonia as designated under 35 Ill. Adm. Code 303.201 outside of any allowable mixing zone; ~~and/or~~
 - 3) exceeds the acute standard of Section 302.212(b).

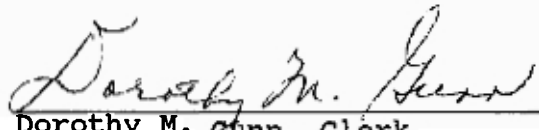
The change to "or" results in the existence of any one or combination of the three factors prohibiting the Agency from designating the waterbody as an EMW. The Agency contends that

this result is consistent with the testimony presented by the Agency on EMWs.

The Board will open a comment period to allow comments on the effects of this change in the regulation. Comments are limited to the correction presented in this order. Comments shall be filed with the Board by July 7, 1995. The Agency will be allowed until July 14, 1995 to file any response to any comments filed on this matter.

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 15th day of June, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board