

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1989

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO TITLE) R88-21, DOCKET B
35, SUBTITLE C (TOXICS CONTROL))

PROPOSED REGULATIONS FIRST NOTICE

OPINION AND ORDER OF THE BOARD (by R. C. Flemal)

The Board by separate Opinion and Order of this date created this Docket in the overall R88-21 proceeding. As the Board there notes, the purpose of opening Docket B is to provide for First Notice of certain adjuncts to the overall proposed amendments, which themselves are today sent to Second Notice. Most of the elements assigned to Docket B were not included in the First Notice of what is now Docket A.

The Board notes that the amendments in Docket B are today proposed as amendments of the Board regulations as these currently exist, and not as the regulations would be amended under Docket A. However, the Board anticipates that the amendments of Docket A will become effective prior to Docket B proceeding to Second Notice. Therefore, at the time of Second Notice the Board can recast the Docket B materials as amendments to the regulations adopted in Docket A.

DISCUSSION OF PROPOSED AMENDMENTS

Sections 302.208 and 302.304 Numeric Standards for Total
Dissolved Iron

At First Notice of Docket A¹ the Board proposed to delete the Total Iron General Use Water Quality Standard found at Section 302.208(e). This proposal was based upon argument that the total iron standard is relatively meaningless from all environmental and health perspectives; among other matters, total iron is overwhelmingly present under ambient conditions as particulate iron which is not a form available to aquatic life. This perspective was affirmed during the post-First Notice hearings (R. at 696-7, 740). On this basis the Board continues to propose in Docket A the deletion of the total iron water quality standard.

¹ In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxics Control), R88-21, August 31, 1989.

However, the question remains open as to whether there should be adopted an alternative to the total iron standard. The Board today proposes for First Notice standards for dissolved iron. These dissolved iron standards are proposed for both General Use Waters at Section 302.208 and Public and Food Processing Waters at Section 302.304.

Whereas there is no known documentation for the aquatic toxicity of total iron at ambient concentrations, there is evidence that dissolved iron in concentrations of less than 1 mg/l is toxic to at least certain aquatic organisms (R. at 698-700, 759-60; Exh. 87). Additionally, there is substantive evidence that aquatic degradation accompanies even moderate concentrations of dissolved iron (R. at 764). Upon review of these data, the Board concurs with the Agency, for the purpose of First Notice, that a General Use dissolved iron standard is necessary for the protection of Illinois waters. The standard the Board today adopts for First Notice is 0.2 mg/l, which the Board believes comports with the best available data on iron toxicity and ecological damage.

Similarly, the Board today proposes for First Notice a Public and Food Processing Water Supply Standard for dissolved iron of 0.3 mg/l. This amendment is occasioned because the deletion of total iron from the General Use Standards is also an effective deletion of total iron from the Public and Food Processing Water Standards, pursuant to the cumulative relationship of the Public and Food Processing Water Standards with the General Use Standards found at Section 302.301. The 0.3 mg/l standard is that recommended by the USEPA in the "Red Book" as the limit beyond which conventional surface water systems are unable to consistently reduce higher levels of dissolved iron to aesthetically acceptable levels (R. at 740-1). In this sense, it is not a health-limited standard.

A unique, but not necessarily troublesome, aspect of today's proposal for dissolved iron is that the proposed General Use Standard is more stringent than the Public and Food Processing Water Standard. This is the converse of the relationship for all other parameters which have different limits in the two sets of standards.

Section 302.211(k) Mixing Zones for Thermal Discharges

IERG recommends the addition of a subsection (k) to Section 302.211, General Use Temperature Standards (R. at 741-3). While the Board is not yet convinced of either the need for nor the desirable effect of the proposal, the Board does believe that further exploration of the issue is justified. Accordingly, as a method of continuing exploration, the Board today adopts the proposal for purposes of First Notice.

As justification for its proposal, IERG in part opines that "[o]ne of the problems with the First Notice [of Docket A] is that it appears to remove all mixing zones from the time of adoption of the regulations until such time as they are applied for and granted by the Agency" (R. at 742). With this as the beginning premise, IERG thereby apparently concludes that a massive and "expensively duplicative" effort would be necessary on the part of the regulated community to reestablish their mixing zones (Id.). Without here addressing the matter of whether such implied mixing zones do in fact exist, the Board does note that the beginning premise is itself incorrect. Nothing in the rule proposed here or at First Notice is or was intended to disestablish any mixing zone. Moreover, nothing in the rule proposed here or at First Notice is or was intended to eliminate the right to allowed mixing, as long as the allowed mixing is within the bounds of proper environmental management. The Board is aware that the First Notice Opinion did not fully expound on the concept of allowed mixing. The Board hopes that today's greater exposition (see preceding) will serve to better clarify this and related issues.

IERG's second concern is whether the limitations proposed at Section 302.102(b) should be the criteria upon which a mixing zone for thermal discharges is based. As IERG points out, "[t]he impact of heat ... may be quite different than that of toxic chemicals and may, in some instances, even be beneficial" (R. at 742). While the Board does not believe that the Section 302.102(b) limitations are necessarily tailored entirely to limiting the impact of toxic chemicals, the Board can nonetheless appreciate the unique nature of thermal discharges in this context. The Board does not necessarily see, however, how IERG's proposed language would address the potential inapplicability of any provision of Section 302.102(b) to thermal discharges. Interested persons are particularly requested to instruct the Board on this matter.

Lastly, the Board questions whether the proposed language is unnecessarily redundant of Section 302.102(b)(12) as proposed in Docket A. The Agency, for example, contends that the proposed language is "unnecessary in that it repeats allowances provided in Section 302.201" (PC #25 at 19). Interested persons are requested to comment on this matter.

Section 303.354 Horseshoe Lake Mixing Zone and ZID

At First Notice the Board proposed what is in effect a proposed site-specific mixing zone rule applicable to discharge from Granite City Division of National Steel Corporation ("GCD") to Horseshoe Lake. Today the Board enters this proposal, in a slightly modified form, into Docket B, and thereby sends it to Second First Notice. Although it is not technically necessary to

repropose this amendment for First Notice, the Board believes that it is desirable to do so in the context of the purposes imposed on Dockets A and B. The GCD proposal is clearly not part of the federally-mandated portion of the instant rulemaking, and hence fails that test for inclusion in Docket A. Additionally, as the Board noted at First Notice, there is question as to whether GCD's concerns are in fact best addressed via a site-specific rule. The Board does not believe that this issue has yet been fully addressed, and accordingly believes that the more liberal timeframe of Docket B is better suited for the resolution of the matter.

A second matter which the Board believes needs to be addressed is the need to specify a full 26-acre mixing zone for GCD given that its near-field mixing region is apparently of lesser size (R. at 1270, 1292). Similarly, the need to specify a 1000 square-foot ZID needs to be reconsidered in light of the Board's deletion in Docket A of the 1000 square-foot limitation on ZIDs.

Among changes made is a change in proposed placement from Section 303.362 to Section 303.354. This change is made solely to accommodate the organizational scheme for Part 303 specified at 35 Ill. Adm. Code 303.301, and does not alter the content or intent of the proposed amendment. The Board notes that this errata was identified in the Board's Supplemental Opinion of September 28, 1989.

Section 304.211 Intermittent Chlorination Exception

Both IERG and Agency recommend that a necessary adjunct to the adoption in Docket A of a General Use Water Quality Standard for total residual chlorine ("TRC") is an exception for discharges which result from intermittent chlorination practice. Intermittent chlorination is practiced by utilities and industries which use surface waters as cooling water. To prevent biofouling in various cooling devices, the standard practice is to provide short duration chlorination of the cooling waters using chlorine or related substances measureable as TRC.

The methods by which antifouling chlorination may be conducted are spelled out in federal regulations at 40 CFR 423 (1988) (Exh. 88). Among these are that TRC may be discharged from a unit for two hours a day and more than one unit may not discharge TRC at the same time. Additionally, the TRC discharged may not at any time exceed 20 ug/l (in contrast to the 19 ug/l proposed as the acute standard in Section 302.208(d), Docket A).

The Agency is convinced that cooling water discharges which conform to the restrictions of 40 CFR 423 will not cause toxicity to aquatic life (R. at 707). As IERG also points out, the

USEPA's "Ambient Water Quality Criteria for Chlorine" (Exh. 6) emphasizes that the TRC acute and chronic standards "are intended to apply to situations of continuous exposure whether the concentrations are fluctuating or constant, but not to situations of specially controlled intermittent exposures where more appropriate data is available" (R. at 729).

IERG has presented information on the economic feasibility of the electrical utility industry complying with the Docket A TRC standard absent the proposed exception (R. at 731-4). IERG contends that this could not be accomplished absent special control equipment, and that studies have shown that the cost per unit of installing dechlorination equipment would average \$200,000, and the cost of annual operations would be \$50,000, both in 1984 dollars (R. at 732). For the electrical generating industries in the State the total cost would be in the millions of dollars (R. at 733). Conversely, IERG believes that most facilities could comply under the proposed exception without additions of new capital equipment, although some changes in operating practices might be necessary (R. at 750-1).

IERG and the Agency offer the Board alternatives as to how the intermittent chlorination exception might be incorporated into Board regulations. IERG suggests the incorporation of a standard for intermittent TRC within Section 302.208 (R. at 735-8; Exh. 85, Attachment B). In the alternative, IERG suggests (R. at 735) acceptance of the Agency's recommendation that the exception language be placed within the effluent regulations of Part 304. The Board today proposes the second of these alternatives. The Board believes that an exception for particular effluent conditions is best placed within Part 304. Moreover, the Board believes that the Agency's observation that "[i]t would be very difficult, if not impossible, to assess compliance to an intermittent water quality standard" (R. at 708), is indeed telling. A standard for which compliance cannot be assessed is a standard without weight.

The language of today's proposal is based upon that offered by the Agency in PC #25 (p. 19), which in turn is based on comments at hearing by IERG (R. at 1232-42, 1468-71). The Board, however, has altered the second sentence of the Agency's proposal to more clearly specify the meaning of "intermittent" as applied within Section 304.211.

As an additional matter, the Board recognizes that there has been discussion as to whether the proposed language is better placed within Subpart A of Part 304, rather than within Subpart B of Part 304, as recommended by the Agency (R. at 1234-5, 1237-8). The Board does not view this placement issue as substantive. For the purposes of First Notice the placement is in accordance with the Agency's recommendation.

Section 305.102 Reporting Requirements

Upon the recommendation of IERG (R. at 83-4, 1150-2; Exh. 56 at 15-16; Exh. 109 at 12-13) the Board adopts for First Notice amendments to Section 305.102 intended to clarify (1) the role of a schedule of compliance as such interplays with the amendments proposed in Docket A, and (2) the status of a permittee regarding legal action by a third party. These amendments were originally proposed by IERG prior to First Notice of the unsplit docket. However, they were not included in the Board's First Notice of the unsplit docket. Accordingly, the Board today achieves their First Notice by the vehicle of Docket B.

By way of justification, IERG notes:

It is IERG's understanding of the Agency's testimony that in many cases they will use [information gathered pursuant to the Docket A amendments] to arrive at an ultimate permit limitation. As the Agency has explained it may be an extended period from the time information is provided until a limitation becomes an enforceable permit condition. The question can be legitimately asked: What is the status of the permittee as regards legal action by a third party?

Existing rule 309.148 appears to provide some protection and IERG believes that a formal linkage is needed between the two rules. Rule 309.148(a) states:

a) With respect to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards or other legally applicable requirements, the permittee shall be required to take specific steps to achieve compliance therewith in the shortest reasonable period of time consistent with the guidelines and requirements of the CWA and the Act.

One could certainly argue that proposed rule 302.210 is a "legally applicable requirement". Accordingly, it should be amenable to coverage under a schedule of compliance. IERG believes that this would occur in practice. It is important that the Board recognize in this new rule (305.102) that a compliance schedule is the proper mechanism to allow a discharger to operate within the law until such time as a determination is made that toxicity exists and a numerical permit limitation can be incorporated. If

a schedule is in effect, the discharger is in effect complying with Rule 302.210 by an alternate means. The purpose of our proposed [subsection (d)] is to clarify and reinforce the link between rules 302.201 and 309.148.

The purpose of our proposed [subsection (e)] is to make clear that adherence to a legally enforceable schedule of compliance is in fact an alternate compliance mechanism and thus precludes enforcement by any party for a violation of 302.210.

Exh. 109 at 12-13

Some minor punctuation and wording changes have been made in IERG's proposed language. The Board does not intend these to be substantive changes.

Section 309.152 Toxic Pollutants

The Board today repropose amendment to Section 309.152(b) because it sees an apparent dilemma in the amendment as proposed for First Notice. That dilemma is that there appears to be a clear precedent that possession of a permit cannot be a bar to enforcement of Board regulations (e.g., Landfill, Inc. v. Pollution Control Board et al., 387 N.E. 2d 258 (1978), Illinois Supreme Court). As proposed at First Notice, Section 309.152 appears to establish such bar. In particular, it would seem to insulate against enforcement of violation of the general prohibition against causing or contributing to water quality violations (35 Ill. Adm. Code 304.105). In any event, the Board believes that it is inappropriate to limit the enforceability of its regulations to the pace of Agency permitting activity.

The Board understands the spirit in which the First Notice Section 309.152(b) was offered and apparently stipulated by both the Agency and regulated community. That spirit is that the regulated community should not be subject to surprise as criteria, in particular, undergo possible evolution. The Board shares this spirit, but does not at present see that First Notice Section 309.152(b) is a permissible method of expressing it.

Accordingly, the Board today proposes a possible alternative method of addressing the problem. The Board particularly invites comment both on the general dilemma and on the method herein proposed to address it.

Today's proposal is intended to give a permittee who timely files for a permit modification a stay of enforcement of the Board's rules for up to 240 days. The 240 days are intended to allow for 30 days for filing an application for modification, 90 days while the permit modification is before the Agency, and an

additional 120 days should the permittee need or desire to seek a variance before the Board. During this stay period the permittee would therefore presumably be able to address compliance without threat of surprise enforcement.

ORDER

The Board hereby proposes for First Notice the following amendments to 35 Ill. Adm. Code, Subtitle C: Water Pollution, Chapter I, Pollution Control Board, Parts 302, 304, and 309. The Clerk of the Board is directed to file these proposed amendments with the Secretary of State.

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

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section
302.101 Scope and Applicability
302.102 Mixing Zones
302.103 Stream Flows
302.104 Main River Temperatures
302.105 Nondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section
302.201 Scope and Applicability
302.202 Purpose
302.203 Unnatural Sludge
302.204 pH
302.205 Phosphorus
302.206 Dissolved Oxygen
302.207 Radioactivity
302.208 Chemical Constituents
302.209 Fecal Coliform
302.210 Substances Toxic to Aquatic Life
302.211 Temperature
302.212 Ammonia Nitrogen and Un-ionized Ammonia

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section
302.301 Scope and Applicability
302.302 Algicide Permits
302.303 Finished Water Standards

- 302.304 Chemical Constituents
- 302.305 Other Contaminants
- 302.306 Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE
STANDARDS

Section

- 302.401 Scope and Applicability
- 302.402 Purpose
- 302.403 Unnatural Sludge
- 302.404 pH
- 302.405 Dissolved Oxygen
- 302.406 Fecal Coliform (Repealed)
- 302.407 Chemical Constituents
- 302.408 Temperature
- 302.409 Cyanide
- 302.410 Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

Section

- 302.501 Scope and Applicability
- 302.502 Dissolved Oxygen
- 302.503 pH
- 302.504 Chemical Constituents
- 302.505 Fecal Coliform
- 302.506 Temperature
- 302.507 Existing Sources on January 1, 1971
- 302.508 Sources under Construction But Not in Operation
on January 1, 1971
- 302.509 Other Sources

- APPENDIX A References to Previous Rules
- APPENDIX B Sources of Codified Sections

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. 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; codified at 6 Ill. Reg. 7818, effective June 22, 1982; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(B)

at _____ Ill. Reg. _____, effective _____.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.208 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Arsenic (total)	01002	1.0
Barium (total)	01007	5.0
Boron (total)	01022	1.0
Cadmium (total)	01027	0.05
Chloride	00940	500.
Chromium (total hexavalent)	01032	0.05
Chromium (total trivalent)	01033	1.0
Copper (total)	01042	0.02
Cyanide	00720	0.025
Fluoride	00951	1.4
Iron (total <u>dissolved</u>)	01045 <u>01046</u>	1.0 <u>0.2</u>
Lead (total)	01051	0.1
Manganese (total)	01055	1.0
Mercury (total)	71900	0.0005
Nickel (total)	01067	1.0
Phenols	32730	0.1
Selenium (total)	01147	1.0
Silver (total)	01077	0.005
Sulfate	00945	500.
Total Dissolved Solids	70300	1000.
Zinc	01092	1.0

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

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
Cadmium (total)	01027	0.010

Chloride	00940	250.
Chromium	01034	0.05
<u>Iron (dissolved)</u>	<u>01046</u>	<u>0.3</u>
Lead (total)	01051	0.05
Manganese (total)	01055	0.15
Nitrate-Nitrogen	00620	10.
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1
Organics		
Pesticides		
Chlorinated Hydro- carbon Insecticides		
Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Epoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxy- acetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichloro- phenoxy)-propionic acid (2,4,5-TP or Silvex)	39760	0.01
Phenols	32730	0.001
Selenium (total)	01147	0.01
Sulphates	00945	250.
Total Dissolved Solids	70300	500.

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

Section 302.211 Temperature

- a) Temperature has STORET number (F^o) 00011 and (C^o) 00010.
- b) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- c) The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.

- d) The maximum temperature rise above natural temperatures shall not exceed 2.8°C (5°F).
- e) In addition, the water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 1.7°C (3°F).

	°C	°F		°C	°F
JAN.	16	60	JUL.	32	90
FEB.	16	60	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	32	90	OCT.	32	90
MAY	32	90	NOV.	32	90
JUNE	32	90	DEC.	16	60

- f) The owner or operator of a source of heated effluent which discharges 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Pollution Control Board (Board) not less than 5 nor more than 6 years after the effective date of these regulations or, in the case of new sources, after the commencement of operation, that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters. If such proof is not made to the satisfaction of the Board appropriate corrective measures shall be ordered to be taken within a reasonable time as determined by the Board.
- g) Permits for heated effluent discharges, whether issued by the Board or the Illinois Environmental Protection Agency (Agency), shall be subject to revision in the event that reasonable future development creates a need for reallocation of the assimilative capacity of the receiving stream as defined in the regulation above.
- h) The owner or operator of a source of heated effluent shall maintain such records and conduct such studies of the effluents from such sources and of their effects as may be required by the Agency or in any permit granted under the Illinois Environmental Protection Act (Act).
- i) Appropriate corrective measures will be required if, upon complaint filed in accordance with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the receiving stream.

- j) All effluents to an artificial cooling lake must comply with the applicable provisions of the thermal water quality standards as set forth in this Section and 35 Ill. Adm. Code 303, except when all of the following requirements are met:
- 1) All discharges from the artificial cooling lake to other waters of the State comply with the applicable provisions of subsections (b) through (e).
 - 2) The heated effluent discharged to the artificial cooling lake complies with all other applicable provisions of this Chapter, except subsections (b) through (e).
 - 3) At an adjudicative hearing the discharger shall satisfactorily demonstrate to the Board that the artificial cooling lake receiving the heated effluent will be environmentally acceptable, and within the intent of the Act, including, but not limited to:
 - A) provision of conditions capable of supporting shellfish, fish and wildlife, and recreational uses consistent with good management practices, and
 - B) control of the thermal component of the discharger's effluent by a technologically feasible and economically reasonable method.
 - 4) The required showing in subsection (j)(3) may take the form of an acceptable final environmental impact statement or pertinent provisions of environmental assessments used in the preparation of the final environmental impact statement, or may take the form of a showing pursuant to Section 316(a) of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which addresses the requirements of subsection (j)(3).
 - 5) If an adequate showing as provided in subsection (j)(3) is found, the Board shall promulgate specific thermal standards to be applied to the discharge to that artificial cooling Lake.
- k) The temperature standards of this Section shall apply outside a zone of mixing which shall have an area no greater than a circle with radius of 183 meters (600 feet) or an equal area of simple form.

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

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

PART 303
WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100 Scope and Applicability
303.101 Multiple Designations
303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section
303.200 Scope and Applicability
303.201 General Use Waters
303.202 Public and Food Processing Water Supplies
303.203 Underground Waters
303.204 Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

Section
303.300 Scope and Applicability
303.301 Organization
303.311 Ohio River Temperature
303.312 Waters Receiving Fluorspar Mine Drainage
303.321 Wabash River Temperature
303.322 Unnamed Tributary of the Vermilion River
303.331 Mississippi River North Temperature
303.341 Mississippi River North Central Temperature
303.351 Mississippi River South Central Temperature
303.352 Unnamed Tributary of Wood River Creek
303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.354 Horseshoe Lake Mixing Zone and ZID
303.361 Mississippi River South Temperature
303.441 Secondary Contact Waters
303.442 Waters Not Designated for Public Water Supply
303.443 Lake Michigan

SUBPART D: THERMAL DISCHARGES

Section
303.500 Scope and Applicability

303.502 Lake Sangohris Thermal Discharges

APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

ASTHORITY: 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. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R88-21(B) at _____ Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC USE DESIGNATIONS AND
SITE SPECIFIC WATER QUALITY STANDARDS

Section 303.354 Horseshoe Lake Mixing Zone and ZID

This Section applies to discharge from Granite City Division of National Steel Corporation into Horseshoe Lake. Such discharge shall have a mixing zone of 26 acres and a ZID of 1,000 square feet for purposes of determining the application of standards, limits and criteria in 35 Ill. Adm. Code Part 302.

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

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
- 304.221 Intermittent Discharge of TRC

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 R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R88-21(B) at _____ Ill. Reg. _____, effective _____.

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

Section 304.221 Intermittent Discharge of TRC

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 by operation of Section 304.105 shall not apply to any discharge which contains TRC solely as the result of intermittent usage for antifouling purposes related to the operation of condensers and cooling systems. For the purposes of this Section usage of chlorine or related substances measureable as TRC shall be deemed to be intermittent if usage is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period shall not exceed 0.2 mg/l nor shall the TRC concentration exceed 0.5 mg/l at any time.

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

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 305
MONITORING AND REPORTING

Section
305.101 Preamble
305.102 Reporting Requirements
305.103 Effluent Measurement

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 $\frac{1}{2}$, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989; amended in R88-21(B) at _____ Ill. Reg. _____, effective _____.

Section 305.102 Reporting Requirements

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which:
 - 1) Discharge toxic pollutants, as defined in Section 502(13) of the Clean Water Act, or pollutants which may interfere with the treatment process, into the receiving treatment works or are subject to regulations promulgated under Section 307 of the Clean Water Act (CWA): (33 U.S.C. 1251 et seq.); or
 - 2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or
 - 3) Discharge 15% or more of the total biological loading received by the treatment works as measured

by 5-day biochemical oxygen demand.

- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this eChapter.
- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.
- d) If the Agency specifies, as a permit condition, that information be provided regarding the biological impact of a discharge, then such information shall be provided in accordance with a schedule of compliance pursuant to Section 309.148.
- e) When a permit is conditioned pursuant to subsection (d) and the permittee is in compliance with such condition, there shall be no cause of action against the permittee for violations of toxicity in the receiving stream as a result of the permitted discharge.

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

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

PART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File

- 309.119 Agency Action After Hearing
- 309.141 Terms and Conditions of NPDES Permits
- 309.142 Water Quality Standards and Waste Load Allocation
- 309.143 Effluent Limitations
- 309.144 Federal New Source Standards of Performance
- 309.145 Duration of Permits
- 309.146 Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
- 309.147 Authority to Apply Entry and Inspection Requirements
- 309.148 Schedules of Compliance
- 309.149 Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
- 309.150 Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
- 309.151 Maintenance and Equipment
- 309.152 Toxic Pollutants
- 309.153 Deep Well Disposal of Pollutants (Repealed)
- 309.154 Authorization to Construct
- 309.155 Sewage Sludge Disposal
- 309.156 Total Dissolved Solids Reporting and Monitoring
- 309.181 Appeal of Final Agency Action on a Permit Application
- 309.182 Authority to Modify, Suspend or Revoke Permits
- 309.183 Revision of Schedule of Compliance
- 309.184 Permit Modification Pursuant to Variance
- 309.185 Public Access to Information
- 309.191 Effective Date

SUBPART B: OTHER PERMITS

Section

- 309.201 Preamble
- 309.202 Construction Permits
- 309.203 Operating Permits; New or Modified Sources
- 309.204 Operating Permits; Existing Sources
- 309.205 Joint Construction and Operating Permits
- 309.206 Experimental Permits
- 309.207 Former Permits (Repealed)
- 309.208 Permits for Sites Receiving Sludge for Land Application
- 309.221 Applications - Contents
- 309.222 Applications - Signatures and Authorizations
- 309.223 Applications - Registered or Certified Mail
- 309.224 Applications - Time to Apply
- 309.225 Applications - Filing and Final Action by Agency
- 309.241 Standards for Issuance
- 309.242 Duration of Permits Issued Under Subpart B
- 309.243 Conditions
- 309.244 Appeals from Conditions in Permits
- 309.261 Permit No Defense
- 309.262 Design, Operation and Maintenance Criteria
- 309.263 Modification of Permits
- 309.264 Permit Revocation
- 309.265 Approval of Federal Permits

309.266 Procedures
309.281 Effective Date
309.282 Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027);.

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(B) at _____ Ill. Reg. _____, effective _____.

Section 309.152 Toxic Pollutants

- a) Any NPDES Permit issued shall include as a condition that if a toxic effluent standard, or prohibition or criterion (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA 35 Ill. Adm. Code 302.Subpart F for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.
- b) Any person whose NPDES permit is subject to modification in order to comply with numeric limitations established pursuant to 35 Ill. Adm. Code 302.208 or with the limitations or prohibitions established pursuant to the 35 Ill. Adm. Code 302.210 may, within 30 days of Agency notification pursuant to subsection (a), file an application for modification with the Agency which proposes a schedule of compliance. Filing of such application shall stay the applicability of such regulations for 240 days following the date of filing or until Agency final action on the application, whichever occurs first. This subsection shall not preclude such

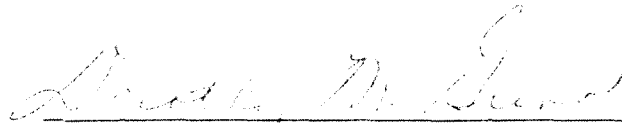
person from seeking variance pursuant to Title IX of the Act.

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

IT IS SO ORDERED

Board Members J.D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of September, 1989, by a vote of 6-0



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board