

RECEIVED
CLERK'S OFFICE

AUG 05 2004

STATE OF ILLINOIS
Pollution Control Board

IDENTICAL FIRST NOTICE LINE NUMBERED VERSION

This line-numbered copy of the agency's rulemaking is for use in creating the 1st Notice Changes document.

This version should be identical to the submission made by the agency, with the exceptions that errors in Source or Authority Notes may have been corrected; the format used is that of the electronic Illinois Administrative Code database, so formatting discrepancies will be corrected; incorrect depictions of existing language may have been corrected to conform with the IAPA; statutory citations will be handled correctly; any obvious misspellings revealed by an electronic spell check may have been corrected; and simple technical corrections may have been made. If any such changes have been made, they will be highlighted on the attached copy. If there is any problem, contact JCAR.

On this mark-up, any word or punctuation that has been altered will be highlighted. You will need to compare this to your hard copy or your database to determine how the original text read. If a white space is highlighted, you will know that text has been omitted at that location.

As always, if you would like an adopted rulemaking or any Illinois Administrative Code database materials on disk or through e-mail for purposes of upload, contact Terra Lamb at 785-2254.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.202	Amend
302.307	Add
302.525	Amend
- 4) Statutory authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]
- 5) A complete description of the subjects and issues involved: The Board started this rulemaking in response to a proposal filed by the Illinois Environmental Protection Agency. The Board has already held two public hearings prior to its adoption of its July 8, 2004 first notice order in this docket, R04-21.

The proposed changes to Sections 302.207 and 302.525 would eliminate the existing general use and Lake Michigan (respectively) water quality standards for radium 226, yet retain the existing radioactivity standards for gross beta particle activity and strontium 90. The proposed new Section 302.307 establishes a public and food processing water supply standard for radium 226 and 228 combined of 5 pCi/L. These proposed amendments correspond to the United States Environmental Protection Agency's (USEPA) Maximum Contaminant Level for finished drinking water. The USEPA final drinking water standard became effective December 8, 2003 (National Primary Drinking Water Regulations; Radionuclide; Final Rule. 65 Fed. Reg. 76707 (Dec. 7, 2000)). The Board adopted these federal amendments in its identical in substance rulemaking SDWA Update, USEPA Amendments (July 1, 2000 through December 31, 2000) (R01-20) at 25 Ill. Reg. 13611, effective October 9, 2001.

- 6) Will these proposed amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of statewide policy objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-21 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Additionally, the Board will hold a hearing on these proposed amendments on August 25, 2004, at 1:30 pm at the Illinois Pollution Control Board Hearing Room, 1021 North Grand Avenue East, North Entrance, Springfield IL.

Address all questions to Amy Antonioli, at 312-814-3665 or antonioa@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R04-21 from Dorothy M. Gunn, at 312-814-3620, or download copies from the Board's Web site at www.ipcb.state.il.us.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This proposal will primarily benefit publicly owned treatment works (POTWs) and public drinking water supplies and the people who drink the water they furnish.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments begins on the next page:

1ST NOTICE VERSION

JCAR350302-0410887r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE C: WATER POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4

5 PART 302
6 WATER QUALITY STANDARDS
7

8 SUBPART A: GENERAL WATER QUALITY PROVISIONS
9

10	Section	
11	302.100	Definitions
12	302.101	Scope and Applicability
13	302.102	Allowed Mixing, Mixing Zones and ZIDs
14	302.103	Stream Flows
15	302.104	Main River Temperatures
16	302.105	Antidegradation

17
18 SUBPART B: GENERAL USE WATER QUALITY STANDARDS
19

20	Section	
21	302.201	Scope and Applicability
22	302.202	Purpose
23	302.203	Offensive Conditions
24	302.204	pH
25	302.205	Phosphorus
26	302.206	Dissolved Oxygen
27	302.207	Radioactivity
28	302.208	Numeric Standards for Chemical Constituents
29	302.209	Fecal Coliform
30	302.210	Other Toxic Substances
31	302.211	Temperature
32	302.212	Total Ammonia Nitrogen
33	302.213	Effluent Modified Waters (Ammonia) (Repealed)

34
35 SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS
36

37	Section	
38	302.301	Scope and Applicability
39	302.302	Algicide Permits
40	302.303	Finished Water Standards
41	302.304	Chemical Constituents
42	302.305	Other Contaminants
43	302.306	Fecal Coliform

87		Procedures
88	302.555	Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
89		
90	302.560	Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
91		
92	302.563	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
93		
94	302.565	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
95		
96		
97	302.570	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
98	302.575	Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife
99		
100	302.580	Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health – General
101		
102	302.585	Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
103		
104		
105	302.590	Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
106		
107		
108	302.595	Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values
109		

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

110		
111		
112	Section	
113	302.601	Scope and Applicability
114	302.603	Definitions
115	302.604	Mathematical Abbreviations
116	302.606	Data Requirements
117	302.612	Determining the Acute Aquatic Toxicity Criterion for an Individual Substance – General Procedures
118		
119	302.615	Determining the Acute Aquatic Toxicity Criterion – Toxicity Independent of Water Chemistry
120		
121	302.618	Determining the Acute Aquatic Toxicity Criterion – Toxicity Dependent on Water Chemistry
122		
123	302.621	Determining the Acute Aquatic Toxicity Criterion – Procedure for Combinations of Substances
124		
125	302.627	Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance – General Procedures
126		
127	302.630	Determining the Chronic Aquatic Toxicity Criterion – Procedure for Combinations of Substances
128		
129	302.633	The Wild and Domestic Animal Protection Criterion

- 130 302.642 The Human Threshold Criterion
- 131 302.645 Determining the Acceptable Daily Intake
- 132 302.648 Determining the Human Threshold Criterion
- 133 302.651 The Human Nonthreshold Criterion
- 134 302.654 Determining the Risk Associated Intake
- 135 302.657 Determining the Human Nonthreshold Criterion
- 136 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 137 302.660 Bioconcentration Factor
- 138 302.663 Determination of Bioconcentration Factor
- 139 302.666 Utilizing the Bioconcentration Factor
- 140 302.669 Listing of Derived Criteria

- 141
- 142 302.APPENDIX A References to Previous Rules
- 143 302.APPENDIX B Sources of Codified Sections
- 144 302.APPENDIX C Maximum total ammonia nitrogen concentrations allowable for certain
- 145 combinations of pH and temperature
- 146 302.TABLE A pH-Dependent Values of the AS (Acute Standard)
- 147 302.TABLE B Temperature and pH-Dependent Values of the CS (Chronic
- 148 Standard) for Fish Early Life Stages Absent
- 149 302.TABLE C Temperature and pH-Dependent Values of the CS (Chronic
- 150 Standard) for Fish Early Life Stages Present

151

152 AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the

153 Environmental Protection Act [415 ILCS 5/13, 11(b), and 27].

154

155 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151,

156 effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended

157 at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill.

158 Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26,

159 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill.

160 Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May

161 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at

162 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective

163 February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended

164 in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg.

165 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December

166 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in

167 R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505,

168 effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective November 8,

169 2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21

170 at 28 Ill. Reg. _____, effective _____.

171

172 SUBPART B: GENERAL USE WATER QUALITY STANDARDS

173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208

Section 302.207 Radioactivity

- a) Gross beta (STORET number 03501) concentration shall not exceed 100 picocuries per liter (pCi/L).
- b) ~~Concentrations of radium 226 (STORET number 09501) and Strontiumstrontium 90 (STORET number 13501)~~ concentration shall not exceed ~~1 and 2~~ picocuries per liter (pCi/L) ~~respectively~~.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section 302.307 Radium 226 and Radium 228

Radium 226 and 228 (STORET number 11503) combined concentration shall not exceed 5 picocuries per liter (pCi/L) at any time.

(Source: Added at 28 Ill. Reg. _____, effective _____)

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section 302.525 Radioactivity

Except as provided in Section 302.102, all waters of the Lake Michigan Basin must meet the following concentrations in any sample:

- a) Gross beta (STORET number 03501) concentrations must not exceed 100 picocuries per liter (pCi/L).
- b) ~~Concentrations of radium 226 (STORET number 09501) and Strontiumstrontium 90 (STORET number 13501)~~ concentration shall not exceed ~~1 and 2~~ picocuries per liter (pCi/L) ~~respectively~~.

(Source: Amended at 28 Ill. Reg. _____, effective _____)