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STATE OF ILLINOIS  
Pollution Control Board

## OFFICE OF THE SECRETARY OF STATE

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03/10/2006

### POLLUTION CONTROL BOARD

James R. Thompson Center 100 W. Randolph St., Ste 11-500  
Dorothy Gunn  
CHICAGO, IL 60601

Dear Dorothy Gunn

Your rules Listed below met our codification standards and have been published in Volume 30, Issue 11 of the Illinois Register, dated 03/17/2006.

### ADOPTED RULES

Water Quality Standards 35 Ill. Adm. Code 302 Point Of Contact:Erin Conley	Page 4919
Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002) 35 Ill. Adm. Code 734 Point Of Contact:Erin Conley	Page 5090
Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) 35 Ill. Adm. Code 732 Point Of Contact:Erin Conley	Page 4928
Permits and General Provisions 35 Ill. Adm. Code 201 Point Of Contact:Erin Conley	Page 4901

### PROPOSED RULES

Water Use Designations and Site Specific Water Quality Standards 35 Ill. Adm. Code 303 Point Of Contact:Erin Conley	Page 4581
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If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code citation: 35 Ill. Adm. Code 303
- 3) Section Numbers:                      Proposed Action:  
303.445                                      Add
- 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:

A more complete description of this proposal may be found in the Board's opinion and order of March 2, 2006 in docket R06-24. This site-specific rulemaking proposal was filed with the Board by the ExxonMobil Oil Corporation (ExxonMobil) on February 7, 2006 for discharges of Total Dissolved Solids (TDS) from the ExxonMobil Joliet Refinery during the months of November through April in each year. The proposal would set 1,686 milligrams per Liter (mg/L) as the TDS levels for both Secondary Contact and Indigenous Aquatic life Use Waters General Use Waters. This 1,686 mg/L standard would apply instead of the general use standard of 1,000 mg/L found in 35 Ill. Adm. Code 302.208 and the secondary contact use standard of 1,500 mg/L found in 302.407. On March 2, 2006, the Board adopted the proposal as it appears below for first notice publication rulemaking without commenting on the merits of the proposal, in response to a joint motion to expedite this rulemaking made by ExxonMobil and the Illinois Environmental Protection Agency (Agency). The Board presently intends to schedule only one hearing during the 45-day first notice period.

ExxonMobil owns and operates the Joliet Refinery (refinery) located in Channahon Township on a 1,300 acre tract of land in unincorporated Will County. The site is adjacent to Interstate 55 at the Arsenal Road exit, approximately 50 miles southwest of Chicago. The refinery employs more than 500 full-time employees, and approximately 100 additional ExxonMobil employees who provide regional support services are also located at the refinery.

On October 11, 2005, ExxonMobil was a party to a consent decree involving the United States of America, as well as the States of Illinois, Louisiana, and Montana. Under that consent decree, ExxonMobil must, among other things, make substantial investments in air emissions reductions at the Joliet Refinery. The consent decree calls

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for the use of a wet gas scrubber in addition to added technology, which will contribute to additional sulfate and TDS to the wastewater treatment system.

ExxonMobil has asserted that because of occasional observed TDS violations in the Des Plaines River and in light of 35 Ill. Adm. Code 302.102(b)(9), the Agency could not issue the wastewater construction permit needed by ExxonMobil. ExxonMobil and the Agency believe that Board adoption of the proposed 1,686 mg/L TDS standard would allow for issuance of a permit approvable by the United States Environmental Protection Agency.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 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 R06-24 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

Address all questions to John Knittle, at 217/278-3111 or email at [knittlej@ipcb.state.il.us](mailto:knittlej@ipcb.state.il.us).

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Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

None

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:

The Board did not include this rulemaking on either of the last two regulatory agendas because it had no advance notice that ExxonMobile would request this site-specific relief to allow it to comply with the October 11, 2005 federal consent decree.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

**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
- 303.205 Outstanding Resource Waters
- 303.206 List of Outstanding Resource 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
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash 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

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303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
<u>303.445</u>	<u>Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River</u>

**SUBPART D: THERMAL DISCHARGES**

**Section**

303.500	Scope and Applicability
303.502	Lake Sangchris Thermal Discharges

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

**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].

**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 R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11, at 28 Ill. Reg 3071, effective February 4, 2004; amended in R06-24 at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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

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Section 303.445

Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River

- a) Beginning November 1 and continuing through April 30 of each year, the total dissolved solids (TDS) water quality standard for Secondary Contact and Indigenous Aquatic life Use waters in 35 Ill. Adm. Code 302.407 does not apply to the portion of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at I-55 and Arsenal Road (said point being located in Will County, T34N, R9E, S15, Latitude: 41° 25" North, Longitude: 88° 11' 20" West) and continuing to the Interstate 55 bridge. TDS levels in such waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.
  
- b) Beginning November 1 and continuing through April 30 of each year, the TDS water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208 does not apply to the Des Plaines River from the Interstate 55 bridge to the confluence of the Des Plaines River with the Kankakee River. TDS levels in such waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)