

ILLINOIS POLLUTION CONTROL BOARD
September 8, 1988

IN THE MATTER OF:)
)
THE PETITION OF THE) R86-3
NORTH SHORE SANITARY DISTRICT)
TO AMEND REGULATIONS)

PROPOSED RULE. SECOND NOTICE

OPINION AND ORDER OF THE BOARD (by B. Forcade):

The North Shore Sanitary District (hereinafter "NSSD") petitioned the Board on December 20, 1985 for a site-specific effluent limitation for its discharges into Lake Michigan from the excess flow facilities at Waukegan and North Chicago. The Board adopted for first notice an amended version of the requested site-specific rule by its Opinion and Order of April 21, 1988. This new Section 304.219, 35 Ill. Adm. Code 304.219 (1988), was published in the Illinois Register for public comment. 12 Ill. Reg. 7960 (May 6, 1988). The 45-day first notice comment period ended on June 21, 1988. The Illinois Environmental Protection Agency (hereinafter "Agency") submitted its comments on August 16, 1988. Other, non-substantive comments, were received from NSSD on August 12 and 17, 1988. These non-substantive comments do not relate to the merits or substance of the proposed rules.

The commenters generally agree that the requested rule is appropriate, and neither requests any substantive alteration. However, their comments warrant some clarification of the April 21, 1988 Opinion and Order, and some minor revision of the language of the rule is warranted. The Board now proceeds to adopt the proposed rule for second notice publication as modified in light of the substantive comments received. The minor modifications do not affect the scope or substance of the proposed rule. The following discussion is arranged by substantive subject.

Monitoring (Section 304.219(g))

NSSD cites the fact that weather may impede sampling and testing from October through April. The Agency recognizes this, but cites the fact that overflow events are most likely in the late Fall and early Spring. The Board recognizes that safety concerns and vessel unavailability may occasionally preclude sampling, but believes sampling should occur during these months when possible. This clarification of the Opinion and Order warrants no change in the language of the rule.

The Agency states that its initial request for beach sediment testing intended "concurrent monitoring" with the offshore monitoring for background data, but the Agency does not now request it or justify it. The Agency also comments that the monitoring requirement is unclear, but the Board believes that explicit definition of the terms used in the rule is given in the accompanying Opinion and Order. One necessary clarification of that Opinion and Order is that rainfall monitoring at Gurnee was intended, and NSSD should submit this data to the Agency. See Opinion and Order of April 21, 1988 at 29. Because this is a site-specific rule, the definition added by the Opinion and Order clarifies the rule. Therefore, the Board will not revise the rule or accompanying Opinion and Order.

Plant Design and Operation (Sections 304.219(b)-(f))

NSSD comments that plant operational constraints will not always permit operation up to the peak treatment capacity, and requests deletion of the word, "peak," where it appears in subsections b and f. The Agency agrees. The Board deletes the word. At NSSD's suggestion, the Board also revises the phrase, "times of normal retention basin maintenance," to the phrase, "times of normal treatment plant and/or retention basin maintenance," in subsection f.

The Agency requests that the Board impose interim project completion dates in Section 304.219(c). The Board does not believe this is appropriate to this site-specific rule. NSSD must accomplish the required facilities expansions before the given date, and the Agency is free to monitor progress without the requested interim dates. The requirement for the completion of this project before a date certain satisfies the Agency's primary concerns, and the Agency agrees that the reduction of discharge volumes is the desired objective.

Error Corrections (Section 304.219(b) & (g))

The Board corrects two minor errors in the proposed language. The Board corrects that portion of subsection b which reads "requirements shall to North Shore Sanitary District" to read "requirements shall apply to North Shore Sanitary District" by appropriately inserting "apply." The Board corrects that portion of subsection g which reads "shall immediate embark" to read "shall immediately embark" by changing the adjective, "immediate," to the adverb, "immediately."

Summary of Revisions

Subsection b: add the word, "apply," as the sixth word of the second sentence; and delete the word, "peak," wherever it appears in this subsection.

Subsection f: delete the word, "peak," wherever it appears in this subsection; and add the words, "treatment plant and/or," as the fifty-sixth through fifty-ninth words of the subsection.

Subsection g: replace the word, "immediate," with the word, "immediately," as the seventh word of the subsection.

ORDER

The proposed new Section 304.219 is hereby adopted for Second Notice publication:

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

PART 304
EFFLUENT STANDARDS

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

Section	
304.201	Calumet Treatment Plant Cyanide Discharges
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
304.212	Sanitary District of Decatur Discharges
304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
<u>304.219</u>	<u>North Shore Sanitary District Phosphorus Discharges</u>

Section 304.219 North Shore Sanitary District Phosphorus Discharges

- a) This Section applies to discharges from the North Shore Sanitary District excess flow discharge facilities at Waukegan and North Chicago into Lake Michigan;
- b) The requirements of Section 304.123(a) shall not apply to the phosphorus content of the North Shore Sanitary

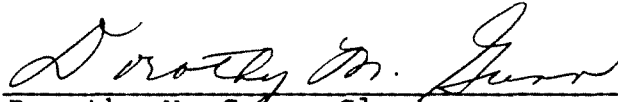
District excess flow discharges from Waukegan and North Chicago into Lake Michigan. Instead, the following requirements shall apply to North Shore Sanitary District discharges into Lake Michigan:

- 1) The North Shore Sanitary District shall discharge no effluent into Lake Michigan from its Waukegan treatment plant until after that plant has achieved its maximum treatment flow capacity and all the Waukegan treatment plant excess flow retention reservoirs are full to capacity;
- 2) The North Shore Sanitary District shall discharge no effluent into Lake Michigan from its North Chicago treatment plant until after that plant has achieved its maximum treatment flow capacity, the North Chicago treatment plant excess flow retention reservoirs are full to capacity, the maximum rate of transfer of untreated effluent to Gurnee has been achieved, the Gurnee treatment plant has achieved its maximum treatment flow capacity, and the Gurnee treatment plant excess flow retention reservoirs are full to capacity.
- c) The North Shore Sanitary District shall increase the maximum peak treatment flow capacity of its Waukegan treatment plant to at least 44 million gallons per day before January 1, 1992;
- d) The North Shore Sanitary District shall increase the maximum peak treatment flow capacity of its Gurnee treatment plant to 39 million gallons per day before January 1, 1989;
- e) The North Shore Sanitary District shall increase the excess flow retention reservoir capacity at its Gurnee treatment plant to 50 million gallons before January 1, 1991;
- f) The North Shore Sanitary District shall operate its Waukegan or North Chicago treatment plant at its maximum treatment flow capacity during any period in which less than 90 percent of the retention reservoir capacity is available to receive excess flows at the relevant treatment plant, except when such unavailability results during times of normal treatment plant and/or retention basin maintenance; and
- g) The North Shore Sanitary District shall immediately embark on a program of excess flow and water quality impact monitoring, shall periodically submit the data from such monitoring to the Illinois Environmental Protection Agency ("Agency"), and shall submit a

comprehensive study of this data and monitoring for the period 1987 through 1991 to the Board and the Agency before April 1, 1992.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Second Notice Opinion and Order was adopted on the 8th day of September, 1988, by a vote of 7-0.



Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board