

ILLINOIS POLLUTION CONTROL BOARD  
November 8, 1984

IN THE MATTER OF: )  
 )  
PETITION OF THE CITY OF LOCKPORT ) R83-19  
TO AMEND REGULATIONS PERTAINING )  
TO WATER POLLUTION )

DISSENTING OPINION (by B. Forcade):

I respectfully dissent from the majority because of the ammonia nitrogen issue.

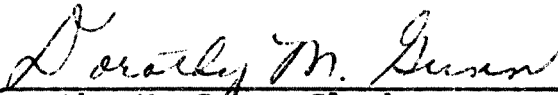
Deep Run Creek is classified as a general use waterway. Upstream of Lockport's discharge this creek meets the general use water quality standards of 302.212. Downstream of Lockport's discharge Deep Run Creek violates the ammonia nitrogen limitations of 302.212 and frequently violates the Board's least protective limitations for ammonia nitrogen: the secondary contact and indigenous aquatic life water quality standards of 302.407 (Ex. 10). Lockport's discharges cause or contribute to these violations (Ex. 9, p. 5) and water quality levels for ammonia nitrogen would improve if Lockport added complete nitrification (Ex. 10, p. 5). Lockport has not requested that the ammonia nitrogen standard for Deep Run Creek be raised to some numerical level which would be protective of the environment and still allow Lockport's current discharge. Rather Lockport has requested that water quality standards for ammonia nitrogen in Deep Run Creek simply be made inapplicable to Lockport's discharge. This, I believe, the Board cannot do.

Section 13(a) of the Illinois Environmental Protection Act ("Act") requires the Board to adopt water quality standards and, pursuant to Section 11(b) of the Act, to assure that no contaminants are discharged without the degree of treatment necessary to prevent violations of those standards. This process is identical to the process in Sections 302, 303, and 402(b) of the Federal Clean Water Act, made applicable to Illinois dischargers by Section 11(b) of the Act. While the Board may have discretion in what those standards will be, there must be standards, and those standards must be applicable to discharges which would cause their violation.

As I believe today's Board action violates Section 11(b) of the Act, I dissent.

  
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Bill S. Forcade  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 17<sup>th</sup> day of November, 1984.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board