



## **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

February 9, 2022

Ms. Debra Shore  
Regional Administrator and Great Lakes National Program Manager  
United States Environmental Protection Agency Region V  
77 West Jackson Boulevard (WQ-16J)  
Chicago, Illinois 60604-3590

Re: Certification for Approval of the Illinois Time-Limited Water Quality Standard for Chloride pursuant to 40 CFR Section 131.14

Dear Ms. Shore:

On November 4, 2021, the Illinois Pollution Control Board (Board) issued a time-limited water quality standard (TLWQS) for chloride to 48 Petitioners that discharge into the Lower Des Plaines River (LDPR) watershed and portions of the Chicago Area Waterway System (CAWS) and provided a mechanism for additional eligible dischargers to seek this relief. Dischargers petitioning the Board for a TLWQS must demonstrate that attaining the water quality standard is infeasible for the TLWQS' proposed term because of one or more specified factors, such as human-caused conditions that cannot be timely remedied. Generally, the TLWQS consists of an interim use and interim criterion for a specific pollutant or water quality parameter that reflect the waterway's highest attainable condition (HAC) during the term of that relief. The term of the TLWQS must last no longer than is necessary to achieve that HAC.

On January 6, 2022, the Board issued a Clarifying Order, stating 1) the TLWQS is effective upon approval of by USEPA; 2) when pollution minimization plans would be due; 3) that covered facilities must implement best management practices within 12 months of the effective date of the TLWQS and; 4) who must comply with offset requirements.

The Board recognized the necessity for this TLWQS is driven by our Midwest winters, and the necessary use of sodium chloride – also known as road salt – to keep our sidewalks, streets, and highways free of snow and ice. This TLWQS is needed because using road salt to maintain public safety prevents Petitioners from attaining the human health water quality criterion for chloride within the LDPR watershed and portions of the CAWS watershed. Based on Petitioners' demonstrations and the Illinois Environmental Protection Agency's (IEPA) recommendation (IEPA Rec.), the Board adopted a TLWQS for chloride for 15 years, which provides Petitioners relief from the chloride Water Quality Standards (WQS) found in 35 Ill. Adm. Code 302.208(g) and 302.407(g)(3) of the Board's regulations for discharges into the LDPR watershed and portions of the CAWS watershed.

The Petitioners' TLWQS is subject to several conditions, including: 1) establishing a Chloride Working Group (CWG) for each watershed and requiring Petitioners' participation

in the CWG corresponding to the Petitioners' discharge location or locations; 2) identifying and implementing numerous best management practices (BMPs) at Petitioners' facilities, and submitting an annual report on the efficacy of the BMPs in reducing chloride discharges; and 3) a 5-year re-evaluation of whether Petitioners are complying with the HAC for each of the watersheds. The Board believes that Petitioners' adherence to the TLWQS's requirements will put them on a path to meet the chloride water quality standard.

In granting the TLWQS, the Board considered factors outside of Petitioners' immediate control that make achieving the chloride WQS currently unattainable. However, Petitioners must continue to demonstrate – by implementing BMPs and submitting annual reports – that they are doing all they can to move the waterways closer to compliance with the chloride WQS. The Board's goal remains full compliance with the current chloride WQS. However, granting a watershed- wide TLWQS allows the State and Petitioners necessary flexibility to accomplish that goal by implementing BMPs that will evolve with the needs of the watersheds.

As part of the federal approval process, the Illinois EPA must provide a certification from the Illinois Attorney General's Office that the regulations were duly adopted pursuant to State law. *See* 40 C.F.R. 131.6(e). The certification request has been sent to the Illinois Attorney General's Office and will be submitted to you under a separate cover.

The following information, consistent with 40 CFR Section 131.14 requirements, is being provided to help in your review:

- Copy of Petition and Joint Petition;
- Hearing Transcript;
- IEPA's Recommendation;
- Relevant Comments filed in the Proceeding; and
- Other Relevant Board Orders, such as the November 4, 2021 Final Board Order and the Board's January 6, 2022 Order Addressing a Motion to Clarify.

These documents and additional information can be found on the Board's Website at the following link:

<https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=15201>

The Illinois EPA appreciates your assistance on this matter. Should you need any additional information to complete your review, please feel free to contact Stefanie Diers at 217-782-6449.

Sincerely,



Sanjay K. Sofat, Chief  
Bureau of Water

Enclosures

cc-Tera Fong  
David Pfeifer  
Timothy Elkins  
Aaron Johnson