



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

August 19, 2010

POLLUTION CONTROL BOARD  
JOHN THERRIAULT ASSISTANT CLERK  
100 W RANDOLPH ST, STE 11-500  
CHICAGO, IL 60601

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CLERK'S OFFICE  
AUG 24 2010  
STATE OF ILLINOIS  
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 34, Issue 35 of the Illinois Register, dated 8/27/2010.

### PROPOSED RULES

#### Introduction

35 Ill. Adm. Code 301

12521

Point of Contact: Nancy Miller

#### Water Use Designations and Site-Specific Water Quality Standards

35 Ill. Adm. Code 303

12533

Point of Contact: Nancy Miller

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: Introduction

2) Code Citation: 35 Ill. Adm. Code 301

<u>Section Numbers:</u>	<u>Proposed Action:</u>
301.247	New
301.282	New
301.307	New
301.323	New
301.324	New

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4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27].

5) A Complete Description of the Subjects and Issues Involved: This proposal would establish the recreational use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR) as proposed by the Illinois Environmental Protection Agency (IEPA) with no alterations. The record demonstrates that the CAWS and the LDPR cannot attain the Clean Water Act recreational use goal of recreating on and in the water at this time. However, the Board's thorough examination of the record in this proceeding provides clear evidence of existing recreational uses in the CAWS and LDPR that must be protected. Therefore, the Board sends to first notice a proposal that individual reaches of the CAWS and LDPR will be designated either as incidental contact recreation, non-contact recreation, or non-recreational waters.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

- A. Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
- B. Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
- C. Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook—Second Edition, EPA -823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).
- D. Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality

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### NOTICE OF PROPOSED AMENDMENTS

Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).

Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).

- E. Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
- F. Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
- G. Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).
- H. Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I. Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
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- K. Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L. Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).
- M. Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio

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Environmental Protection Agency, Surface Water Section (Updated January 1, 1988).

- N. Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O. Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P. 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H<sub>2</sub>CO<sub>3</sub> (soluble CO<sub>2</sub>) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
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- AA. Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
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- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

#### **Statutes and Regulations**

Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. §1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 U.S.C. §1313.

Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq*

40 C.F.R. Part 131 (Water Quality Standards)

35 Illinois Administrative Code Subtitle C: Water Pollution

#### **U.S. EPA Guidance Documents**

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

#### **Board Opinions**

*In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11*

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NOTICE OF PROPOSED AMENDMENTS

(December 19, 2002).

*In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).*

*In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).*

*In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).*

*Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).*

*In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).*

*In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System, R87-27 (May 19, 1988).*

*Commonwealth Edison v. Illinois EPA, PCB 87-40 (dismissed August 20, 1987).*

*Commonwealth Edison Company v. Illinois EPA, PCB 84-33 (Variance – Water) (December 20, 1984).*

*Commonwealth Edison Company v. Illinois EPA, PCB 81-34 (Variance – Water) (June 10, 1981).*

*Commonwealth Edison Company v. Illinois EPA, PCB 78-79 (Variance – Water) (May 25, 1978).*

*In the Matter of: Water Quality Standards Revisions, R72-4 (November 8, 1973).*

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*In the Matter of: Water Quality Standards Revisions, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).*

- 7) Will these proposed amendments replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the Illinois Register. Comments should reference Docket R08-09(A) and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R08-09(A) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at [tipsorm@ipcb.state.il.us](mailto:tipsorm@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None



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NOTICE OF PROPOSED AMENDMENTS

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 301  
INTRODUCTION

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301.102	Policy
301.103	Repeals
301.104	Analytical Testing
301.105	References to Other Sections
301.106	Incorporations by Reference
301.107	Severability
301.108	Adjusted Standards
301.200	Definitions
301.205	Act
301.210	Administrator
301.215	Agency
301.220	Aquatic Life
301.221	Area of Concern
301.225	Artificial Cooling Lake
301.230	Basin
301.231	Bioaccumulative Chemicals of Concern
301.235	Board
301.240	CWA
301.245	Calumet River System
<u>301.247</u>	<u>Chicago Area Waterway System</u>
301.250	Chicago River System
301.255	Combined Sewer
301.260	Combined Sewer Service Area
301.265	Construction
301.267	Conversion Factor
301.270	Dilution Ratio
301.275	Effluent
301.280	Hearing Board
<u>301.282</u>	<u>Incidental Contact Recreation</u>
301.285	Industrial Wastes
301.290	Institute

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### POLLUTION CONTROL BOARD

#### NOTICE OF PROPOSED AMENDMENTS

301.295	Interstate Waters
301.300	Intrastate Waters
301.301	Lake Michigan Lakewide Management Plan
301.305	Land Runoff
<u>301.307</u>	<u>Lower Des Plaines River</u>
301.310	Marine Toilet
301.311	Method Detection Level
301.312	Minimum Level
301.313	Metals Translator
301.315	Modification
301.320	New Source
<u>301.323</u>	<u>Non-Contact Recreation</u>
<u>301.324</u>	<u>Non-Recreational</u>
301.325	NPDES
301.330	Other Wastes
301.331	Outlier
301.335	Person
301.340	Pollutant
301.341	Pollutant Minimization Program
301.345	Population Equivalent
301.346	Preliminary Effluent Limitation
301.350	Pretreatment Works
301.355	Primary Contact
301.356	Projected Effluent Quality
301.360	Public and Food Processing Water Supply
301.365	Publicly Owned Treatment Works
301.370	Publicly Regulated Treatment Works
301.371	Quantification Level
301.372	Reasonable Potential Analysis
301.373	Same Body of Water
301.375	Sanitary Sewer
301.380	Secondary Contact
301.385	Sewage
301.390	Sewer
301.395	Sludge
301.400	Standard of Performance
301.405	STORET
301.410	Storm Sewer
301.411	Total Maximum Daily Load
301.413	Total Metal

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NOTICE OF PROPOSED AMENDMENTS

301.415	Treatment Works
301.420	Underground Waters
301.421	Wasteload Allocation
301.425	Wastewater
301.430	Wastewater Source
301.435	Watercraft
301.440	Waters
301.441	Water Quality Based Effluent Limitation
301.442	Wet Weather Point Source
301.443	Whole Effluent Toxicity
301.APPENDIX A	References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg. 11277, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December 20, 2002; amended in R08-9(A) at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 301.247 Chicago Area Waterway System**

“Chicago Area Waterway System” means Calumet River, Grand Calumet River, Little Calumet River downstream from the confluence of Calumet River and Grand Calumet River, Calumet-Sag Channel, Lake Calumet, Chicago River and its branches downstream from their confluence with North Shore Channel, North Shore Channel and Chicago Sanitary and Ship Canal.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 301.282 Incidental Contact Recreation**

“Incidental Contact Recreation” means any recreational activity in which human contact with the water is incidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing; commercial boating; small craft recreational boating; and any limited contact associated with shoreline activity such as wading.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 301.307 Lower Des Plaines River**

“Lower Des Plaines River” means Des Plaines River from the confluence with Chicago Sanitary and Ship Canal to the Interstate 55 Bridge.

(Source: Added at 34 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

**Section 301.323 Non-Contact Recreation**

“Non-contact Recreation” means any recreational or other water use in which human contact with the water is unlikely, such as pass through commercial or recreational navigation, and where physical conditions or hydrologic modifications make direct human contact unlikely or dangerous.

(Source: Added at 34 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

**Section 301.324 Non-Recreational**

“Non-recreational” means a water body where the physical conditions or hydrologic modifications preclude primary contact, incidental contact and non-contact recreation.

(Source: Added at 34 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

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POLLUTION CONTROL BOARD

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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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
303.102	Repeal
303.204	Amend
303.220	New
303.225	New
303.227	New
303.441	Repeal

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- HH. Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Environdyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- II. Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ. A River is Reborn—Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.

#### **Statutes and Regulations**

Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. §1251 *et seq.*

Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 U.S.C. §1313.

Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq*

40 C.F.R. Part 131 (Water Quality Standards)

35 Illinois Administrative Code Subtitle C: Water Pollution

#### **U.S. EPA Guidance Documents**

Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).

Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

#### **Board Opinions**

*In the Matter of: Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35*

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*Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).*

*In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, R02-19 (October 17, 2002).*

*In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), AS96-10 (October 3, 1996) and (March 16, 2000).*

*In the Matter of: Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), R94-1(A), (May 16, 1996).*

*Commonwealth Edison Company v. Illinois EPA, PCB 91-29 (Variance – Water)(November 21, 1991).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket B (June 21, 1990).*

*In the Matter of: Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 – Docket A (January 25, 1990).*

*In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station, PCB 87-93 (November 15, 1989).*

*In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System, R87-27 (May 19, 1988).*

*Commonwealth Edison v. Illinois EPA, PCB 87-40 (dismissed August 20, 1987).*

*Commonwealth Edison Company v. Illinois EPA, PCB 84-33 (Variance – Water) (December 20, 1984).*

*Commonwealth Edison Company v. Illinois EPA, PCB 81-34 (Variance – Water) (June 10, 1981).*

*Commonwealth Edison Company v. Illinois EPA, PCB 78-79 (Variance – Water) (May 25, 1978).*

*In the Matter of: Water Quality Standards Revisions, R72-4 (November 8, 1973).*

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*In the Matter of: Water Quality Standards Revisions, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).*

- 7) Will these proposed amendments replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period should reference Docket R08-09(A) and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R08-09(A) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at [tipsorm@ipcb.state.il.us](mailto:tipsorm@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None

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C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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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 ( <u>Repealed</u> )

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	<u>Chicago Area Waterway System and Lower Des Plaines River</u> <del>Secondary Contact and Indigenous Aquatic Life Waters</del>
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters
<u>303.220</u>	<u>Incidental Contact Recreation Waters</u>
<u>303.225</u>	<u>Non-Contact Recreation Waters</u>
<u>303.227</u>	<u>Non-Recreational Waters</u>

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

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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
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 ( <u>Repealed</u> )
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
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
303.446	Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
303.447	Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
303.448	Mud Run Creek

#### SUBPART D: THERMAL DISCHARGES

##### Section

303.500	Scope and Applicability
303.501	Lake Sangchris Thermal Discharges

303.APPENDIX A	References to Previous Rules
303.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

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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 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903 effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### **Section 303.102 Rulemaking Required (Repealed)**

~~Designation of waters to meet secondary contact and indigenous aquatic life standards is governed by Part 102 of Subtitle A.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

##### **Section 303.204 Chicago Area Waterway System and Lower Des Plaines River Secondary Contact and Indigenous Aquatic Life Waters**

The Chicago Area Waterway System and Lower Des Plaines River Waters which are designated to protect for incidental contact or non-contact recreational uses, except where designated as non-recreational waters; commercial activity, including navigation and industrial water supply uses, limited only by the physical condition of these waters and hydrologic modifications to these waters. These waters are required to meet the secondary contact and indigenous aquatic life standards contained in of Subpart D, of Part 302, but are not required to meet the general use standards or the public and food processing water supply standards of Subparts B and C, of Part 302. Designated recreational uses for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

##### **Section 303.220 Incidental Contact Recreation Waters**



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The following waters are designated as Incidental Contact Recreation waters and must protect for incidental contact recreational uses as defined in 35 Ill. Adm. Code 301.282.

- a) North Shore Channel;
- b) North Branch Chicago River from its confluence with North Shore Channel to its confluence with South Branch Chicago River and Chicago River;
- c) Chicago River;
- d) South Branch Chicago River and its South Fork;
- e) Chicago Sanitary and Ship Canal from its confluence with South Branch Chicago River to its confluence with Calumet-Sag Channel;
- f) Calumet River, from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River;
- g) Lake Calumet;
- h) Lake Calumet Connecting Channel;
- i) Grand Calumet River;
- j) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel;
- k) Calumet-Sag Channel; and
- l) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.225 Non-Contact Recreation Waters**

Calumet River from Lake Michigan to Torrence Avenue is designated as a Non-Contact Recreation water and must protect for non-contact recreational uses as defined in 35 Ill. Adm. Code 301.323.

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(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.227 Non-Recreational Waters**

The following waters are designated as Non-Recreational waters as defined in 35 Ill. Adm. Code 301.324.

- a) Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; and
- b) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.441 Secondary Contact Waters (Repealed)**

~~The following are designated as secondary contact and indigenous aquatic life waters and must meet the water quality standards of 35 Ill. Adm. Code 302.Subpart D:~~

- a) ~~The Chicago Sanitary and Ship Canal;~~
- b) ~~The Calumet-Sag Channel;~~
- e) ~~The Little Calumet River from its junction with the Grand Calumet River to the Calumet-Sag Channel;~~
- d) ~~The Grand Calumet River;~~
- e) ~~The Calumet River, except the 6.8 mile segment extending from the O'Brien Locks and Dam to Lake Michigan;~~
- f) ~~Lake Calumet;~~
- g) ~~The South Branch of the Chicago River;~~
- h) ~~The North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch;~~

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- i) ~~The Des Plaines River from its confluence with the Chicago Sanitary and Ship Canal to the Interstate 55 bridge; and~~
- j) ~~The North Shore Channel, excluding the segment extending from the North Side Sewage Treatment Works to Lake Michigan. The dissolved oxygen in said Channel shall be not less than 5 mg/l during 16 hours of any 24 hour period, nor less than 4 mg/l at any time.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)