

ILLINOIS POLLUTION CONTROL BOARD

April 16, 2015

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND) R08-9 (Subdocket E)
EFFLUENT LIMITATIONS FOR THE) (Rulemaking - Water)
CHICAGO AREA WATERWAY SYSTEM)
AND LOWER DES PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE 301, 302, 303, and 304)

ORDER OF THE BOARD (by D. Glosser):

On February 21, 2013, the Board opened Subdocket E to examine issues surrounding Bubbly Creek (the South Fork of the South Branch Chicago River) as requested by the Metropolitan Water Reclamation District of Greater Chicago (District) and Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands (Environmental Groups). Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(C) (Feb. 21, 2013). The Board opened the subdocket in conjunction with proceeding to first notice in Subdocket C, wherein the Board established aquatic life uses for the Chicago Area Waterways System (CAWS) and Lower Des Plaines River (LDPR).

The Illinois Environmental Protection Agency supported the District and the Environmental Groups' request for deferring a decision on Bubbly Creek while the U.S. Army Corp of Engineers (USACE) completes an ecosystem restoration study. PC 1275 at 23.

The Board takes official notice of the USACE website, which, as of the date of this order, has the current status for Bubbly Creek. *See* 35 Ill. Adm. Code 101.630. The USACE website states that:

A draft Feasibility Report for the restoration of the SFSB [Bubbly Creek] has been completed by the Chicago District. The report was released for public comment and review on April 14, 2015. The comment period closes May 15, 2015. Following the period of public review and comment, the draft report will be finalized for final agency approval and potential congressional authorization. <http://www.lrc.usace.army.mil/Missions/CivilWorksProjects/BubblyCreek.aspx>

The estimated cost for the project is \$ 2,650,000, which would be shared equally between the City of Chicago and Federal funds. *Id.*

In the second notice proposal for Subdocket D, the Board retained water quality standards for Bubbly Creek. *See* Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill.

Adm. Code 301, 302, 303 and 304, R08-9(D) (Mar. 19, 2015). Given the current status of the USACE project, the Board is concerned that completion of the project is still at minimum several years away. Given this and the fact that the Board has retained water quality standards for Bubbly Creek, , the Board is of the opinion that closing this docket is the best course of action. When the USACE study is complete, any potential changes to the Board's rules can be filed in a new docket, and the parties can seek to incorporate any relevant portions of the R08-9 docket into the new docket. The Board will allow participants until May 15, 2015 to comment on the proposed closing of the subdocket. The Board anticipates that it will close this docket on May 21, 2015.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 16, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board