

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: FW: R18-23 (Register issue 20)
Date: Tuesday, January 17, 2023 10:27:12 AM
Attachments: [35-303 JCAR Sugg Chgs.pdf](#)
[image001.png](#)
[35-303RG-P r01.pdf](#)

Good morning, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-23.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Tuesday, January 17, 2023 10:13 AM
To: 'Eastvold, Jonathan C.' <JonathanE@ilga.gov>
Subject: RE: R18-23 (Register issue 20)

Good morning, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 303 changes emailed to me on May 26, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

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Senior Attorney for Research & Writing
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Chicago, Illinois 60605

richard.mcgill@illinois.gov (312) 814-6983



From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, May 26, 2022 1:36 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-23 (Register issue 20)

Richard –

Attached are suggested first notice changes for the PCB rules published in Issue 20 of the *Illinois Register*. A few notes:

1. USC vs. U.S.C. – Kim changed these to U.S.C. at publication to comply with the style guide. I understand that we've been changing U.S.C. to USC for years now and that the Board can't turn on a dime and easily reverse all of those earlier changes. JCAR's position is that we should make sure that the references in current and future rulemakings say U.S.C. but that having several residual USCs hanging about in the Code until their Sections are reopened shouldn't cause too much confusion.
2. IAC citations: We appreciated the initiative to make IAC citations more precise. Citations to other Parts should be preceded by "35 Ill. Adm. Code". However, across the Code the convention is for internal cross-references to refer to Section ###.### rather than to use the longer format. In the changes proposed, we did our best to standardize this.
3. Subsection headings: Although the convention in the CFR is for a subsection heading to capitalize only the first word and end with a period, the convention in the IAC is to use title case and no punctuation (unless the text of the subsection starts on the same line of the heading, in which case a period is added).
4. We've made a number of suggested changes to further clarify and simplify the language in these Parts in the spirit of the Board's initiative. Many of these would have been unilaterally made by Vicki at publication, but JCAR's current approach is much more collaborative. If we have been too aggressive in our proposals, please don't feel obliged to accept them.
5. Moving forward, especially on the really big rulemakings, would it be possible for the Board to submit revisions in predraft form first? That would enable changes to phrases that occur quite frequently without the need for individually written amendments (the number of proposals we've made for Part 307 is somewhat exceptional, and I imagine neither agency really relishes the prospect of similar lists...).

Thanks in advance for your consideration. Please let me know if you have any questions or concerns.

All the best,

Jonathan

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
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217-524-9010

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, May 26, 2022 1:36 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-23 (Register issue 20)

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All the best,

Jonathan

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Rules Analyst III

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Board staff responses and related changes (1/17/23) appear in bold, red font below.

SUGGESTED FIRST NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303; 46 Ill. Reg. 7187)

Changes:

1. In line 106, delete "site", strike "specific", and add "site-specific".
Agree.
2. In line 164, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
3. In lines 180-181, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
4. In line 208, after "with" add "the".
Agree.
5. In line 267, after "to" add "its".
Agree to add "its".
6. In line 268, after "with" add "the".
Agree.
7. In line 303, after "bullhead" add a comma.
Agree.
8. In line 308, after the first "the" add "goal of". Strike "goal".
Agree.
9. In line 337, strike "12 month" and add "12-month".
Agree.
10. In line 350, strike "12 month" and add "12-month".
Agree.
11. In line 368, strike "mg/l" and add "mg/L".

Agree.

12. In line 379, strike the comma.
 - a. **Agree.**
 - b. **In line 424, strike “12 month” and add “12-month”.**
13. In line 436, strike "twelve month" and add "12-month".
Agree.
14. In line 453, strike "twelve month" and add "12-month".
 - a. **Agree.**
 - b. **In line 505, strike “12 month” and add “12-month”.**
15. In line 713, strike "site specific" and add "site-specific". **a. Agree.** Strike "quality based" and add "quality-based". **b. Agree.**
16. In line 724, strike "12 month" and add "12-month".
Agree.

jce
5/26/22

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

4
5 PART 303
6 WATER USE DESIGNATIONS AND SITE-SPECIFIC
7 WATER QUALITY STANDARDS

8
9 SUBPART A: GENERAL PROVISIONS

10
11 Section
12 303.100 Scope and Applicability
13 303.101 Multiple Designations
14 303.102 Rulemaking Required (Repealed)

15
16 SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

17
18 Section
19 303.200 Scope and Applicability
20 303.201 General Use Waters
21 303.202 Public and Food Processing Water Supplies
22 303.203 Underground Waters
23 303.204 Chicago Area Waterway System and Lower Des Plaines River
24 303.205 Outstanding Resource Waters
25 303.206 List of Outstanding Resource Waters
26 303.220 Primary Contact Recreation Waters
27 303.225 Incidental Contact Recreation Waters
28 303.227 Non-Contact Recreation Waters and Non-Recreational Waters
29 303.230 Upper Dresden Island Pool Aquatic Life Use Waters
30 303.235 Chicago Area Waterway System Aquatic Life Use A Waters
31 303.240 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

32
33 SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
34 SPECIFIC WATER QUALITY STANDARDS

35
36 Section
37 303.300 Scope and Applicability
38 303.301 Organization
39 303.311 Ohio River Temperature
40 303.312 Waters Receiving Fluorspar Mine Drainage (Repealed)
41 303.321 Wabash River Temperature
42 303.322 Unnamed Tributary of the Vermilion River
43 303.323 Sugar Creek and Its Unnamed Tributary
44 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River

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- 45 303.331 Mississippi River North Temperature
- 46 303.341 Mississippi River North Central Temperature
- 47 303.351 Mississippi River South Central Temperature
- 48 303.352 Unnamed Tributary of Wood River Creek
- 49 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
- 50 303.361 Mississippi River South Temperature
- 51 303.400 Bankline Disposal Along the Illinois Waterway/River
- 52 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River
- 53 303.430 Unnamed Tributary to Dutch Creek (Repealed)
- 54 303.431 Long Point Slough and Its Unnamed Tributary (Repealed)
- 55 303.441 Secondary Contact Waters (Repealed)
- 56 303.442 Waters Not Designated for Public Water Supply
- 57 303.443 Lake Michigan Basin
- 58 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 59 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 60 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the
- 61 Illinois River
- 62 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch
- 63 Edwards River (Repealed)
- 64 303.448 Mud Run Creek (Repealed)
- 65 303.449 Chicago Sanitary and Ship Canal

66

67

SUBPART D: THERMAL DISCHARGES

68

69 Section

70 303.500 Scope and Applicability

71 303.502 Lake Sangchris Thermal Discharges

72

73 303.APPENDIX A References to Previous Rules (Repealed)

74 303.APPENDIX B Sources of Codified Sections (Repealed)

75

76 AUTHORITY: Implementing Section 13 and authorized by Sections 11(b), 27, and 28 of the
77 Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

78

79 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221,
80 effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill.
81 Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg.
82 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983;
83 amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill.
84 Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective
85 May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended
86 in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill.
87 Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective
88 August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended

89 in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg.
90 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February
91 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-
92 24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903,
93 effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009;
94 amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36
95 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517,
96 effective February 13, 2014; amended in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015;
97 amended in R14-24 at 42 Ill. Reg. 20947, effective November 19, 2018; amended in R18-23 at
98 46 Ill. Reg. _____, effective _____.

99
100 **SUBPART A: GENERAL PROVISIONS**

101
102 **Section 303.100 Scope and Applicability**

103
104 Part 303 contains water use designations that determine which set of Part 302
105 water quality standards apply for a given body of water. Part 303 also contains
106 site specific water quality standards.

107
108 (Source: Amended at 46 Ill. Reg. _____, effective _____)

109
110 **Section 303.101 Multiple Designations**

111
112 Unless otherwise expressly stated, waters designated for specific uses must meet the most
113 restrictive standards listed in 35 Ill. Adm. Code 302 for any specified use, in addition to meeting
114 the general standards of Subpart B of 35 Ill. Adm. Code 302.

115
116 (Source: Amended at 46 Ill. Reg. _____, effective _____)

117
118 **SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS**

119
120 **Section 303.200 Scope and Applicability**

121
122 Subpart B contains general water use designations. These Sections, together with the specific
123 designations of Subpart C, determine which set of water quality standards of 35 Ill. Adm. Code
124 302 applies to a given body of water.

125
126 (Source: Amended at 46 Ill. Reg. _____, effective _____)

127
128 **Section 303.201 General Use Waters**

129
130 Except as otherwise specifically provided, all waters of the State must meet the general use
131 standards of Subpart B of 35 Ill. Adm. Code 302.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.202 Public and Food Processing Water Supplies

Except as otherwise specifically provided and in addition to the general use standards of Subpart B of 35 Ill. Adm. Code 302, waters of the State must meet the public and food processing water supply standards of Subpart C of 35 Ill. Adm. Code 302, at any point where water is withdrawn for treatment and distribution as a potable supply or for food processing.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.204 Chicago Area Waterway System and Lower Des Plaines River

The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to protect for primary contact recreation, incidental contact or non-contact recreational uses (except where designated as non-recreational waters), commercial activity (including navigation and industrial water supply uses), and the highest quality aquatic life and wildlife attainable, limited only by the physical condition of these waters and hydrologic modifications to these waters. Except for the Chicago River, these waters are required to meet the standards contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in 35 Ill. Adm. Code 303.220 must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses and aquatic life use for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart. The Chicago River must meet the general use standards of 35 Ill. Adm. Code 302, Subpart B, including the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.205 Outstanding Resource Waters

An Outstanding Resource Water (ORW) is a surface water body or water body segment that is of exceptional ecological or recreational significance and must be designated by the Board under 35 Ill. Adm. Code 102.Subpart H.

- a) Outstanding Resource Waters (ORW) must be listed in 35 Ill. Adm. Code 303.206. In addition to all other applicable use designations and water quality standards contained in this Subtitle, an ORW is subject to the antidegradation provision of 35 Ill. Adm. Code 302.105(b).
- b) A petition to designate a surface water body or water body segment as an ORW must be submitted to the Illinois Pollution Control Board under the procedural

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177 rules in 35 Ill. Adm. Code 102.Subpart H.

178

179 (Source: Amended at 46 Ill. Reg. _____, effective _____)

180

Section 303.206 List of Outstanding Resource Waters

182

183 The Board has not designated any Outstanding Resource Waters under 35 Ill. Adm. Code
184 102.Subpart H.

185

186 (Source: Amended at 46 Ill. Reg. _____, effective _____)

187

Section 303.225 Incidental Contact Recreation Waters

189

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

192

193 a) Upper North Shore Channel from Wilmette Pumping Station to North Side Water
194 Reclamation Plant;

195

196 b) South Fork of the South Branch of the Chicago River (Bubbly Creek);

197

198 c) Chicago Sanitary and Ship Canal from its confluence with South Branch of the
199 Chicago River to its confluence with Calumet-Sag Channel;

200

201 d) Calumet River from Torrence Avenue to its confluence with Grand Calumet
202 River and Little Calumet River;

203

204 e) Lake Calumet;

205

206 f) Lake Calumet Connecting Channel;

207

208 g) Grand Calumet River;

209

210 h) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate
211 55 Bridge.

212

213 (Source: Amended at 46 Ill. Reg. _____, effective _____)

214

Section 303.230 Upper Dresden Island Pool Aquatic Life Use Waters

216

217 Upper Dresden Island Pool Aquatic Life Use Waters

218

219 a) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate
220 55 Bridge is designated as the Upper Dresden Island Pool Aquatic Life Use.

221 These waters are capable of maintaining, and must have quality sufficient to
222 protect, aquatic-life populations consisting of individuals of tolerant,
223 intermediately tolerant, and intolerant types that are adaptive to the unique flow
224 conditions necessary to maintain navigational use and upstream flood control
225 functions of the waterway system. The aquatic life may include largemouth bass,
226 bluntnose minnow, channel catfish, orangespotted sunfish, smallmouth bass,
227 shorthead redhorse, and spottail shiner.
228

- 229 b) Upper Dresden Island Pool Aquatic Life Use Waters must meet the water quality
230 standards of 35 Ill. Adm. Code 302 Subpart D.

231 (Source: Amended at 46 Ill. Reg. _____, effective _____)
232
233

234 **Section 303.235 Chicago Area Waterway System Aquatic Life Use A Waters**
235

- 236 a) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters
237 are capable of maintaining, and must have quality sufficient to protect, aquatic-
238 life populations predominated by individuals of tolerant and intermediately
239 tolerant types that are adaptive to the unique physical conditions, flow patterns,
240 and operational controls necessary to maintain navigational use, flood control, and
241 drainage functions of the waterway system. The aquatic life may include fish
242 species, such as channel catfish, largemouth bass, bluegill, black crappie, spotfin
243 shiner, orangespotted sunfish, common carp, and goldfish.
244

- 245 b) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters
246 are not capable of attaining an aquatic life use consistent with the section
247 101(a)(2) of the Clean Water Act goal (33 U.S.C. 1251(a)(2)).
248

- 249 c) The following waters are designated as Chicago Area Waterway System Aquatic
250 Life Use A Waters and must meet the water quality standards of 35 Ill. Adm.
251 Code 302. Subpart D:
252

- 253 1) Upper North Shore Channel from Wilmette Pumping Station to North Side
254 Water Reclamation Plant;
255
- 256 2) Lower North Shore Channel from North Side Water Reclamation Plant to
257 confluence with North Branch of the Chicago River;
258
- 259 3) North Branch of the Chicago River from its confluence with North Shore
260 Channel to its confluence with South Branch of the Chicago River and
261 Chicago River;
262
- 263 4) South Branch of the Chicago River;
264

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- 265 5) Calumet-Sag Channel;
- 266
- 267 6) Calumet River from Lake Michigan to its confluence with Grand Calumet
- 268 River and Little Calumet River;
- 269
- 270 7) Little Calumet River from its confluence with Calumet River and Grand
- 271 Calumet River to its confluence with Calumet-Sag Channel;
- 272
- 273 8) Grand Calumet River;
- 274
- 275 9) Lake Calumet; and
- 276
- 277 10) Lake Calumet Connecting Channel.
- 278

279 (Source: Amended at 46 Ill. Reg. _____, effective _____)

280
281 **Section 303.240 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B**
282 **Waters**

- 283
- 284 a) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic
- 285 Life Use B Waters are capable of maintaining, and must have quality sufficient to
- 286 protect, aquatic life populations predominated by individuals of tolerant types that
- 287 are adaptive to unique physical conditions and modifications of long duration,
- 288 including artificially constructed channels consisting of vertical sheet-pile,
- 289 concrete and rip-rap walls designed to support commercial navigation, flood
- 290 control, and drainage functions in deep-draft, steep-walled shipping channels.
- 291 The aquatic life may include fish species, such as common carp, golden shiner,
- 292 bluntnose minnow, yellow bullhead and green sunfish.
- 293
- 294 b) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic
- 295 Life Use B Waters are not capable of attaining an aquatic life use consistent with
- 296 the section 101(a)(2) of the Clean Water Act goal (33 U.S.C. 1251(a)(2)).
- 297
- 298 c) The following waters are designated as Chicago Area Waterway System and
- 299 Brandon Pool Aquatic Life Use B Waters and must meet the water quality
- 300 standards of 35 Ill. Adm. Code 302 Subpart D:
- 301
- 302 1) Chicago Sanitary and Ship Canal; and
- 303
- 304 2) Lower Des Plaines River from its confluence with Chicago Sanitary and
- 305 Ship Canal to the Brandon Road Lock and Dam (Brandon Pool).
- 306

307 (Source: Amended at 46 Ill. Reg. _____, effective _____)

308

309 SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
310 SPECIFIC WATER QUALITY STANDARDS
311

312 **Section 303.300 Scope and Applicability**
313

314 Subpart C contains specific use designations that determine which set of water quality standards
315 of 35 Ill. Adm. Code 302 applies to a given water. In addition, Subpart C contains water quality
316 standards applicable to specified waters. Nonspecific designations are in Subpart B.
317

318 (Source: Amended at 46 Ill. Reg. _____, effective _____)
319

320 **Section 303.311 Ohio River Temperature**
321

322 Instead of the standards of 35 Ill. Adm. Code 302.211(e) the water temperature at representative
323 locations in the main river of the Ohio River must not exceed the maximum limits in the
324 following table during more than 1% of the hours in the 12 month period ending with any month.
325 The water temperature at these locations must not at any time exceed the maximum limits in the
326 following table by more than 1.7 °C (3 °F).
327

	°C	°F		°C	°F
JAN.	10	50	JUL.	32	89
FEB.	10	50	AUG.	32	89
MAR.	16	60	SEPT.	31	87
APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	31	87	DEC.	14	57

328 (Source: Amended at 46 Ill. Reg. _____, effective _____)
329
330

331 **Section 303.321 Wabash River Temperature**
332

333 Instead of the standards of 35 Ill. Adm. Code 302.211(e), the water temperature at representative
334 locations in the main river of the Wabash River and its interstate tributaries must not exceed the
335 maximum limits in the following table during more than 1% of the hours in the 12 month period
336 ending with any month. The water temperature at these locations must not at any time exceed
337 the maximum limits in the following table by more than 1.7 °C (3 °F).
338

	°C	°F		°C	°F
JAN.	10	50	JUL.	32	90
FEB.	10	50	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	21	70	OCT.	26	78

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MAY	27	80	NOV.	21	70
JUN.	32	90	DEC.	14	57

339

340

(Source: Amended at 46 Ill. Reg. _____, effective _____)

341

Section 303.322 Unnamed Tributary of the Vermilion River

342

343
344 The fluoride standard of 35 Ill. Adm. Code 302.208 does not apply to waters of the State that are
345 located from the point of a discharge from the foundry located at the intersection of Interstate 74
346 and G Street in Danville, Illinois, owned by General Motors Corporation on January 31, 1995, to
347 an unnamed tributary of the Vermilion River, point being located 3900 feet south of the
348 Vermilion River, 1900 feet north of I-74, at 40° 6'35" north latitude and 87° 69'52" west
349 longitude, to the confluence of said unnamed tributary with the Vermilion River; and from there
350 downstream to a point 0.9 river miles downstream of the juncture at the crossing of a Norfolk
351 and Western Railroad bridge. Fluoride levels in these waters as caused by the discharge from the
352 foundry facility must meet a water quality standard for fluoride of 10 mg/l.

353

354

(Source: Amended at 46 Ill. Reg. _____, effective _____)

355

Section 303.323 Sugar Creek and Its Unnamed Tributary

356

357
358 a) This Section applies only to Sugar Creek and its unnamed tributary from the point
359 at which Marathon Oil Company's outfall 001 discharges into the unnamed
360 tributary to the confluence of Sugar Creek and the Wabash River.

361

362 b) 35 Ill. Adm. Code 304.105 does not apply to total dissolved solids and chlorides
363 discharged by Marathon Oil Company's outfall 001, if both of the following
364 conditions are met:

365

366 1) Effluent from Marathon Oil Company's outfall 001 does not exceed either
367 3,000 mg/L total dissolved solids or 1,000 mg/L chlorides, and

368

369 2) The water in the unnamed tributary does not exceed 2,000 mg/L total
370 dissolved solids or 750 mg/L chlorides.

371

372 (Source: Amended at 46 Ill. Reg. _____, effective _____)

373

Section 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River

374

375
376 The fluoride general use water quality standard of 35 Ill. Adm. Code 302.208(g) does not apply
377 to the waters of the State from the point of discharge of the POTW located at 903 E. Eichie
378 Avenue in Effingham, Illinois, owned by the City of Effingham, to an unnamed tributary of Salt
379 Creek, located in Effingham County, T8N, R6E, Sec. 28, Lat: 39°06'24", Long: 88°31'55", to
380 the confluence of the unnamed tributary with Salt Creek; to the confluence of Salt Creek with the

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381 Little Wabash River; to the confluence of Buck Creek and the Little Wabash River. Fluoride
382 levels in these waters must meet a water quality standard for fluoride specified in this Section.
383

- 384 a) From the point of discharge of the City of Effingham POTW to the unnamed
385 tributary to the confluence of the unnamed tributary with Salt Creek and from the
386 confluence of the unnamed tributary with Salt Creek to the confluence of Salt
387 Creek with the Little Wabash River, the fluoride water quality standard is 5.0
388 mg/L.
- 389
- 390 b) From the confluence of Salt Creek with the Little Wabash River to monitoring
391 station C-19 located on the Little Wabash River approximately 2.8 miles
392 downstream of Louisville, Illinois, the fluoride water quality standard is 3.2 mg/L.
393
- 394 c) From monitoring station C-19 located on a point on the Little Wabash River
395 approximately 2.8 miles downstream of Louisville, Illinois to the confluence of
396 Buck Creek and the Little Wabash River, a point on the Little Wabash River
397 located approximately 9.8 miles downstream of Louisville, Illinois, the fluoride
398 water quality standard is 2.0 mg/L.
- 399

400 (Source: Amended at 46 Ill. Reg. _____, effective _____)
401

Section 303.331 Mississippi River North Temperature

402 Instead of the standards of 35 Ill. Adm. Code 302.211(e) the water temperature at representative
403 locations in the main river of the Mississippi River from the Wisconsin border to the Rock River
404 must not exceed the maximum limits in the following table during more than 1% of the hours in
405 the 12 month period ending with any month. The water temperature at these locations must not
406 at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F).
407
408
409

	°C	°F		°C	°F
JAN.	7	45	JUL.	30	86
FEB.	7	45	AUG.	30	86
MAR.	14	57	SEPT.	29	85
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	29	85	DEC.	11	52

410 (Source: Amended at 46 Ill. Reg. _____, effective _____)
411
412

Section 303.341 Mississippi River North Central Temperature

413 Instead of the standards of 35 Ill. Adm. Code 302.211(e), the water temperature at representative
414 locations in the main river of the Mississippi River in the indicated locations must not exceed the
415
416

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417 maximum limits in the following tables during more than 1% of the hours in the twelve month
418 period ending with any month. The water temperature at these locations must not at any time
419 exceed the maximum limits in the following table by more than 1.7 °C (3 °F).

420
421
422

a) In the Mississippi River from the Rock River to the Iowa/Missouri border:

	°C		°F		
JAN.	7	45	JUL.	30	86
FEB.	7	45	AUG.	30	86
MAR.	14	57	SEPT.	29	85
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	29	85	DEC.	11	52

423
424
425

b) In the Mississippi River from the Iowa/Missouri border to the Illinois River:

	°C		°F		
JAN.	7	45	JUL.	31	88
FEB.	7	45	AUG.	31	88
MAR.	14	57	SEPT.	29	86
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	30	86	DEC.	11	52

426
427
428

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.351 Mississippi River South Central Temperature

430

431 Instead of the standards of 35 Ill. Adm. Code 302.211(e), the water temperature at representative
432 locations in the main river of the Mississippi River in the indicated locations must not exceed the
433 maximum limits in the following tables during more than 1% of the hours in the twelve month
434 period ending with any month. The water temperature at these locations must not at any time
435 exceed the maximum limits in the following table by more than 1.7 °C (3 °F).

436
437
438

a) In the Mississippi River from the Illinois River to Alton Lock and Dam:

	°C		°F		
JAN.	7	45	JUL.	31	88
FEB.	7	45	AUG.	31	88
MAR.	14	57	SEPT.	29	86
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65

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486

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.361 Mississippi River South Temperature

Instead of the standards of 35 Ill. Adm. Code 302.211(e), the water temperature at representative locations in the main river of the Mississippi River from the Kaskaskia River to the Ohio River must not exceed the maximum limits in the following table during more than 1% of the hours in the 12 month period ending with any month. The water temperature at these locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F).

	°C	°F		°C	°F
JAN.	10	50	JUL.	32	89
FEB.	10	50	AUG.	32	89
MAR.	16	60	SEPT.	31	87
APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	31	87	DEC.	14	57

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488
489

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 303.400 Bankline Disposal Along the Illinois Waterway/River

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- a) The U.S. Department of the Army, Corps of Engineers, may bankline dispose of sediment generated during maintenance dredging operations on the Illinois Waterway/River between river miles 80.2 and 291 if:
 - 1) Less than 10% of representative samples from a proposed dredge cut are composed of fine-grained material, where a material is fine-grained if more than 20% of the sample passes a #230 sieve; or
 - 2) The SSTFATE model indicates that applicable water quality standards will be met at the perimeter of a temporary area of allowed dilution having a surface area no larger than 48,000 square feet, and not exceeding either 1,000 feet in length or 150 feet in width; and
 - 3) The U.S. Department of the Army, Corps of Engineers, holds a Water Quality Certification for its dredging operations from the Illinois Environmental Protection Agency pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. § 1341 (1988).
- b) When the provisions of subsection (a) are met, 35 Ill. Adm. Code 304.105, does not apply to bankline disposal by the U.S. Department of the Army, Corps of

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512 Engineers, but only as 35 Ill. Adm. Code 304.105 pertains to the offensive
513 conditions standard of 35 Ill. Adm. Code 302.203, the dissolved oxygen standard
514 of 35 Ill. Adm. Code 302.206, the total lead, total zinc, mercury, and total copper
515 standards of 35 Ill. Adm. Code 302.208, and the ammonia nitrogen and un-
516 ionized ammonia nitrogen standards of 35 Ill. Adm. Code 302.212.

517
518 (Source: Amended at 46 Ill. Reg. _____, effective _____)
519

520 **Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon** 521 **River**

522
523 The general use chronic water quality standard for dissolved nickel contained in 35 Ill. Adm.
524 Code 302.208(e) does not apply to the segment of the Sangamon River that receives discharges
525 from the Sanitary District of Decatur's Main Sewage Treatment Plant, from that facility's Outfall
526 001 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the
527 confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton.
528 Instead, waters in this segment of the Sangamon River must meet a chronic water quality
529 standard for dissolved nickel as follows:

530
531 Chronic Dissolved Nickel Standard ($\mu\text{g/L}$) = $\exp[A+B\ln(H)] \times 0.997^* \times \text{WER}$
532

533 where:

534
535 $A = -2.286,$

536
537 $B = 0.8460,$

538
539 $\ln(H) =$ natural logarithm of Hardness, and

540
541 WER (Water Effect Ratio) = 2.50.
542

543 *conversion factor multiplier for dissolved metals

544 (Source: Amended at 46 Ill. Reg. _____, effective _____)
545

546 547 **Section 303.430 Unnamed Tributary to Dutch Creek (Repealed)**

548
549 (Source: Repealed at 46 Ill. Reg. _____, effective _____)
550

551 **Section 303.431 Long Point Slough and Its Unnamed Tributary (Repealed)**

552
553 (Source: Repealed at 46 Ill. Reg. _____, effective _____)
554

555 **Section 303.442 Waters Not Designated for Public Water Supply**

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556

557 The following waters are not required to meet the public and food processing water supply
558 standards of 35 Ill. Adm. Code 302.Subpart C, even where designated as general use waters:

559

560 a) The Chicago River

561

562 b) The Little Calumet River.

563

564 (Source: Amended at 46 Ill. Reg. _____, effective _____)

565

566 **Section 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines** 567 **River**

568

569 The General Use chronic water quality standard for cyanide in 35 Ill. Adm. Code 302.208 does
570 not apply to Salt Creek, Higgins Creek, the West Branch of the DuPage River, and the Des
571 Plaines River in Cook County, Illinois. Instead, for these waters the chronic cyanide standard is
572 10 µg/L.

573

574 (Source: Amended at 46 Ill. Reg. _____, effective _____)

575

576 **Section 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines** 577 **River**

578

579 a) Beginning November 1 and continuing through April 30 of each year, the total
580 dissolved solids (TDS) water quality standard for Secondary Contact and
581 Indigenous Aquatic Life Use waters in 35 Ill. Adm. Code 302.407 does not apply
582 to the portion of the Des Plaines River from the ExxonMobil refinery wastewater
583 treatment plant discharge point located at Interstate 55 and Arsenal Road in Will
584 County, T34N, R9E, S15, Latitude: 41°, 25', 20" North, Longitude: 88°, 11', 20"
585 West and continuing to the Interstate 55 bridge. TDS levels in these waters must
586 instead meet a water quality standard for TDS of 1,686 mg/L.

587

588 b) Beginning November 1 and continuing through April 30 of each year, the TDS
589 water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208 does
590 not apply to the Des Plaines River from the Interstate 55 bridge to the confluence
591 of the Des Plaines River with the Kankakee River. TDS levels in these waters
592 must instead meet a water quality standard for TDS of 1,686 mg/L.

593

594 (Source: Amended at 46 Ill. Reg. _____, effective _____)

595

596 **Section 303.446 Boron Water Quality Standard for Segments of the Sangamon River and** 597 **the Illinois River**

598

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599 The general use water quality standard for boron in 35 Ill. Adm. Code 302.208(g) does not apply
600 to segments of the Sangamon River and the Illinois River described below that receive discharge
601 from Outfall 007 of the Spring Creek Sewage Treatment Plant located at 3017 North 8th Street,
602 Springfield, Illinois, owned by the Springfield Metro Sanitary District. The boron level in those
603 river segments must meet the following water quality standard for boron:

- 604
- 605 a) 11.0 mg/L in the Sangamon River from Outfall 007 (Latitude: 39° 51' 37.234"
606 North, Longitude: 89° 38' 30.082" West) to 182 yards downstream from the
607 confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595"
608 North, Longitude: 89° 38' 30.089" West);
 - 609
 - 610 b) 4.5 mg/L in the Sangamon River from 182 yards downstream of the confluence of
611 Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North,
612 Longitude: 89° 38' 30.089" West) to the confluence of Salt Creek with the
613 Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224"
614 West), a distance of 39.0 river miles;
 - 615
 - 616 c) 1.6 mg/L in the Sangamon River from the confluence of Salt Creek with the
617 Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224"
618 West) to the confluence of the Sangamon River with the Illinois River (Latitude:
619 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West), a distance of 36.1 river
620 miles; and
 - 621
 - 622 d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the
623 Sangamon River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451"
624 West) to 100 yards downstream of the confluence of the Illinois River with the
625 Sangamon River (Latitude: 40° 1' 20.197" North, Longitude: 90° 26' 3.205"
626 West).

627
628 (Source: Amended at 46 Ill. Reg. _____, effective _____)
629

630 **Section 303.447 Unnamed Tributary of the South Branch Edwards River and South** 631 **Branch Edwards River (Repealed)**

632
633 (Source: Repealed at 46 Ill. Reg. _____, effective _____)
634

635 **Section 303.448 Mud Run Creek (Repealed)**

636
637 (Source: Repealed at 46 Ill. Reg. _____, effective _____)
638

639 **Section 303.449 Chicago Sanitary and Ship Canal**

640
641 The numeric water quality standards for chloride and Total Dissolved Solids in 35 Ill. Adm.
642 Code 302.407(g) do not apply to the Chicago Sanitary and Ship Canal from December 1 through

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643 April 30 for the protection of aquatic organisms. Chloride levels in these waters must meet the
644 numeric water quality standards of 620 mg/L as a chronic water quality standard and 990 mg/L
645 as an acute water quality standard from December 1 through April 30.

646

647 (Source: Amended at 46 Ill. Reg. _____, effective _____)

648

649

SUBPART D: THERMAL DISCHARGES

650

Section 303.500 Scope and Applicability

652

653 Subpart D contains site specific water quality based thermal discharge standards. These are now
654 determined without rulemaking under 35 Ill. Adm. Code 302.211 and 35 Ill. Adm. Code 106.

655

656 (Source: Amended at 46 Ill. Reg. _____, effective _____)

657

Section 303.502 Lake Sangchris Thermal Discharges

659

660 The thermal discharge to Lake Sangchris must meet the following standards and conditions: The
661 effluent temperature must not exceed 37 °C (99 °F) during more than 7% of the hours in the 12
662 month period ending with any month and must not exceed 44 °C (111 °F).

663

664 (Source: Amended at 46 Ill. Reg. _____, effective _____)

665

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666

667 **Section 303.APPENDIX A References to Previous Rules (Repealed)**

668

669 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

670

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Section 303.APPENDIX B Sources of Codified Section (Repealed)

(Source: Repealed at 46 Ill. Reg. _____, effective _____)