

POLLUTION CONTROL BOARD

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>
303.204	Amend
303.220	Amend
303.230	New
303.235	New

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MAR 14 2013
STATE OF ILLINOIS
Pollution Control Board

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: For a more detailed description, please see the Board's opinion and order of February 21, 2013 in R08-9C. The Board today proposes designations of aquatic life use for the Chicago Area Waterways System (CAWS) and Lower Des Plaines River (LDPR). After reviewing the record and examining the Clean Water Act (CWA) goal of "water quality which provides for the protection and propagation of fish, shellfish, and wildlife. . . ." 33 USC 1251(a)(2), the Board is proposing two aquatic life use designations and has developed definitions of those aquatic life use designations. The Board proposes a CAWS Aquatic Life Use (ALU) A and CAWS and Brandon Pool Aquatic Life Use (ALU) B. Generally CAWS ALU A waters are capable of supporting communities of native fish that are tolerant and moderately tolerant and may include sport fish species such as channel catfish, largemouth bass, bluegill, northern pike and black crappie, and non-game fish species such as the tadpole madtom, spotfin shiner and orangespotted sunfish. CAWS and Brandon Pool ALU B waters are capable of supporting primarily tolerant fish species, such as central mudminnow, golden shiner, bluntnose minnow, yellow bullhead and green sunfish.

The Board proposes as CAWS ALU A waters: Upper North Shore Channel, Lower North Shore Channel, North Branch of the Chicago River, South Branch of the Chicago River, Calumet-Saganashkee (Cal-Sag) Channel, Calumet River, Little Calumet River, Grand Calumet River, Lake Calumet, and Lake Calumet Connecting Channel. The Board proposes as ALU B waters the Chicago Sanitary and Ship Canal and Brandon Pool.

The Board is also proposing language to establish numeric water quality standards for fecal coliform bacteria applicable to Primary Contact Recreation Waters.

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- 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 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).

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- I) Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J) Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- 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 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 H₂CO₃ (soluble CO₂) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q) Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).
- R) 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S) The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-

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96-007) (June 1996).

- T) 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U) 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).
- V) 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).
- W) Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X) Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-071) (October 1980).
- Y) Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z) Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA) Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB) 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).
- CC) The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD) 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).

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- EE) Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF) Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- GG) Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- 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 Envirodyne 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.
- KK) Chicago Area Waterway System Habitat Evaluation And Improvement Study: Habitat Evaluation Report And Habitat Improvement Report, Prepared for the Metropolitan Water Reclamation District of Greater Chicago by LimnoTech.

Statutes and Regulations

- A) Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. 1251 *et seq.*
- B) Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 USC 1313.
- C) Illinois Environmental Protection Act, 415 ILCS 5

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- D) 40 CFR Part 131 (Water Quality Standards)
- E) 35 Ill. Adm. Code Subtitle C: Water Pollution

U.S. EPA Guidance Documents

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

- A) *In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e)*, AS_96-10 (October 3, 1996) and (March 16, 2000).
- B) *Commonwealth Edison Company v. Illinois EPA*, PCB 91-29 (Variance – Water) (November 21, 1991).
- C) *In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station*, PCB 87-93 (November 15, 1989).
- D) *In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System*, R_87-27 (May 19, 1988).
- E) *Commonwealth Edison Company v. Illinois EPA*, PCB 84-33 (Variance – Water) (December 20, 1984).
- F) *Commonwealth Edison Company v. Illinois EPA*, PCB 78-79 (Variance – Water) (May 25, 1978).
- G) *In the Matter of: Water Quality Standards Revisions*, R72-4 (November 8, 1973).
- H) *In the Matter of: Water Quality Standards Revisions*, R71-14 (Consolidated with

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R70-8 and R71-20) (March 7, 1972).

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does 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 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R08-09(C) 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(B) 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.

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at 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 the Proposed Amendments begins on the next page:

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NOTICE PROPOSED AMENDMENTS

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~~ [303.100](#) Scope and Applicability
- ~~303.101~~ [303.101](#) Multiple Designations
- ~~303.102~~ [303.102](#) Rulemaking Required (Repealed)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section

- ~~303.200~~ [303.200](#) Scope and Applicability
- ~~303.201~~ [303.201](#) General Use Waters
- ~~303.202~~ [303.202](#) Public and Food Processing Water Supplies
- ~~303.203~~ [303.203](#) Underground Waters
- ~~303.204~~ [303.204](#) Chicago Area Waterway System and Lower Des Plaines River
- [303.205](#) Outstanding Resource Waters
- ~~303.205~~ [303.206](#) List of Outstanding Resource Waters
- 303.220 Primary Contact Recreation Waters
- 303.225 Incidental Contact Recreation Waters
- 303.227 Non-Contact Recreation Waters and Non-Recreational Waters
- 303.230 Chicago Area Waterway System Aquatic Life Use A Waters
- 303.235 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section

- ~~303.300~~ [303.300](#) Scope and Applicability
- ~~303.301~~ [303.301](#) Organization
- 303.311 Ohio River Temperature
- ~~303.312~~ [303.312](#) Waters Receiving Fluorspar Mine Drainage (Repealed)

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- ~~303.321~~ [303.321](#) Wabash River Temperature
~~303.322~~ [303.322](#) Unnamed Tributary of the Vermilion River
~~303.323~~ [303.323](#) Sugar Creek and Its Unnamed Tributary
~~303.326~~ [303.326](#) Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
~~303.331~~ [303.331](#) Mississippi River North Temperature
~~303.341~~ [303.341](#) Mississippi River North Central Temperature
~~303.351~~ [303.351](#) Mississippi River South Central Temperature
~~303.352~~ [303.352](#) Unnamed Tributary of Wood River Creek
~~303.353~~ [303.353](#) Schoenberger Creek; Unnamed Tributary of Cahokia Canal
~~303.361~~ [303.361](#) Mississippi River South Temperature
~~303.400~~ [303.400](#) Bankline Disposal Along the Illinois Waterway/River
~~303.430~~ [303.430](#) Unnamed Tributary to Dutch Creek
~~303.431~~ [303.431](#) Long Point Slough and Its Unnamed Tributary
~~303.441~~ [303.441](#) Secondary Contact Waters (Repealed)
~~303.442~~ [303.442](#) Waters Not Designated for Public Water Supply
~~303.443~~ [303.443](#) Lake Michigan Basin
~~303.444~~ [303.444](#) Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
~~303.445~~ [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~~ [303.500](#) Scope and Applicability
303.502 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.

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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 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 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 37 Ill. Reg. _____, effective _____.

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

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) ~~and~~, 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. These waters are required to meet the secondary contact and indigenous aquatic life 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 Section 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.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 303.220 Primary Contact Recreation Waters

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The following waters are designated as Primary Contact Recreation Waters and must be protected for Primary Contact Recreation uses as defined in 35 Ill. Adm. Code 301.323. These waters must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209.

- a) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
- b) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River;
- c) Chicago River;
- d) South Branch of the Chicago River;
- e) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Cal-Sag Channel; and
- f) Cal-Sag Channel.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 303.230 Chicago Area Waterway System Aquatic Life Use A Waters

These waters are not presently capable of maintaining a balanced, integrated, adaptive community of warm-water fish and macroinvertebrates due to the unique physical conditions, flow patterns, and operational controls necessary to maintain navigational use, flood control, and drainage functions of the waterway system. These waters are capable of supporting communities of native fish that are tolerant and moderately tolerant and may include, but are not limited to, sport fish species such as channel catfish, largemouth bass, bluegill, northern pike, and black crappie, and non-game fish species such as the tadpole madtom, and spotfin shiner, and orangespotted sunfish. The following waters are designated as Chicago Area Waterway System Aquatic Life Use A waters and must meet the water quality standards of 35 Ill. Adm. Code 302, Subpart D:

- a) Upper North Shore Channel
- b) Lower North Shore Channel

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- c) North Branch of the Chicago River
- d) South Branch of the Chicago River
- e) Cal-Sag Channel
- f) Calumet River
- g) Little Calumet River
- h) Grand Calumet River
- i) Lake Calumet
- j) Lake Calumet Connecting Channel

(Source: Added at 37 Ill. Reg. , effective)

Section 303.235 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters






These waters are not presently capable of maintaining a balanced, integrated, adaptive community of warm-water fish and macroinvertebrate community due to irreversible modifications that result in limited physical habitat and stream hydrology. Such These physical modifications are of long duration and may include artificially constructed channels consisting of vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation and the conveyance of stormwater and wastewater. These waters are capable of supporting primarily tolerant fish species, which may include but are not limited to central mudminnow, golden shiner, bluntnose minnow, yellow bullhead and green sunfish. The following waters are designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B waters and must meet the water quality standards of 35 Ill. Adm. Code ~~302.302~~, Subpart D:

- a) Chicago Sanitary and Ship Canal
- b) Brandon Pool

(Source: Added at 37 Ill. Reg. , effective)

Document comparison by Workshare Compare on Monday, March 11, 2013
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Legend:	
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Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	95

TITLE 35: ENVIRONMENTAL PROTECTION
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PART 303
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WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

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- Section
- 303.100 Scope and Applicability
- 303.101 Multiple Designations
- 303.102 Rulemaking Required (Repealed)

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 Chicago Area Waterway System and Lower Des Plaines River
- 303.205 Outstanding Resource Waters
- 303.206 List of Outstanding Resource Waters
- 303.220 Primary Contact Recreation Waters
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- 303.227 Non-Contact Recreation Waters and Non-Recreational Waters
- 303.230 Chicago Area Waterway System Aquatic Life Use A Waters
- 303.235 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

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 (Repealed)
- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River

- 44 303.331 Mississippi River North Temperature
- 45 303.341 Mississippi River North Central Temperature
- 46 303.351 Mississippi River South Central Temperature
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- 49 303.361 Mississippi River South Temperature
- 50 303.400 Bankline Disposal Along the Illinois Waterway/River
- 51 303.430 Unnamed Tributary to Dutch Creek
- 52 303.431 Long Point Slough and Its Unnamed Tributary
- 53 303.441 Secondary Contact Waters (Repealed)
- 54 303.442 Waters Not Designated for Public Water Supply
- 55 303.443 Lake Michigan Basin
- 56 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 57 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 58 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the
- 59 Illinois River
- 60 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch
- 61 Edwards River
- 62 303.448 Mud Run Creek

SUBPART D: THERMAL DISCHARGES

- 66 Section
- 67 303.500 Scope and Applicability
- 68 303.502 Lake Sangchris Thermal Discharges
- 69
- 70 303.APPENDIX A References to Previous Rules
- 71 303.APPENDIX B Sources of Codified Sections

72

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

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76 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221,
 77 effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill.
 78 Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg.
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 80 amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill.
 81 Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective
 82 May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended
 83 in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill.
 84 Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective
 85 August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended
 86 in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg.

87 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February
88 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-
89 24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903,
90 effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009;
91 amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36
92 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 37 Ill. Reg. _____,
93 effective _____.

94
95 **SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS**

96
97 **Section 303.204 Chicago Area Waterway System and Lower Des Plaines River**

98
99 The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to
100 protect for primary contact recreation, incidental contact or non-contact recreational uses (except
101 where designated as non-recreational waters), ~~and~~ commercial activity (including navigation and
102 industrial water supply uses), and the highest quality aquatic life and wildlife attainable, limited
103 only by the physical condition of these waters and hydrologic modifications to these waters.
104 These waters are required to meet the secondary contact and indigenous aquatic life standards
105 contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use
106 standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302,
107 Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in
108 Section 303.220 must meet the numeric water quality standard for fecal coliform bacteria
109 applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses and
110 aquatic life use for each segment of the Chicago Area Waterway System and Lower Des Plaines
111 River are identified in this Subpart.

112
113 (Source: Amended at 37 Ill. Reg. _____, effective _____)

114
115 **Section 303.220 Primary Contact Recreation Waters**

116
117 The following waters are designated as Primary Contact Recreation Waters and must be
118 protected for Primary Contact Recreation uses as defined in 35 Ill. Adm. Code 301.323. These
119 waters must meet the numeric water quality standard for fecal coliform bacteria applicable to
120 protected waters in 35 Ill. Adm. Code 302.209.

- 121
122 a) Lower North Shore Channel from North Side Water Reclamation Plant to
123 confluence with North Branch of the Chicago River;
124
125 b) North Branch of the Chicago River from its confluence with North Shore Channel
126 to its confluence with South Branch of the Chicago River and Chicago River;
127
128 c) Chicago River;
129

- 130 d) South Branch of the Chicago River;
- 131
- 132 e) Little Calumet River from its confluence with Calumet River and Grand Calumet
- 133 River to its confluence with CalCalumet-Sag Channel; and
- 134
- 135 f) CalCalumet-Sag Channel.
- 136

137 (Source: Amended at 37 Ill. Reg. _____, effective _____)

138

139 **Section 303.230 Chicago Area Waterway System Aquatic Life Use A Waters**

140

141 These waters are not presently capable of maintaining a balanced, integrated, adaptive

142 community of warm-water fish and macroinvertebrates due to the unique physical conditions,

143 flow patterns and operational controls necessary to maintain navigational use, flood control and

144 drainage functions of the waterway system. These waters are capable of supporting communities

145 of native fish that are tolerant and moderately tolerant and may include, but are not limited to,

146 sport fish species such as channel catfish, largemouth bass, bluegill, northern pike and black

147 crappie, and non-game fish species such as the tadpole madtom, spotfin shiner and orangespotted

148 sunfish. The following waters are designated as Chicago Area Waterway System Aquatic Life

149 Use A waters and must meet the water quality standards of 35 Ill. Adm. Code 302, Subpart D:

- 150
- 151 a) Upper North Shore Channel
- 152
- 153 b) Lower North Shore Channel
- 154
- 155 c) North Branch of the Chicago River
- 156
- 157 d) South Branch of the Chicago River
- 158
- 159 e) Cal-Sag Channel
- 160
- 161 f) Calumet River
- 162
- 163 g) Little Calumet River
- 164
- 165 h) Grand Calumet River
- 166
- 167 i) Lake Calumet
- 168
- 169 j) Lake Calumet Connecting Channel

170

171 (Source: Added at 37 Ill. Reg. _____, effective _____)

172

173 **Section 303.235 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B**
174 **Waters**

175
176 These waters are not presently capable of maintaining a balanced, integrated, adaptive
177 community of warm-water fish and macroinvertebrate community due to irreversible
178 modifications that result in limited physical habitat and stream hydrology. These physical
179 modifications are of long duration and may include artificially constructed channels consisting of
180 vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation and the
181 conveyance of stormwater and wastewater. These waters are capable of supporting primarily
182 tolerant fish species, which may include but are not limited to central mudminnow, golden
183 shiner, bluntnose minnow, yellow bullhead and green sunfish. The following waters are
184 designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B waters and
185 must meet the water quality standards of 35 Ill. Adm. Code 302, Subpart D:

186
187 a) Chicago Sanitary and Ship Canal

188
189 b) Brandon Pool

190
191 (Source: Added at 37 Ill. Reg. _____, effective _____)