

Board Proposes for First Notice Rules to Establish the Recreational Use Designations for the Chicago Area Waterway System

The Illinois Pollution Control Board, on August 5, 2010, proposed rules for first-notice that establish recreational use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR). The recreational use designations sent to first notice are the designations proposed by Illinois Environmental Protection Agency (IEPA) on October 26, 2007. The original proposal was docketed as In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-09). On March 18, 2010, the Board granted a motion to sever the original docket into four subdockets. Subdocket A deals with issues related to recreation use designations.

In Subdocket A, the record before the Board demonstrates that CAWS and LDPR cannot attain the federal Clean Water Act recreation 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. Subdocket A addresses recreational uses and does not address any issues regarding effluent disinfection, aquatic life uses, or water quality standard for the protection of aquatic life uses.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R08-09 (Subdocket A), should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

For more information contact Marie Tipsord at (312)-814-4925 or email at tipsorm@ipcb.state.il.us.