

TITLE 35: ENVIRONMENTAL PROTECTION AGENCY

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 368

PROCEDURES FOR DETERMINING PRIORITIES FOR ASSISTANCE AWARDS UNDER THE ILLINOIS  
CLEAR LAKES PROGRAM

SUBPART A: INTRODUCTION

Section

- 368.110 Purpose
- 368.120 Definitions
- 368.130 Materials Referenced in this Part
- 368.140 Funding Allocations
- 368.150 Funding Priority System
- 368.160 Applications for Funding

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND  
LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

Section

- 368.210 Formula for Computing Total Priority Points
- 368.220 A1 Factor (Overall Use Support Assessment)
- 368.230 A2 Factor (Water Quality Potential)
- 368.240 A3 Factor (Public Benefits Assessment)
- 368.250 A4 Factor (Special Considerations)

AUTHORITY: Implementing and authorized by the Illinois Lake Management Program Act [525 ILCS 25] and Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31].

SOURCE: Adopted at 22 Ill. Reg. 15259, effective August 7, 1998.

SUBPART A: INTRODUCTION

**Section 368.110 Purpose**

This Part sets out the procedures that will be used by the Illinois Environmental Protection Agency for prioritizing applications for financial assistance awards under the Illinois Clean Lakes Program.

**Section 368.120 Definitions**

- a) Unless otherwise specified, all terms shall have the meanings set out in the Illinois Lake Management Program Act [525 ILCS 25], Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31] and the Illinois Environmental Protection Act [415 ILCS 5].
- b) For the purposes of this Part, the following definitions apply:

Agency: the Illinois Environmental Protection Agency.

*Diagnostic and Feasibility (Phase I) Study: the gathering of data*

*to document the existing and potential sources of pollution and to determine the limnological, morphological, demographic, and other pertinent characteristics of an inland lake and its associated watershed and the analysis of this information to determine the most appropriate method for improving or preserving the quality of the lake for intended uses and to determine the need for a Long-Term Restoration and Preservation (Phase II) Project or a Lake Water Quality Maintenance Program (LQMP). [525 ILCS 25/3(d)]*

Illinois Clean Lakes Program (ICLP): the inland lake study or implementation financial assistance award program administered by the Agency pursuant to the Illinois Lake Management Act [525 ILCS 25] and the Conservation 2000 program [30 ILCS 105/6z-31].

*Lake Owner: the owner, owners, or designated management authority of any inland lake who possesses the legal authority over a given lake and the ability to generate revenue and in-kind contributions to perform Diagnostic and Feasibility Studies and to enact comprehensive lake management through the implementation of Long-Term Restoration and Preservation Projects (Phase II) and Lake Water Quality Maintenance Programs. [525 ILCS 25/3(f)]*

Lake Water Quality Maintenance Program (LQMP): the water quality maintenance program described in Section 25/3 of the Illinois Lake Management Program Act [525 ILCS 25] for *implementation of a lake and watershed management plan recommended by the Diagnostic and Feasibility Phase I Study which provides short-term relief from nuisance aquatic vegetation and algae growth; projects under this program must demonstrate that the proposed maintenance program would result in attainment of significant public recreational lake use, and that watershed management plans are being implemented to control and reduce incoming nutrients, sediments, and other pollutants. [525 ILCS 25/3(1)]*

*Long-Term Restoration and Preservation (Phase II) Project: implementation of lake and watershed management plans as developed under the Diagnostic and Feasibility Study which will provide for long-term restoration benefits and long-term preservation of the lake's water quality. [525 ILCS 25/3(g)]*

Metropolitan Statistical Area (MSA): the classification developed by the U.S. Department of Commerce for use by federal agencies in the production, analysis and publication of data on metropolitan areas. The MSAs in Illinois are Bloomington-Normal, Champaign-Urbana-Rantoul, Chicago, Davenport-Rock Island-Moline, Decatur, Kankakee, Peoria, Rockford, St. Louis and Springfield.  
Priority Points (PP): the individual points based on various factors assigned to an inland lake study or implementation project application.

Total Priority Points (TPP): the sum of all Priority Points assigned to an inland lake study or implementation project application.

Uncommon Resource: an inland lake known to contain endangered or threatened species.

Unique Resource: an inland lake that has oligotrophic water quality and is capable of supporting year-round cold water or "two-tiered" fisheries.

#### **Section 368.130 Materials Referenced in this Part**

The following materials are referenced in this Part:

"Illinois Assessment of Water Resource Conditions 1994-1995", IEPA/BOW/96-060(a) and (b) (September 1996).

#### **Section 368.140 Funding Allocations**

Funds for the Illinois Clean Lakes Program are targeted to be distributed to lake owners in each fiscal year from 1996 to 2001 by the Agency according to the following percentage amounts:

- a) Phase I projects
  - 1) FY96--60%
  - 2) FY97--45%
  - 3) FY98--40%
  - 4) FY99--35%
  - 5) FY00--30%
  - 6) FY01--25%
- b) Phase II projects
  - 1) FY96--35%
  - 2) FY97--50%
  - 3) FY98--55%
  - 4) FY99--60%
  - 5) FY00--65%
  - 6) FY01--70%
- c) LQMP projects
  - Five percent of available funds are targeted to be distributed by the Agency to LQMP projects in each year from FY96 through FY01.

#### **Section 368.150 Funding Priority System**

Total Priority Points (TPP) will be assigned to each project application submitted for funding according to the methodology set out in Subpart B of this Part. Each project will be ranked from highest to lowest according to TPP and funded according to the targeted distribution schedule set out in Section 368.140 above.

#### **Section 368.160 Applications for Funding**

Lake owners seeking Phase I, Phase II or LQMP funding assistance shall submit applications to the Agency in accordance with 35 Ill. Adm. Code 367.Subpart D.

SUBPART B: PROCEDURES FOR CALCULATING PRIORITY POINTS FOR INLAND LAKE STUDY AND IMPLEMENTATION PROJECT AWARDS

#### **Section 368.210 Formula for Computing Total Priority Points**

Total Priority Points (TPP) for inland lake study and implementation project applications is a number that is the sum of the Priority Points (PP) assigned according to four factors: A1, A2, A3, and A4. The TPP is

calculated as follows: A1 + A2 + A3 + A4 = TPP. Points will be assigned to each factor based on lake data and assessment information maintained by the Agency and other State or federal agencies, and data submitted by the applicant. All information provided by the applicant will be subject to verification by the Agency prior to the assignment of Priority Points.

**Section 368.220 A1 Factor (Overall Use Support Assessment)**

A1 is a factor that evaluates inland lakes based on their overall use support assessment rating. The possible degrees of use support assessment are Full, Full/Threatened, Partial/Minor impairment, Partial/Moderate impairment, or Nonsupport. Priority points for the A1 factor are allocated as follows (0-100 points possible):

Full/Threatened Overall Assessment	100
Partial/Minor or Partial/Moderate Overall Assessment	75
Full Overall Assessment	50
Nonsupport Overall Assessment	25
Insufficient Information to Make a Reliable Assessment	0

This factor will be calculated by the Agency using the data for the lake and methodology set out in the most recent Illinois Water Quality Report, "Illinois Assessment of Water Resource Conditions", produced by the Agency pursuant to Section 305(b) of the Federal Water Pollution Control Act (33 USC 1315(b)). See the "Illinois Assessment of Water Resource Conditions 1994-1995," IEPA/BOW/96-060(a) and (b) (September 1996) for further information.

**Section 368.230 A2 Factor (Water Quality Potential)**

- a) A2 is a factor that evaluates inland lakes based on their Water Quality Potential (WQP). The potential quality of a lake is determined by the quality of the incoming water, water residence time, and lake basin characteristics. Four factors are used to rank inland lakes for water quality potential:
  - 1) ratio of watershed area to lake surface area (WA:SA);
  - 2) mean lake depth;
  - 3) lake water retention time; and
  - 4) lake size.
- b) Priority points for the A2 factor are allocated as follows (0-100 points possible):
  - 1) Watershed Area/Lake Surface Area Ratio
    - A) Less than or equal to 20 30
    - B) Greater than 20 but less than or equal to 50 20
    - C) Greater than 50 but less than or equal to 100 10
    - D) Greater than 100 0
  - 2) Mean Depth (feet)
    - A) Greater than 15 30
    - B) Greater than 10 but less than or equal to 15 20
    - C) Greater than 5 but less than or equal to 10 10
    - D) Less than or equal to 5 0
  - 3) Water Retention Time (years)
    - A) Greater than 1.00 30
    - B) Greater than 0.50 but less than or equal to 1.00 20
    - C) Greater than 0.25 but less than or equal to 1.00 10

	0.50	
D)	Less than or equal to 0.25	0
4)	Lake Size (acres)	
A)	Greater than 100 but less than or equal to 500	10
B)	Greater than six but less than or equal to 100; or greater than 500 but less than or equal to 1000	5
C)	Less than or equal to 6 or greater than 1000	0

**Section 368.240 A3 Factor (Public Benefits Assessment)**

- a) A3 is a factor that evaluates inland lakes based on their importance or benefit to the general public. This factor is based on the following criteria:
- 1) the ownership and accessibility of the lake to the public;
  - 2) current public lake use (annual visitor days);
  - 3) proximity of the lake to a Metropolitan Statistical Area;
  - 4) the supply of publicly-owned or accessible lakes related to existing or potential demand;
  - 5) the multipurpose nature of, or need for, the lake (i.e., public water supply and recreational use);
  - 6) the type and number of recreational facilities available; and
  - 7) the public benefits that are derived from a lake with an uncommon or unique environment as defined in Section 368.120.
- b) For the A3 factor, priority points are allocated as follows (0-240 points possible):
- 1) Ownership/Access
    - A) Lake Bottom Ownership
      - i) Public 20
      - ii) Public and private 2-18 (2 points per 10% of lake bottom publicly owned; rounded to the nearest 10%)
      - iii) Private 0
    - B) Lake Accessibility
      - i) Public Access (no fees) 100
      - ii) Public Access (all uses are available to non-residents and non-resident fees are less than 200% of resident fees) 90
      - iii) Public Access (all uses are available to non-residents and non-resident fees are greater than 200% of resident fees) 10
      - iv) Limited Public Access (1 or more uses are not allowed for non-residents)
  - 3) Recreational Lake Use
    - A) Very Heavy (more than 200,000 users/year) 15
    - B) Heavy (between 100,000 and 200,000 users/year) 10
    - C) Moderate (between 25,000 and 100,000 users/year) 5
    - D) Light (fewer than 25,000 users/year) 0
  - 3) Proximity to MSA
    - A) Within MSA (0 miles) 15

B)	From 0 to 25 miles	10
C)	From 26 to 50 miles	5
D)	Further than 50 miles	0
4)	Per Capita Availability of Other Public Lakes in the Area (public lake surface area in the county divided by the county population)	
A)	Fewer than 0.01 acres per capita	10
B)	Between 0.01 and 0.10 acres per capita	5
C)	0.10 acres or more per capita	0
5)	Use as a Public Water Supply	
A)	Primary public water supply	20
B)	Alternate or secondary public water supply	10
C)	Not a public water supply	0
6)	Recreational Uses (may include fishing, canoe/sail/motor boats, swimming, camping bicycling, hiking, picnicking, horseback riding, etc.)	
A)	Facilities to support four or more recreational uses; or facilities for swimming	10
B)	Facilities to support two or three recreational uses	5
C)	Facilities to support one recreational use	0
7)	Environmental Uniqueness	
A)	The lake is a unique resource as defined in Section 368.120	50
B)	The lake is an uncommon resource as defined in Section 368.120	15
C)	The lake is not a unique or uncommon resource as defined in Section 368.120	0

**Section 368.250 A4 Factor (Special Considerations)**

A4 is a factor that will only be used for two or more project applications having equal total priority points based on the sum of Factors A1, A2, and A3. In such cases priority points will be allocated to each affirmative answer to the following questions (Yes-1, No-0). For the A4 factor, priority points are allocated as follows (0-5 points possible):

- a) Does the project utilize a comprehensive watershed and management approach?
- b) Has the tributary watershed area been previously protected to prevent point and nonpoint source pollution to the lake?
- c) Does the project include coordination of activities with other local, State, and federal agencies?
- d) Is there a commitment by the applicant to cost-share more than the minimum required by at least an additional 10%?
- e) Does the applicant have a history of undertaking previous lake or watershed management efforts to solve lake problems?