

Board Sends to Second Notice Proposed Amendments to General Use Water Quality Standards for Dissolved Oxygen

On November 15, 2007, the Illinois Pollution Control Board proposed amendments to Illinois' dissolved oxygen (DO) general use water quality standards (35 Ill. Adm. Code 302.206) for second notice. As at first notice (31 Ill. Reg. 11028 (Aug. 3, 2007)), the Board amendments proposed for second notice are based on aspects of both the proposal filed by the Illinois Association of Wastewater Agencies and the joint proposal filed by the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency. The rulemaking proposal is entitled Proposed Amendments To Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206, and is assigned docket number R04-25.

At second notice, the Board makes only modest amendments to its first-notice rule language. Specifically, at Section 302.206(d), the Board replaces "calendar days" with "consecutive 24-hour periods" for measuring DO-standard attainment, as recommended by the IEPA in its public comment. Otherwise, the Board's proposal remains substantively unchanged from first notice.

This rulemaking significantly improves upon the existing DO standards by accounting for the natural variability of DO and organisms in Illinois waters, focusing protection when and where it is needed most. The Board proposes "two-season" numeric DO standards with values based on daily minima and 7- and 30-day averages. The proposal divides the year into an "early life stages" season (March through July) and an "other life stages" season (August through February). The "early life stages" of fish (egg, embryo, larval, and recently-hatched juvenile) are more sensitive to low DO concentrations than later juvenile and adult stages and therefore warrant greater protection. Additionally, the proposal designates stream segments (approximately 8% of Illinois' 71,394 general use stream miles) to receive "enhanced" numeric dissolved oxygen standards to protect DO-sensitive fish and macroinvertebrate species present in meaningful amounts. The proposal also includes a narrative DO standard to protect quiescent and isolated sectors of general use waters where naturally-occurring DO concentrations cannot reasonably be expected to attain the numeric DO standards. The proposed amendments reflect the current science and are consistent with the United States Environmental Protection Agency's National Criteria Document for DO, as adapted to Illinois waters.

Second-notice review is conducted by the Joint Committee on Administrative Rules under the Illinois Administrative Procedure Act.

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 at 312-814-3629, or by writing to the Clerk's office:

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