

Board Adopts Second Notice Opinion and Order Creating an Effluent Limit for Primary Contact Recreation Use Waters

The Illinois Pollution Control Board, on December 15, 2011, adopted a second-notice opinion and order for a rule establishing an effluent limit for fecal coliform colony forming (CFU) for effluent discharges to Primary contact Recreation water segments of the Chicago Area Waterway System (CAWS) and Lower Des Plaines River (LDPR). The rulemaking is docketed as In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 (R08-09B).

The Board proposal would establish an effluent limit from March 1 through November 30 of 400 CFU per 100 ml if less than 10 samples are taken in a month for effluent discharges to Primary Contact Recreation Use water segments of the CAWS. The effective date is March 1, 2016. The Board declines to establish an effluent limit for other segments of the CAWS and Lower Des Plaines River that are designated as Incidental Contact Recreation Use, Non-contact Recreation Use, and Non-Recreation Use waters at this time.

The proposed rule would apply to the following segments of the CAWS: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) 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; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

The Board, in consideration of comments received, will adopt bacterial water quality standards for CAWS and LDPR but only as to those waters designated as Primary Recreation waters. The Board cannot propose bacterial standards at second notice as the sections of the rule that need to be amended to adopt bacterial standards were not proposed in the *Illinois Register* for first notice. Those sections will be amended in Subdocket C to reflect the Board's findings on the bacterial water quality standards in the Board's December 15, 2011 opinion and order.

In addition, public comments may be filed electronically through COOL at Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site www.ipcb.state.il.us and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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