

## **Board Adopts Proposed Second Notice Aquatic Life Use Designations for the Chicago Area Waterways System and Lower Des Plaines River**

On October 3, 2013, the Pollution Control Board adopted a proposed second notice opinion and order to solicit comments from participants on the changes made from first notice in the rulemaking 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 (R08-9 Subdocket C). Based on comments and upon re-examination, at second notice the Board proposes an Upper Dresden Island Pool (UDIP) aquatic life use rather than designating UDIP as General Use. The Board continues to believe that UDIP is not impacted by the Use Attainability Analysis (UAA) Factors, and that the Clean Water Act (CWA) goal of fishable is attainable in the UDIP.

Upper Dresden Island Pool Aquatic Life Use Waters are capable of maintaining aquatic-life populations consisting of individuals of tolerant, moderately tolerant, and intolerant types that are adaptive to the unique flow conditions necessary to maintain navigational use and upstream flood control functions of the waterway system. Such aquatic life may include, but is not limited to largemouth bass, bluntnose minnow, channel catfish, orange-spotted sunfish, smallmouth bass, and spottail shiner.

Additionally, the Board amended the definitions of Aquatic Life Use (ALU) A and ALU B, in response to concerns raised. Because of these changes, the Board believes participants should be given an opportunity to comment on these changes before proposing the rule to the Joint Committee on Administrative Rules for second notice review. The Board will allow for comments to be filed until November 4, 2013.

Generally, Chicago Area Waterway System Aquatic Life Use A Waters are capable of maintaining aquatic life populations predominated by individuals of tolerant and moderately tolerant types, which include, but is not limited to, fish species, such as channel catfish, largemouth bass, bluegill, black crappie, spotfin shiner, orangespotted sunfish, common carp, and goldfish. The ALU Waters are Upper North Shore Channel, Lower North Shore Channel, North Branch of the Chicago River, South Branch of the Chicago River, Cal-Sag Channel, Calumet River, Little Calumet River, Grand Calumet River, Lake Calumet, Lake Calumet Connecting Channel.

CAWS and Brandon Pool ALU B waters are capable of maintaining aquatic life populations predominated by individuals of tolerant fish species, which may include, but is not limited to fish species such as common carp, golden shiner, bluntnose minnow, yellow bullhead, and green sunfish. The Board proposes as ALU B waters the Chicago Sanitary and Ship Canal and Brandon Pool.

All comments must be received by the Board, in its Chicago office, by November 4, 2013 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](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629. Public comments must contain the docket number R08-9(c).

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 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].

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