

Board to Hold Additional Hearings on Proposal to Amend Water Quality Standards for the Chicago Area Waterway System

The Illinois Pollution Control Board, on March 18, 2010, granted several motions 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).

Specifically, the Board granted a motion filed by Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands to sever the docket. Subdocket A will deal with the issues related to recreational use designations. Subdocket B will address issues relating to disinfection and whether disinfection may or may not be necessary to meet those use designations. Subdocket C will be created to address the issues involving proposed aquatic life uses. Subdocket D will be created to address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

Also, the Board granted two motions for additional hearings. The Board agreed to hold a hearing on Asian Carp, later this year as requested by Citgo Petroleum Corporation and PDV Midwest LLC. The Board also agreed to hold hearings concerning aquatic life use designations as requested by the Metropolitan Water Reclamation District of Greater Chicago.

This rulemaking was proposed on October 26, 2007, by the Illinois Environmental Protection Agency (IEPA) filed this proposal, which would amend the Board's rules for Secondary Contact and Indigenous Aquatic Life Uses to update the designated uses and criteria necessary to protect existing uses.

The proposal adds definitions in Part 301, In Part 302 Subpart A, the proposal makes minor changes to ensure consistency with Subpart D and Part 303. In Part 302 Subpart D, the title is changed and proposes several substantive changes throughout the Subpart to reflect the policy changes by the IEPA. In Part 303, the IEPA proposes three distinct recreational uses and three distinct aquatic life uses applicable to CAWS and the Lower Des Plaines River. The proposal adds new Section 304.224 establishing a standard for effluent bacteria for discharges impacted by the fecal coliforms standard in this proposal.

The Board has held 37 days of hearings, received 381 exhibits and 285 public comments on the proposal.

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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