

## **Pollution Control Board Dismisses Rulemaking To Set E-coli Bacteria Standards for Lake Michigan Beaches and the Mississippi River**

On April 21, 2005, the Illinois Pollution Control Board dismissed a proposal to set *Escherichia coli* (E-coli) bacterial water quality standards for Lake Michigan beaches and portions of the Mississippi River. The Illinois Environmental Protection Agency (IEPA) filed this rulemaking, Proposed Amendments to 35 Ill. Adm. Code 302 and 303, R05-10, on November 8, 2004. The Board accepted this rulemaking for hearing on December 16, 2004.

The IEPA filed a motion to suspend this rulemaking on March 29, 2005. The IEPA asserts that because Illinois did not adopt water quality standards for bacteria that comply with Section 303(i) of the Clean Water Act before December 16, 2004, the Federal Water quality standards for Coastal Water and Recreation Waters now apply to Illinois' coastal recreation waters. Additionally, the IEPA asserts that the United States Environmental Protection Agency indicated that it intends to adopt a new bacteria criterion in October 2005, with an indicator organism other than fecal coliform or E-coli, and that continuing with the rulemaking would not be an economical use of time in light of the USEPA's intent to change the criterion.

The Board agrees with the IEPA's assertion that continuing with the rulemaking would not be an economical use of time or administrative resources in light of the USEPA's intent to change the criterion. The Board dismisses the rulemaking proposal, and closes the docket. The IEPA can re-file an appropriate rulemaking proposal when the USEPA's new bacteria criterion is adopted.

Copies of Board opinions, proposed rules, and hearing officer orders may be viewed and public hearings will be scheduled in this rulemaking.

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