



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 21, 2014

POLLUTION CONTROL BOARD  
JOHN THERRIAULT ASSISTANT CLERK  
100 W RANDOLPH ST, STE 11-500  
CHICAGO, IL 60601

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CLERK'S OFFICE

**FEB 26 2014**

STATE OF ILLINOIS  
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 38, Issue 9 of the Illinois Register, dated 2/28/2014.

**ADOPTED RULES**

Water Use Designations and Site-Specific Water Quality Standards  
35 Ill. Adm. Code 303  
Point of Contact: Nancy Miller

5517

If you have any questions, you may contact the Administrative Code Division at  
(217) 782 - 7017.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
303.204	Amend
303.220	Amend
303.230	New
303.235	New
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) Effective Date of Amendment: FEB 13 2014
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No
- 8) The text of the adopted amendments is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 15, 2013; 37 Ill. Reg. 2851.
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Differences between proposal and final version: Section 303.230 was renamed and the text replaced with a new use designation for the Upper Dresdan Island Pool. The title and Section 303.230 as proposed at first notice were added to Section 303.235. Other differences between the amendments proposed at first notice and the adopted amendments are non-substantive and made for clarification and consistency with other rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Amendments: For a more detailed description, please see the Board's opinion and order of February 6, 2014 in R08-9C. The Board adopts a rule that designates aquatic life uses for the Chicago Area Waterways Systems (CAWS) and Lower Des Plaines River (LDPR). After reviewing the record and examining the Clean Water Act (CWA) goal of "water quality which provides for the protection and propagation of fish, shellfish, and wildlife. . ." (33 U.S.C. § 1251(a)(2)), the Board is adopting three aquatic life use designations and has developed definitions of those aquatic life use designations. The Board adopts a CAWS Aquatic Life Use (ALU) A, CAWS and Brandon Pool Aquatic Life Use (ALU) B, and Upper Dresden Island Pool (UDIP) Aquatic Life Use (ALU).

Generally, CAWS ALU A waters are capable of maintaining intermediately tolerant species such as channel catfish, largemouth bass, bluegill, black crappie, spotfin shiner, orangespotted sunfish, common carp, and goldfish. The Board adopts as CAWS ALU A waters: Upper North Shore Channel, Lower North Shore Channel, North Branch of the Chicago River, South Branch of the Chicago River, Calumet-Saganashkee (Cal-Sag) Channel, Calumet River, Little Calumet River, Grand Calumet River, Lake Calumet, and Lake Calumet Connecting Channel.

CAWS and Brandon Pool ALU B waters are capable of protecting aquatic life populations predominated by individuals of tolerant types such as common carp, golden shiner, bluntnose minnow, yellow bullhead, and green sunfish. The Board adopts as ALU B waters the Chicago Sanitary and Ship Canal and Brandon Pool.

The UDIP ALU is defined as waters capable of maintaining, and having quality sufficient to protect, aquatic-life populations consisting of individuals of tolerant, intermediately tolerant, and intolerant types such as largemouth bass, bluntnose minnow, channel catfish, orangespotted sunfish, smallmouth bass, shorthead redhorse, and spottail shiner.

The Board also adopts language to establish numeric water quality standards for fecal coliform bacteria applicable to Primary Contact Recreation Waters.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Marie Tipsord  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

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312-814-4925

[Marie.Tipsord@illinois.gov](mailto:Marie.Tipsord@illinois.gov)

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312-814-3620. Please refer to the docket number, R08-09(c), in your request. The Board's opinions and orders are also available from the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE-SPECIFIC WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

- 303.100 Scope and Applicability
- 303.101 Multiple Designations
- 303.102 Rulemaking Required (Repealed)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section

- 303.200 Scope and Applicability
- 303.201 General Use Waters
- 303.202 Public and Food Processing Water Supplies
- 303.203 Underground Waters
- 303.204 Chicago Area Waterway System and Lower Des Plaines River Outstanding Resource Waters
- 303.205 Outstanding Resource Waters
- 303.206 List of Outstanding Resource Waters
- 303.220 Primary Contact Recreation Waters
- 303.225 Incidental Contact Recreation Waters
- 303.227 Non-Contact Recreation Waters and Non-Recreational Waters
- 303.230 Upper Dresden Island Pool Aquatic Life Use Waters
- 303.235 Chicago Area Waterway System Aquatic Life Use A Waters and Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section

- 303.300 Scope and Applicability
- 303.301 Organization
- 303.311 Ohio River Temperature
- 303.312 Waters Receiving Fluorspar Mine Drainage (Repealed)

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- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
- 303.331 Mississippi River North Temperature
- 303.341 Mississippi River North Central Temperature
- 303.351 Mississippi River South Central Temperature
- 303.352 Unnamed Tributary of Wood River Creek
- 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
- 303.361 Mississippi River South Temperature
- 303.400 Bankline Disposal Along the Illinois Waterway/River
- 303.430 Unnamed Tributary to Dutch Creek
- 303.431 Long Point Slough and Its Unnamed Tributary
- 303.441 Secondary Contact Waters (Repealed)
- 303.442 Waters Not Designated for Public Water Supply
- 303.443 Lake Michigan Basin
- 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
- 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
- 303.448 Mud Run Creek

SUBPART D: THERMAL DISCHARGES

Section

- 303.500 Scope and Applicability
- 303.502 Lake Sangchris Thermal Discharges

- 303.APPENDIX A References to Previous Rules
- 303.APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983;

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amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

**Section 303.204 Chicago Area Waterway System and Lower Des Plaines River**

The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to protect for primary contact recreation, incidental contact or non-contact recreational uses (except where designated as non-recreational waters) ~~and commercial activity (including navigation and industrial water supply uses)~~ and the highest quality aquatic life and wildlife attainable, limited only by the physical condition of these waters and hydrologic modifications to these waters. These waters are required to meet the secondary contact and indigenous aquatic life standards contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in Section 303.220 must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses and aquatic life use for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.220 Primary Contact Recreation Waters**

The following waters are designated as Primary Contact Recreation Waters and must be protected for Primary Contact Recreation uses as defined in 35 Ill. Adm. Code 301.323. These waters must meet the numeric water quality standard for fecal coliform bacteria applicable to

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protected waters in 35 Ill. Adm. Code 302.209.

- a) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
- b) 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;
- c) Chicago River;
- d) South Branch of the Chicago River;
- e) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Cal~~Calumet~~-Sag Channel; and
- f) Cal~~Calumet~~-Sag Channel.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.230 Upper Dresden Island Pool Aquatic Life Use Waters**

Upper Dresden Island Pool Aquatic Life Use Waters

- a) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge is designated as the Upper Dresden Island Pool Aquatic Life Use. These waters are capable of maintaining, and shall have quality sufficient to protect, aquatic-life populations consisting of individuals of tolerant, intermediately 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, orangespotted sunfish, smallmouth bass, shorthead redhorse, and spottail shiner.
- b) Upper Dresden Island Pool Aquatic Life Use Waters must meet the water quality standards of 35 Ill. Adm. Code 302. Subpart D.

(Source: Added at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.235 Chicago Area Waterway System Aquatic Life Use A Waters and Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters**



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- a) Chicago Area Waterways System Aquatic Life Use A Waters
- 1) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters are capable of maintaining, and shall have quality sufficient to protect, aquatic-life populations predominated by individuals of tolerant and intermediately tolerant types that are adaptive to the unique physical conditions, flow patterns, and operational controls necessary to maintain navigational use, flood control, and drainage functions of the waterway system. Such aquatic life may 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.
  - 2) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters are not capable of attaining an aquatic life use consistent with the section 101(a)(2) of the Clean Water Act goal (33 USC 1251(a)(2)
  - 3) The following waters are designated as Chicago Area Waterway System Aquatic Life Use A Waters and must meet the water quality standards of 35 Ill. Adm. Code 302. Subpart D:
    - A) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant;
    - B) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
    - C) 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;
    - D) South Branch of the Chicago River;
    - E) Calumet-Sag Channel;
    - F) Calumet River from Lake Michigan to its confluence with Grand Calumet River and Little Calumet River;
    - G) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel;

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- H) Grand Calumet River;
  - I) Lake Calumet; and
  - J) Lake Calumet Connecting Channel.
- b) Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters
- 1) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters are capable of maintaining, and shall have quality sufficient to protect, aquatic life populations predominated by individuals of tolerant types that are adaptive to unique physical conditions and modifications of long duration, including artificially constructed channels consisting of vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation, flood control, and drainage functions in deep-draft, steep-walled shipping channels. Such aquatic life may include, but is not limited to, fish species such as common carp, golden shiner, bluntnose minnow, yellow bullhead and green sunfish.
  - 2) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters are not capable of attaining an aquatic life use consistent with the section 101(a)(2) of the Clean Water Act goal (33 USC 1251(a)(2)).
  - 3) The following waters are designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters and must meet the water quality standards of 35 Ill. Adm. Code 302. Subpart D:
    - A) Chicago Sanitary and Ship Canal; and
    - B) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam (Brandon Pool).

(Source: Added at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)