

Board Adopts Illinois' First "Time-Limited Water Quality Standard"

On November 4, 2021, the Board issued an order adopting the first "time-limited water quality standard" (TLWQS) in Illinois. A TLWQS is a form of temporary relief from a water quality standard. The Board's TLWQS authority was added to the Illinois Environmental Protection Act by Public Act 99-937, effective February 24, 2017. In turn, the Board adopted procedural rules—effective April 27, 2018—for conducting TLWQS proceedings. The Board may issue a TLWQS for a single discharger, multiple dischargers, a watershed, a water body, or a waterbody segment.

In this proceeding, the Board issued a 15-year, watershed TLWQS for chloride to 48 petitioners that discharge into the Lower Des Plaines River (LDPR) watershed and portions of the Chicago Area Waterway System (CAWS) watershed. These watersheds do not meet the current chloride water quality standard during the winter due largely to the necessary use of sodium chloride—also known as "road salt"—for public safety, *i.e.*, keeping sidewalks, streets, and highways free of snow and ice. If dischargers other than the 48 petitioners satisfy the criteria in the Board's order, they may be granted coverage under the TLWQS by the Illinois Environmental Protection Agency (IEPA).

This TLWQS specifies the highest attainable condition (HAC) of the watersheds during the term of the relief. Dischargers subject to the TLWQS must achieve the HAC by complying with the order's requirements, which include:

- Participating in chloride workgroups corresponding to the LDPR or CAWS watershed.
- Implementing best management practices (BMPs) to reduce chloride discharges.
- Submitting annual reports on BMP efficacy to IEPA and making them publicly available.
- Filing with the Board proposed re-evaluations at five-year intervals assessing the HAC.

Before adopting the TLWQS, the Board held a public hearing and reviewed petitioners' demonstrations and IEPA's recommendation, as well as public comments from numerous participants, including the United States Environmental Protection Agency (USEPA). The TLWQS will take effect for federal Clean Water Act purposes after approval by USEPA. The ultimate objective remains compliance with the underlying chloride water quality standard, which remains applicable to dischargers not covered by the TLWQS.

This TLWQS proceeding is captioned Village of Homewood *et al.* v. Illinois Environmental Protection Agency, PCB 16-14 *et al.* (consol.). Here is a link to the Board's November 4, 2021 [order](#), as well as a link to the Board's January 6, 2022 [order](#) clarifying its November 4, 2021 order.