

**TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD**

**PART 106  
HEARINGS PURSUANT TO SPECIFIC RULES**

**SUBPART A: HEATED EFFLUENT DEMONSTRATIONS**

Section	
106.101	Petition
106.102	Requirements for Petition
106.103	Parties
106.104	Recommendation
106.105	Notice and Hearing
106.106	Transcripts
106.107	Opinion and Order

**SUBPART B: ARTIFICIAL COOLING LAKE DEMONSTRATIONS**

Section	
106.201	Petition
106.202	Notice and Hearing
106.203	Transcripts
106.204	Effective Date

**SUBPART C: SULFUR DIOXIDE DEMONSTRATIONS**

Section	
106.301	Petition
106.302	Requirements for Petition
106.303	Parties
106.304	Recommendation
106.305	Notice and Hearing
106.306	Transcripts

**SUBPART D: RCRA ADJUSTED STANDARD PROCEDURES**

Section	
106.401	Petition (Repealed)
106.402	Notice of Petition (Repealed)
106.403	Recommendation (Repealed)
106.404	Response (Repealed)
106.405	Public Comment (Repealed)
106.406	Public Hearings (Repealed)

106.407	Decision (Repealed)
106.408	Appeal (Repealed)
106.410	Scope and Applicability
106.411	Joint or Single Petition
106.412	Request to Agency to Join as Co-Petitioner
106.413	Contents of Petition
106.414	Response and Reply
106.415	Notice and Conduct of Hearing
106.416	Opinions and Orders

#### **SUBPART E: AIR ADJUSTED STANDARD PROCEDURES**

Section	
106.501	Scope and Applicability
106.502	Joint or Single Petition
106.503	Request to Agency to Join As Co-Petitioner
106.504	Contents of Petition
106.505	Response and Reply
106.506	Notice and Conduct of Hearing
106.507	Opinions and Orders

#### **SUBPART F: WATER WELL SETBACK EXCEPTION PROCEDURES**

Section	
106.601	Scope and Applicability
106.602	Contents of Petition
106.603	Response and Reply
106.604	Notice and Conduct of Hearing
106.605	Opinions and Orders

#### **SUBPART G: ADJUSTED STANDARDS**

Section	
106.701	Applicability
106.702	Definitions
106.703	Joint or Single Petition
106.704	Request to Agency to Join As Co-Petitioner
106.705	Petition Contents
106.706	Petition Verification
106.707	Federal Procedural Requirements
106.708	Incorporated Material
106.709	Motions
106.710	Service of Filings
106.711	Petition Notice

106.712	Proof of Petition Notice
106.713	Request for Public Hearing
106.714	Agency Response
106.715	Amended Petition and Amended Response
106.801	Hearing Scheduled
106.802	Hearing Notice
106.803	Pre-Hearing Submission of Testimony and Exhibits
106.804	Discovery
106.805	Admissible Evidence
106.806	Order of Hearing
106.807	Post-hearing Comments
106.808	Burden of Proof
106.901	Board Deliberations
106.902	Dismissal of Petition
106.903	Board Decision
106.904	Opinion and Order
106.905	Appeal of Board Decisions
106.906	Publication of Adjusted Standards
106.907	Effect of Filing a Petition

**SUBPART H: REVOCATION AND REOPENING OF CLEAN AIR ACT PERMIT  
PROGRAM (CAAPP) PERMITS**

Section	
106.910	Applicability
106.911	Definitions
106.912	Petition
106.913	Response and Reply
106.914	Notice and Hearing
106.915	Opinion and Order
106.916	USEPA Review of Proposed Determination

**SUBPART I: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY  
DETERMINATIONS**

Section	
106.920	Applicability
106.921	Definitions
106.922	Petition
106.923	Response and Reply
106.924	Notice and Hearing
106.925	Opinion and Order

**SUBPART J: CULPABILITY DETERMINATIONS**

Section	
106.930	Applicability
106.931	Petition for Review
106.932	Response and Reply
106.933	Notice and Hearing
106.934	Opinion and Order

**SUBPART K: INVOLUNTARY TERMINATION OF ENVIRONMENTAL  
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)**

Section	
106.940	Purpose, Applicability
106.942	Definitions
106.944	Severability
106.945	Termination Under Section 52.3-4(b) of the Act
106.946	Who May Initiate, Parties
106.948	Notice, Statement of Deficiency, Answer
106.950	Service
106.952	Notice of Hearing
106.954	Deficient Performance
106.956	Board Decision
106.958	Burden of Proof
106.960	Motions, Responses
106.962	Intervention
106.964	Continuances
106.966	Discovery, Admissions
106.968	Subpoenas
106.970	Settlement Procedure
106.972	Authority of Hearing Officer, Board Members and Board Assistants
106.974	Order and Conduct of Hearing
106.976	Evidentiary Matters
106.978	Post-Hearing Procedures
106.980	Motion After Entry of Final Order
106.982	Relief from Section 106.956 Final Orders

**SUBPART L: Outstanding Resource Waters Determination**

<u>Section</u>	
<u>106.990</u>	<u>Applicability</u>
<u>106.991</u>	<u>Definitions</u>
<u>106.992</u>	<u>Petition</u>
<u>106.993</u>	<u>Publication</u>

106.994          Petition Contents  
106.995          Board Action

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 14.2(c), 22.4, 27, 28, 28.1, 28.5, 39.5 and 52.3 and authorized by Sections 26, 39.5 and 52.3 of the Environmental Protection Act [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5, 26, 39.5 and 52.3]

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended in R93-30 at 18 Ill. Reg. 11579, effective July 11, 1994; amended in R99-9 at 23 Ill. Reg. 2697, effective February 16, 1999; amended in \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 106.990 Applicability

The procedures set forth in this Subpart apply to any person seeking an Outstanding Resource Water “ORW” designation for a surface water or any segment thereof as provided by 35 Ill. Adm. Code 303.205. This Subpart shall be read in conjunction with 35 Ill. Adm. Code 102 that contains procedures generally applicable to regulatory and informational hearings and proceedings. In a proceeding held pursuant to this Subpart, the requirements of this Subpart shall apply in the event of conflict between the requirements of 35 Ill. Adm. Code 102 and those of this Subpart.

### Section 106.991 Definitions

For the purpose of this Subpart, words and terms shall have the meanings as defined in 35 Ill. Adm. Code 102.101, unless otherwise provided.

### Section 106.992 Petition

Any person may submit a written petition for the adoption, amendment or repeal of an ORW designation. The original and nine (9) copies of each petition shall be filed with the Clerk and one copy each served upon the Agency, Illinois Department of Natural Resources (IDNR), the Attorney General, the States Attorney of each county in which the waters or water segment runs, the Chairman of the County Board of each county in which the waters or water segment runs, to each member of the General Assembly from the legislative district in which the waters or water segment runs, to current NPDES permit holders and NPDES permit applicants, applicants for federally permitted activities that require a certification from the Agency pursuant to Section 401 of the Clean Water Act, and to other persons as required by law.

### Section 106.993 Publication

A person that submits a written petition for the adoption, amendment or repeal of an ORW designation shall, within 10 days after the petition is filed, publish notice of such petition in a newspaper of general circulation in the county or counties in which the effected water body flows.

### Section 106.994 Petition Contents

The petition must be captioned in accordance with 35 Ill. Adm. Code Section 101.ILLUSTRATION A General Rulemaking. The petition must contain headings corresponding to the informational requirements of each subsection of this Section. The following information shall be contained in the petition:

- a) The proponent shall identify the waters or water segment, which is to be addressed by the proposed amendment and the language to be added, deleted or repealed. Underscoring must indicate language being added and strikeouts must indicate language being deleted.
- b) A statement describing the specific surface water or segment thereof for which the ORW designation is requested and that waters' or segment's present designation;
- c) A statement describing the area in which the specific surface water or segment thereof exists including, but not limited to:
  - 1) the existence of wetlands or natural areas;
  - 2) the life contained within that area including endangered or threatened species of plants, aquatic life or wildlife listed pursuant to the Endangered Species Act, 16 USC 1531 et seq. or the Illinois Endangered Species Protection Act, 41 ILCS 10.
- d) A statement supporting the designation including, but not limited to, the health, environmental, recreational, aesthetic or economic benefits of the designation;
- e) A statement identifying the ORW designation's anticipated impact on economic and social development. This statement should be supported by current, verifiable information including, but not limited to:
  - 1) impacts on the regional economy;
  - 2) impacts on regional employment;
  - 3) impacts on the community;
  - 4) a comparison of the health and environmental impacts to the economic impact of an ORW designation;
- f) A statement describing the existing and anticipated uses of the specific surface water or segment thereof for which the ORW designation is requested;
- g) A statement describing the existing and anticipated quality of the specific surface water or segment thereof warranting the ORW designation;
- h) A synopsis of all testimony to be presented by the proponent at hearing;

- i) Copies of any material to be incorporated by reference within the proposed designation pursuant to Section 5-75 of the Administrative Procedures Act;
- j) Proof of service upon all persons required to be served pursuant to Section 106.942 of this Part and proof of publication required by Section 106.943 of this Part;
- k) Unless the proponent is the Agency, Illinois Department of Natural Resources or receives a waiver by the Board, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.160(a); and
- l) Where any information required by this Section is inapplicable or unavailable, a complete justification for such inapplicability or unavailability.

#### Section 106.995 Board Action

- a) Dismissal
  - 1) Failure of the proponent to satisfy the content requirements for petitions under this Subpart or failure to respond to Board requests for additional information will render a petition subject to dismissal for inadequacy.
  - 2) Failure of the proponent to pursue disposition of the petition in a timely manner will render a petition subject to dismissal. In making this determination, the Board shall consider factors including but not limited to, the history of the proceeding and the proponent's compliance with any Board or hearing officer orders.
  - 3) Any person may file a motion challenging the sufficiency of the petition pursuant to 35 Ill. Adm. Code 101.243.
  - 4) The Board shall dismiss a petition for inadequacy in cases in which the Board, after evaluating the petition, cannot determine the jurisdictional basis on which the petition is made. In all such cases, a statement informing the proponent of the Board's basis for dismissal will be made. Dismissal of the petition does not bar a proponent from re-submitting a petition in the absence of any deadline imposed by the Act or Board regulations.



b) Designation of ORW

A) The Board shall designate a water body or water body segment as an ORW and list it in Ill. Adm. Code 303.206 if it finds:

2) the water body or water body segment is of uniquely high biological or recreational quality; and

3) the benefits of protection of the water from future degradation outweigh the benefits of economic or social opportunities that will be lost if the water is designated as an ORW.

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

**PART 302  
WATER QUALITY STANDARDS**

**SUBPART A: GENERAL WATER QUALITY PROVISIONS**

Section	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDS
302.103	Stream Flows
302.104	Main River Temperatures
302.105	<u>Antidegradation</u> <del>Nondegradation</del>

**SUBPART B: GENERAL USE WATER QUALITY STANDARDS**

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Ammonia Nitrogen and Un-ionized Ammonia
302.213	Effluent Modified Waters (Ammonia)

**SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS**

Section	
302.301	Scope and Applicability
302.302	Algicide Permits
302.303	Finished Water Standards
302.304	Chemical Constituents

- 302.305 Other Contaminants
- 302.306 Fecal Coliform

**SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE  
STANDARDS**

- Section
- 302.401 Scope and Applicability
- 302.402 Purpose
- 302.403 Unnatural Sludge
- 302.404 pH
- 302.405 Dissolved Oxygen
- 302.406 Fecal Coliform (Repealed)
- 302.407 Chemical Constituents
- 302.408 Temperature
- 302.409 Cyanide
- 302.410 Substances Toxic to Aquatic Life

**SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS**

- Section
- 302.501 Scope, Applicability, and Definitions
- 302.502 Dissolved Oxygen
- 302.503 pH
- 302.504 Chemical Constituents
- 302.505 Fecal Coliform
- 302.506 Temperature
- 302.507 Thermal Standards for Existing Sources on January 1, 1971
- 302.508 Thermal Standards for Sources under Construction But Not in Operation on  
January 1, 1971
- 302.509 Other Sources
- 302.510 Incorporations by Reference
- 302.515 Offensive Conditions
- 302.520 Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
- 302.521 Supplemental Antidegradation Provisions for BCCs
- 302.525 Radioactivity
- 302.530 Supplemental Mixing Provisions for BCCs
- 302.535 Ammonia Nitrogen
- 302.540 Other Toxic Substances
- 302.545 Data Requirements
- 302.550 Analytical Testing

- 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
- 302.555 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC):  
Independent of Water Chemistry
- 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC):  
Dependent on Water Chemistry
- 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
- 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the  
Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
- 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
- 302.575 Procedures for Deriving Tier I Water Quality Criteria in the Lake Michigan Basin to Protect Wildlife
- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect  
Human Health – General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

**SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA**

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance –  
General Procedures
- 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of  
Water Chemistry

- 302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
- 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
- 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
- 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
- 302.633 The Wild and Domestic Animal Protection Criterion
- 302.642 The Human Threshold Criterion
- 302.645 Determining the Acceptable Daily Intake
- 302.648 Determining the Human Threshold Criterion
- 302.651 The Human Nonthreshold Criterion
- 302.654 Determining the Risk Associated Intake
- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 StreamFlow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules

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. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 21 Ill. Reg. 1356, effective December 24, 1997; amended in \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 302.105      Antidegradation

The purpose of this Section is to maintain high quality waters and to prevent unnecessary deterioration of waters of the State.

a) Existing Uses

Uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards, must be maintained and protected. Examples of degradation of existing uses of the waters of the State include but are not limited to:

- 1) an action that would result in the deterioration of the existing aquatic community, such as a shift from a community of predominantly pollutant-sensitive species to pollutant-tolerant species or a loss of species diversity; or
- 2) an action that would result in a loss of a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities.

b) Outstanding Resource Waters

- 1) Waters that are classified as an Outstanding Resource Water (ORW) pursuant to 35 Ill. Adm. Code 303.205 must not be lowered in quality except as provided below:
  - A) An activity that results in short-term, temporary (i.e., weeks or months) lowering of water quality; or
  - B) Existing site stormwater discharges that comply with applicable federal and state storm water management regulations and do not result in a violation of any water quality standards; and
  - C) The proponent of any activity requiring a National Pollutant Discharge Elimination System (NPDES) or a Clean Water Act (CWA) Section 401 certification must also submit a demonstration to the Agency meeting the requirements of subsections b(2) and c(2) of this Section.

- 2) Any activity listed in subsection (b)(1) or proposed increase in pollutant loading must also meet the following requirements:
  - A) All existing uses of the water will be fully protected;
  - B) The proposed increase in pollutant loading is necessary for an activity that will improve water quality in the ORW; and
  - C) The improvement could not be practicably achieved without the proposed increase in pollutant loading.
- 3) Any proposed increase in pollutant loading requiring an NPDES permit or a CWA 401 certification for an ORW must be assessed pursuant to 35 Ill. Adm. Code Part 354 to determine compliance with this Section.

c) High Quality Waters

- 1) Except as otherwise provided in subsection (d) of this Section, waters of the State whose existing quality exceeds established standards of this Part must be maintained in their present high quality, unless the proponent can demonstrate pursuant to subsection (c)(2) of this Section, that allowing the lowering of water quality, is necessary to accommodate important economic or social development.
- 2) Any proposed increase in pollutant loading subject to a NPDES permit or CWA Section 401 certification must be assessed pursuant to 35 Ill. Adm. Code Part 354 to determine compliance with this Section.
  - A) The Agency shall consider the fate and effect of any parameters proposed for an increased pollutant loading.
  - B) The proponent of an increased pollutant loading shall demonstrate the following:
    - i) The applicable numeric or narrative water quality standard must not be exceeded as a result of the proposed activity;
    - ii) All existing uses must be fully protected;

- iii) All technically and economically reasonable measures to avoid or minimize the extent of the proposed load increase have been incorporated into the proposed activity; and
- iv) The activity that results in an increased pollutant loading must benefit the community at large.

d) Activities Not Subject to an Antidegradation Demonstration

The following activities will not be subject to an antidegradation demonstration pursuant to subsection (c) of this Section.

- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
- 2) Bypasses that are not prohibited at 40 CFR 122.41(m);
- 3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar federal or State authority, taken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose a danger to public health or welfare;
- 4) A thermal discharge that has been approved through a CWA Section 316(a) demonstration;
- 5) New or increased discharges of a non-contact cooling water, without additives, returned to the same body of water from which it was taken as defined by 35 Ill. Adm. Code 352.104, provided that the discharge complies with applicable Illinois thermal standards; or
- 6) Discharges permitted under a current general NPDES permit as provided by 415 ILCS 5/39(b), are not subject to facility-specific antidegradation review.

e) Lake Michigan Basin

Waters in the Lake Michigan basin as identified in 35 Ill. Adm. Code 303.443 are also subject to the requirements applicable to bioaccumulative chemicals of concern found at Section 302.521 of this Part.



## Section 302.105 Nondegradation

~~Except as otherwise provided in Section 302.520, waters whose existing quality is better than the established standards at their date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in, such waters and that such change is justifiable as a result of necessary economic or social development.~~

**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

**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	Secondary Contact and Indigenous Aquatic Life Waters
303.205	

**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
303.321	Wabash River Temperature
303.322	Unnamed Tributary of the Vermilion River
303.323	Sugar Creek and Its Unnamed Tributary
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
- 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

#### SUBPART D: THERMAL DISCHARGES

##### Section

- 303.500 Scope and Applicability
- 303.502 Lake Sangchris Thermal Discharges

##### APPENDIX A References to Previous Rules

##### 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; 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 \_\_\_\_\_ at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### **Section 303.205 Outstanding Resource Waters**

An Outstanding Resource Water (ORW) is a water body or water body segment that is of uniquely high biological or recreational quality and shall be designated by the Board pursuant to 35 Ill. Adm. Code 106, Subpart L.

- a) Outstanding Resource Waters (“ORW”) shall be listed in Section 303.206 of this Part. In addition to all other applicable use designations and water quality standards contained in this Subtitle, an ORW is subject to the antidegradation provision of Section 302.105(b).
- b) Stream segments that have a 7Q10 low flow of zero will generally not be considered a candidate for this designation.
- c) A petition to designate a water or water segment as an ORW must be submitted to the Illinois Pollution Control Board pursuant to the procedural rules found in 35 Ill. Adm. Code 106, Subpart L.

### **Section 303.206 List of Outstanding Resource Waters (Reserved)**