

Board Adopts for Proposed Second Notice Rules to Establish the Recreational Use Designations for the Chicago Area Waterway System

The Board, on June 2, 2011, adopted a proposed second notice opinion and order in a rulemaking to establish recreation use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR). The proposal is 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 (R08-09A).

The Board is adopting this proposed second notice to solicit comments from the participants. This action is in response to a May 24, 2011 motion for stay by the Illinois Environmental Protection Agency (IEPA). In the proposed second notice the Board is proposing four categories of recreational use designation for the CAWS and the LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non Recreation.

Segments of the CAWS proposed for Primary Contact Recreation are: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch Chicago River; 2) North Branch Chicago River from its confluence with North Shore Channel to its confluence with South Branch Chicago River and Chicago River; 3) Chicago River; 4) South Branch Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

Segments of the CAWS and LDPR proposed for Incidental Contact Recreation are: 1) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant; 2) South Fork of the South Branch Chicago River; 3) Chicago Sanitary and Ship Canal from its confluence with South Branch Chicago River to its confluence with Calumet-Sag Channel; 4) Calumet River from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River; 5) Lake Calumet and Lake Calumet Connecting Channel; 6) Grand Calumet River; and 7) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge.

The final three segments of the CAWS and LDPR that at first notice were designated for Non-contact Recreation or Non-recreation remain the same for second notice. The Non-contact Recreation use designation is proposed for Calumet River from Lake Michigan to Torrence Avenue. The Non-recreation use designation is proposed for: 1) Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; and 2) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam.

The Board will accept comment on the proposed second notice until 4:30 PM, June 10, 2011, and the mailbox rule will not apply. The docket number for this rulemaking, R08-09A, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center

100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

For more information contact Marie Tipsord at (312)-814-4925 or email at tipsorm@ipcb.state.il.us.