

SUMMARY OF EPA'S ACTIONS ON ILLINOIS' NEW AND REVISED WATER QUALITY STANDARDS FOR THE CAWS AND LDPR

On September 26, 2011, the Illinois Environmental Protection Agency (IEPA) submitted, for review and approval by the U.S. Environmental Protection Agency in accordance with section 303(c) of the Clean Water Act (CWA), Illinois' new and revised water quality standards for 17 specific segments of the Chicago Area Waterway System (CAWS) and Lower Des Plaines River (LDPR). These new and revised water quality standards are set forth at 35 Ill. Admin. Code 301.247, 301.282, 301.307, 301.323, 301.324, 303.102, 303.204, 303.220, 303.225, 303.227 and 303.441. The IEPA also submitted relevant portions of the administrative record developed by the Illinois Pollution Control Board (IPCB) in support of the new and revised water quality standards, including Use Attainability Analyses (UAAs) for the CAWS and the LDPR. On October 26, 2011, the Illinois Attorney General's Office submitted a letter to the EPA certifying, in accordance with 40 CFR 131.6(e), that Illinois' new and revised water quality standards were duly adopted pursuant to Illinois law.

On November 3, 2011, the EPA approved a portion of Illinois' new and revised water quality standards in accordance with section 303(c)(3) of the CWA. Specifically, the EPA approved 35 Ill. Admin. Code 301.282, 301.323 and 303.220(a)-(b) and (d)-(f), which established definitions of "Primary Contact Recreation" and "Incidental Contact Recreation," and established a Primary Contact Recreation use designation for five segments of the CAWS. The already-approved provisions establishing the primary contact use are not at issue in today's action.

Today's action, as summarized in Table 1, addresses new and revised standards pertaining to recreation for the 12 segments not addressed in EPA's November 3, 2011 letter, as well as other uses (e.g., aquatic life) and associated criteria for all CAWS and LDPR segments. Each category of action described in Table 1 includes a reference to the relevant section of a document entitled "Basis for the EPA's Decision Regarding New and Revised Water Quality Standards for the CAWS and LDPR," which provides the EPA's rationale for today's action. The "Basis for Decision" document is not enclosed with the letter to the IEPA setting forth the EPA's action, but is available from the EPA's Chicago River website at www.epa.gov/region5/chicagoriver.

Table 1. Summary of EPA’s actions regarding each segment of the CAWS and LDPR and their applicable water quality standards with regards to recreation and uses other than recreation, where “uses other than recreation” means the aspects of the General Use that provides protection for aquatic life and wildlife, agricultural use, most industrial uses, and aesthetic quality as described in 35 Ill. Admin. Code 302.202.

Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 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; South Branch of the Chicago River ; Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; Calumet-Sag Channel	
Today’s EPA Actions	Applicable WQS
Recreational Uses	
Approved 35 Ill. Admin. Code 301.282, 301.323, and 303.220(a)-(b) and (d)-(f) to the extent that they establish a primary contact recreation use for these five segments. <i>Per EPA’s Nov. 3, 2011 action letter.</i>	Primary Contact Recreation Use
Other Standards	
Approved 35 Ill. Admin. Code 301.247 and 303.204 to the extent that they retain previously-approved Indigenous Aquatic Life standards for these five segments. Approved repeal of 303.441(b),(c), (g), and (h) and the first sentence of (j). <i>See</i> Basis for Decision Section III.A.4	Indigenous Aquatic Life Use and criteria set forth in 35 Ill. Admin Code 302 Subpart D. Additionally, the dissolved oxygen in the Lower North Shore Channel shall not be less than 5 mg/l during 16 hours of any 24 hour period, nor less than 4 mg/l at any time.
Disapproved repeal of last sentence at 35 Ill. Admin. Code 303.441(j) that removed the site-specific dissolved oxygen criteria that previously applied for the Lower North Shore Channel. <i>See</i> Basis for Decision Section III.C.3	

Table 1 (Continued)

Chicago River	
Today's EPA Actions	Applicable WQS
Recreational Uses	
<p>Approved 35 Ill. Admin. Code 303.220(c) to the extent that it changed the name of the recreation use designation from “General Use” to “Primary Contact Recreation.”</p> <p><i>See</i> Basis for Decision Section III. A. 3</p>	<p>Primary Contact Recreation Use</p>
Other Standards	
<p>Disapproved 35 Ill. Admin. Code 301.247, 303.204 and 303.220(c) to the extent that they removed: (1) the aspects of Illinois’ General Use designation that protected uses other than recreation, and (2) all General Use criteria, including criteria protecting primary contact recreation and uses other than recreation.</p> <p><i>See</i> Basis for Decision Section III.C.3</p>	<p>General Use and criteria set forth in 35 Ill. Admin Code 302 Subpart B</p>

Table 1 (Continued)

<p>South Fork of the South Branch of the Chicago River (Bubbly Creek); Chicago Sanitary and Ship Canal from its confluence with South Branch of the Chicago River to its confluence with Calumet-Sag Channel; Lake Calumet; Lake Calumet Connecting Channel; Grand Calumet River; Lower Des Plaines River from the Brandon Road Lock and Dam to Interstate 55 bridge</p>	
Today's EPA Actions	Applicable WQS
Recreational Uses	
<p>Approved 35 Ill. Admin. Code 303.225(b)-(c) and (e)-(h) that changed the name of the recreational use designation from “Secondary Contact” to “Incidental Contact Waters” for these six segments.</p> <p>Approved repeal of 303.441(d), (f), and (g) to the extent the repeal removes the previous “Secondary Contact” use for these segments.</p> <p>Approved repeal of 303.441(a) to the extent the repeal removes the previous “Secondary Contact” use for the portion of the Chicago Sanitary and Ship Canal extending from its confluence with South Branch of the Chicago River to its confluence with Calumet-Sag Channel.</p> <p>Approved repeal of 303.441(i) to the extent the repeal removes the previous “Secondary Contact” use for the portion of the Lower Des Plaines River from the Brandon Road Lock and Dam to Interstate 55 bridge.</p> <p><i>See</i> Basis for Decision Section III.A.1</p>	<p>Incidental Contact Recreation Use</p>
Other Standards	
<p>Approved 35 Ill. Admin. Code 301.247, 301.307 and 303.204 to the extent that they retain previously-approved Indigenous Aquatic Life standards pertaining to these six segments.</p> <p>Approved repeal of 303.441(a), (d)-(g), and (i) to the extent they retain previously-approved Indigenous Aquatic Life standards for these six segments.</p> <p><i>See</i> Basis for Decision Section III.A.4</p>	<p>Indigenous Aquatic Life Use and criteria set forth in 35 Ill. Admin Code 302 Subpart D</p>

Table 1 (Continued)

Calumet River from O’Brien Locks and Dam to its confluence with Grand Calumet River and Little Calumet River	
Today’s EPA Actions	Applicable WQS
Recreational Uses	
<p>Approved 35 Ill. Admin. Code 303.225(d) to the extent that the revisions changed the name of the recreational use designation “Secondary Contact” to “Incidental Contact Waters” for the portion of the Calumet River from O’Brien Locks and Dam to its confluence with Grand Calumet River and Little Calumet River</p> <p><i>See</i> Basis for Decision Section III.A.2</p>	Incidental Contact Recreation Use
Other Standards	
<p>Approved 35 Ill. Admin. Code 301.247, 301.307 and 303.204 to the extent that they retain previously-approved Indigenous Aquatic Life standards for the portion of the Calumet River from O’Brien Locks and Dam to its confluence with Grand Calumet River and Little Calumet River</p> <p>Approved repeal of 303.441(e) to the extent that they retain previously-approved Indigenous Aquatic Life standards for the portion of the Calumet River from O’Brien Locks and Dam to its confluence with Grand Calumet River and Little Calumet River</p> <p><i>See</i> Basis for Decision Section III.A.4</p>	Indigenous Aquatic Life Use and criteria set forth 35 Ill. Admin Code 302 Subpart D

Table 1 (Continued)

Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant; Calumet River from Lake Michigan to the O'Brien Locks and Dam	
Today's EPA Actions	Applicable WQS
Recreational Uses	
<p>Disapproved 35 Ill. Admin. Code 303.225(a), 303.225(d), and 303.227(a) to the extent that they removed the aspects of the General Use designation providing for recreation in and on the water for these two segments.</p> <p><i>See</i> Basis of Decision Section III.C.1</p>	General Use
Other Standards	
<p>Disapproved 35 Ill. Admin. Code 301.247, 303.204, 303.225(a), 303.225(d), and 303.227(a), to the extent that they removed: (1) the aspects of Illinois' General Use designation that protected uses other than recreation and (2) all General Use criteria, including criteria protecting primary contact recreation and uses other than recreation.</p> <p><i>See</i> Basis for Decision Section III.C.3</p>	General Use and criteria set forth in 35 Ill. Admin Code 302 Subpart B

Table 1 (Continued)

<p>Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock</p>	
Today's EPA Actions	Applicable WQS
Recreational Uses	
<p>Disapproved 35 Ill. Admin. Code 303.227(b) that changed the recreation use designation from "Secondary Contact" to "Non-recreational" for these two segments.</p> <p>Disapproved repeal of 303.441(a) to the extent the repeal removed the Secondary Contact Recreational Use designation for the Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River.</p> <p>Disapproved repeal of 303.441(i) to the extent the repeal removed the Secondary Contact Recreational Use designation for the Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock.</p> <p><i>See</i> Basis for Decision Section III.C.2</p>	<p>Secondary Contact Recreation Use</p>
Other Standards	
<p>Approved 35 Ill. Admin. Code 301.247, 301.307 and 303.204 to the extent that they retain previously-approved Indigenous Aquatic Life standards for these two segments.</p> <p>Approved repeal of 303.441(a) and (i) to the extent that they retain previously-approved Indigenous Aquatic Life standards for these two segments.</p> <p><i>See</i> Basis for Decision Section III.A.4</p>	<p>Indigenous Aquatic Life Use and criteria set forth 35 Ill. Admin Code 302 Subpart D</p>