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LEGAL ALERT

The Need to Act Fast for Temporary Relief from the New Chloride Water Quality Standards

The Illinois Pollution Control Board (IPCB) finalized a new water quality standard for chloride for the Chicago Area Waterway System (CAWS) and Lower Des Plaines River. The new water quality standard for chloride will go into effect on July 1, 2018. Because of the adoption of the chloride water quality standard, where necessary, the Illinois Environmental Protection Agency will be obligated to incorporate chloride limits into the National Pollutant Discharge Elimination System (NPDES) permits. The new standard was developed because area streams are being contaminated with excess chloride primarily from the utilization of road salt during the winter. Currently, many reaches of the CAWS and Lower Des Plaines River would not always meet the new chloride water quality standard of 500 milligrams per liter (mg/L) during winter months. The impacts of these new chloride standards are significant.

For dischargers with a National Pollutant Discharge Elimination System (NPDES) permit (such as wastewater treatment plants), no new or expansion permits will be issued unless action is taken.

For municipalities with a Municipal Separate Storm Sewer System (MS4), general permit violations will occur unless measures are adopted.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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The Need to Act Fast for Temporary Relief from the New Chloride Water Quality Standards (Cont'd).

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To address the issue of the new chloride water quality standard and its impact on NPDES permit holders, a stakeholder group, which includes several municipalities, has been formed to develop joint and individual submittals that seek a time-limited water quality standard (TLWQS) from these new chloride standards. A joint submittal for all the members will set forth the required regulatory structure that is broadly applicable to dischargers that may be covered by the TLWQS from the chloride standards for the defined watersheds. This joint submittal will supplement municipal-specific information that will be filed with the Pollution Control Board in the municipality's individual submittal.

If your community is not already a member of this stakeholder group, you need to act fast in order for it to be part of the TLWQS and get relief from the effluent limits based on the new standards.

If you do not get relief, upon implementation of the chloride standard, a permittee must demonstrate compliance which may be difficult or impossible to meet without enormous cost. If a waterbody is impaired for chlorides, a permittee is prohibited from any additional chloride loading. Projects requiring a 401 certification are also prohibited from any additional loadings.

Klein, Thorpe and Jenkins, Ltd. stands ready to help your municipality achieve compliance. For more information, please contact Dennis G. Walsh, 312-984-6410.