



REGION 5

CHICAGO, IL 60604

December 11, 2024

REPLY TO THE ATTENTION OF:

WW-16J

Ms. Joey Logan-Pugh, Chief
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

Dear Ms. Logan-Pugh:

The U.S. Environmental Protection Agency appreciates the Illinois 2024 Clean Water Act (CWA) 303(d) list of impaired waters still requiring Total Maximum Daily Loads (TMDLs) submitted as part of the Illinois 2024 Integrated Report on October 2, 2024. The EPA requested additional data and information related to an issue documented below, which the Illinois Environmental Protection Agency submitted on October 30, 2024. The EPA has reviewed Illinois' submittal, including the listing decisions, the assessment methodology, and supporting data and information to determine whether Illinois reasonably identified waters to be listed as impaired. The EPA is partially approving and partially disapproving the Illinois 2024 303(d) list. The statutory and regulatory requirements, and the EPA's review of the state's conformance with each requirement, are described in the enclosed decision document.

Based on our review, the EPA partially approves Illinois' 2024 303(d) list (Appendix 1 of the enclosed decision document), because Illinois' decisions for the waters listed in Appendix 1 are consistent with Section 303(d) of the CWA and the EPA's implementing regulations.

The EPA's partial disapproval is related to Illinois EPA's assessment methodology, which indicates that for streams, lakes, and Lake Michigan, when plant or algal growth is determined to cause non-attainment of the aesthetic quality use, total phosphorus is identified as a contributing cause. However, for 19 waters identified as impaired for algae in Category 4C, which is the category reserved for non-pollutant-related impairments for which a TMDL is not required, Illinois did not document that the observed impairments were not caused by a pollutant, and thus these waters belong in Category 5 (TMDL required). Because data and information indicate the aesthetic quality use is not being met for algae for 19 waters, and Illinois did not provide a technical, science-based rationale for excluding these data nor good cause for excluding the water quality limited segments from the list, the EPA is

disapproving the list in part. Therefore, the EPA is adding these 19 waters to Illinois' 2024 303(d) list and identifying total phosphorus in Category 5. Appendix 3 of the decision document includes waters the EPA is adding to Illinois' 2024 303(d) list related to the aesthetic use for algae at this time.

The EPA identified for inclusion on Illinois' 2024 303(d) list water quality limited segments still requiring TMDLs under Section 303(d) of the CWA and the implementing regulations pursuant to 40 CFR 130.7. Pursuant to 40 CFR 130.7(d)(2), the EPA will issue a public notice providing for a 30-day public comment period regarding the addition of waters impaired by total phosphorus to Illinois' 2024 303(d) list. After considering any comments received, the EPA may make revisions, as appropriate, and will transmit its listings to Illinois.

The EPA appreciates the continued dialogue on this issue, and we look forward to our continued partnership in addressing water quality issues in Illinois. The EPA will share any comments received on the public notice of the additions to Illinois' 2024 CWA Section 303(d) list, and we will continue to collaborate with you and your staff as you prepare your 2026 303(d) list. Thank you for your attention to this matter. If you have any questions, please contact Mr. David Pfeifer, Manager, Watersheds and Wetlands Branch, at (312) 353-9024 or pfeifer.david@epa.gov.

Sincerely,

12/11/2024

A handwritten signature in black ink, appearing to read 'Tera L. Fong', is written over a horizontal line.

Tera L. Fong
Director, Water Division
Signed by: TERA FONG

ENCLOSURES

1. Decision Document for the Partial Approval and Partial Disapproval of the Illinois 2024 Clean Water Act Section 303(d) List and Appendices

cc: Nicole Vidales, Illinois EPA
Abel Haile, Illinois EPA
Christine Davis, Illinois EPA