**Section 378.204 Assessment of Waters for Protected Status**

a) The permittee shall conduct surveys necessary to determine whether affected waters currently support or have the potential to support primary contact activities. The permittee shall determine and document the following:

1) Whether the water body segments have potential for primary contact use. For example, such segments must have water depths that would ordinarily permit swimming during the months of May through October;

2) Whether the water body segments are free of obstacles to primary contact activities, such as unsuitable access to the streambank or existence of logs, log jams or other debris which render the water body hazardous or unattractive to swimmers;

3) Where the adjacent land use to water body segments would discourage primary contact activities; or

4) Whether the water bodies are being used for primary contact activities. The permittee shall make inquiries of local residents, land owners, or local law enforcement officials. The permittee shall also make a list of all downstream access areas and contact custodians to determine the uses and water-based activities of the water body segment in question.

b) The permittee shall conduct surveys necessary to determine whether any affected waters which flow through or adjacent to parks or residential areas have the potential to attract the public and create a risk of incidental or accidental contact. Such water bodies are protected by the seasonal fecal coliform standard of 35 Ill. Adm. Code 302.209(a) unless the permittee can demonstrate that access is limited by such impediments as fences or steep banks.

c) The Agency shall review the information provided by the permittee and determine whether it is accurate and complete in accordance with the requirements of this Section.