

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	R08-9
CHICAGO AREA WATERWAY SYSTEM)	(Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)	
PROPOSED AMENDMENTS TO 35 ILL.)	
Adm. Code Parts 301, 302, 303, and 304)	

NOTICE OF FILING

To:

John Therriault, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph St., Suite 11-500
 Chicago, IL 60601

Marie Tipsord, Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph St, Suite 11-500
 Chicago, Il 60601

Deborah J. Williams, Assistant Counsel
 Stefanie N. Diers, Assistant Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

Persons included on the attached
SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **PRE-FILED TESTIMONY OF GERALD W. ADELMANN** on behalf of Environmental Groups, Environmental Law and Policy Center, Natural Resources Defense Council, Prairie Rivers Network, Sierra Club – Illinois Chapter, Friends of the Chicago River, and Openlands, a copy of which is herewith served upon you.

Respectfully Submitted,



Albert Ettinger
 Senior Staff Attorney
 Environmental Law & Policy Center
 35 E. Wacker Dr. Suite 1300
 Chicago, Il 60601
 (312) 795-3707

DATED: August 4, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-09
CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE PARTS 301, 302, 303, AND 304.)

Testimony of Gerald W. Adelmann
Openlands
(August 4, 2008)

I. Introduction

My name is Jerry Adelmann. I am Executive Director of Openlands, a 45-year old conservation organization that preserves and enhances open space throughout the Northeastern Illinois region. Openlands supports stronger water quality standards in the proposed rulemaking for the Chicago Area Waterways System (CAWS) and Lower Des Plaines River (LDPR) to protect the growing number of recreational users out on our waters, and improve aquatic habitat to foster a greater diversity of fish and other wildlife in the area.

Our region has made significant economic and cultural investments in our river systems to offer a better quality of life. Communities have spent billions of dollars on projects, working hard to integrate commercial and recreational uses along these waters. The City of Chicago has embraced the Chicago River, with its downtown river walk and plans for a series of parks and a greenbelt trail system along the river's edge. As Mayor Richard M. Daley wrote in the "2005 Chicago River Agenda," "the Chicago River today is Chicago's Second Shoreline, a natural and cultural resource that plays many vital roles in the life of our city." Openlands agreed with the premise eight years ago that "[t]he Chicago River serves as a wildlife corridor, transportation route, economic hub, recreation center and floodwater conveyance resource. It is an integral

component of the region's development." "Waterways for our Future" ("2000 CAWS Study"), Openlands, Friends of the Chicago River (FOTCR), Civic Foundation (May 2000), p. 1.

Neighboring communities also rely on their connection to the waterways as an economic driver, installing and improving boat launches and enabling people to enjoy the river systems. Openlands works closely with local governments, such as Blue Island, the Chicago Park District and the Forest Preserve District of Cook County to increase the number of available non-motorized boat launches so that more people can access the water. Adopting more stringent water quality standards furthers this commitment to view the CAWS and LDPR as a valuable social and environmental resource, and will help shape smart growth throughout the Greater Chicagoland area for years to come.

II. Encouraging Safe Recreational Use on the CAWS and LDPR

Openlands has a long history of encouraging our communities to recognize and enjoy the rich network of waterways in our region. In 1997, Openlands partnered with the Illinois Paddling Council and Northeastern Illinois Planning Commission ("NIPC") to develop the Northeastern Illinois Regional Water Trail Plan. The regional vision calls for safe and adequate paddling access to 10 rivers in Northeastern Illinois, including the Chicago River, the Lower Des Plaines River, and much of the Calumet River System. As the first plan of its kind in the country, it identified 480 miles of water trails and 174 access points for paddling.

Openlands is committed to help water trails providers make this pastime safer for everyone. We advise paddlers on how they can practice safe use of the waterways, such as avoiding ingestion and sanitizing their hands after coming into contact with the river. Since kayaking, sculling, canoeing and other activities can result in such contact, Openlands supports disinfecting effluent from the Metropolitan Water Reclamation District of Greater Chicago's

Stickney, Calumet and North Side Wastewater Treatment Plants to reduce pathogens in the waterways. We have advocated since the year 2000 for “adequate limits for bacterial contamination to support all current and anticipated human usage of the Chicago River System.” 2000 CAWS Study, p. 46. This is especially important as we move closer towards the fundamental goal under the Clean Water Act that all waters are ultimately “fishable and swimmable.”

III. More Protective Aquatic Life Use Designations Can Benefit Interrelated Restoration Activities in the Region

Improving water quality and aquatic habitat along the CAWS and LDPR will benefit ecology, tourism and recreation throughout the area. These waterways are hydrologically connected to higher quality streams that organizations, such as Openlands, have worked for decades to preserve and restore. Stronger designated uses and criteria to protect them can play an integral part in maintaining, and ultimately improving our waterways throughout the region.

A. Illinois and Michigan Canal

The Illinois and Michigan Canal (“I & M Canal”), the spine of America’s first National Heritage Corridor, runs parallel to the Chicago Sanitary Ship Canal (CSSC). In 1848, the I & M Canal became the final link in the national plan to connect waterways from the east coast to the Gulf of Mexico. It sparked Midwest commerce and secured Chicago’s future as a major city. Efforts to create a park along the canal route began in the heart of the Great Depression, after it closed in 1933. The Illinois Department of Natural Resources preserved a 60-mile section from Joliet to LaSalle in 1974, designating it the Illinois and Michigan Canal State Trail.

In the late 1970s, I became involved in cultivating a combined historic, cultural and natural corridor that embraced towns, industries and natural areas from LaSalle/Peru to Chicago.

Ultimately, in 1984, President Ronald Reagan signed a bill to designate the 100-mile region as a National Heritage Corridor. This nationally recognized area extends beyond the I & M Canal to include the Calumet Sag Channel and part of the Chicago River, which are both part of this rulemaking.

Natural areas within this heritage corridor are rich in wildlife and contain globally threatened ecosystems. At least twenty varieties of waterfowl migrate through the region. Recreational opportunities abound, including fishing and boating. The proposed rulemaking is important to preserving this great legacy. By looking forward to what the waterways are now capable of attaining, we can improve opportunities for people to experience the natural beauty, diversity and tranquility of the region.

B. Jackson Creek

Openlands is also involved in monitoring, restoring and watershed planning for Jackson Creek, a high quality tributary to the LDPR, a mile and a half upstream from the I-55 bridge. As Laura Barghusen will explain in her testimony, one of the reasons that Jackson Creek is threatened is because it lacks a connection to a high quality downstream recruitment source for fish and mussel species. Improving water quality and aquatic habitat in the LDPR can increase the diversity of aquatic life in Jackson Creek, making it less vulnerable to the effects of drought and urbanization.

IV. Conclusion

The rulemaking is a critical step for the future of our waters and our region. The proposed recreational and aquatic life uses are a reflection of both the dramatic improvements and brighter potential for the river systems to eventually be classified as general use waterways. Over the last 30 years, we have breathed new life into the CAWS and LDPR. Now that people

are responding in unprecedented numbers, it is important to extend greater protections, especially when disinfection occurs in virtually every other major metropolitan area. Improved aquatic life use designations are also fundamental in creating habitat conditions for greater biodiversity. Cleaner water and better aquatic habitat will ultimately help restore the health of our river systems, while contributing to a larger vision of preserving our natural, cultural and historical heritage along our waterways.

Submitted by: 
Gerald W. Adelman
Executive Director
Openlands
25 E. Washington, Suite 1650
Chicago, Illinois 60602

Date: August 4, 2008

STATE OF ILLINOIS)
)
COUNTY OF COOK)

PROOF OF SERVICE

I, Albert Ettinger, on oath state that I have served the attached **PRE-FILED TESTIMONY OF JERRY ADELMAN** via U.S. Mail, first class postage prepaid, from 35 East Wacker Drive, Illinois to All Counsel of Record on the attached Service List, on this 4th day of August, 2008

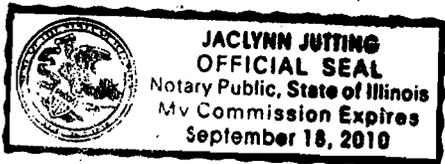


Albert F. Ettinger
Senior Staff Attorney
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1300
Chicago, IL 60601

Subscribed and sworn to before me
This 4th Day of August, 2008



Notary Public



SERVICE LIST R08-09

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
100 West Randolph St
Suite 11-500
Chicago, IL 60601

Frederick Feldman
Ronald Hill
Louis Kollias
Margaret Conway
Metropolitan Water Reclamation District
100 East Erie St
Chicago, IL 60611

Richard Kissel
Roy Harsch
DrinkerBiddle
191 N. Wacker Dr.
Suite 3700
Chicago, IL 60606-1698

Claire Manning
Brown Hay & Stephens LLP
700 First Mercantile Bank Bldg
205 S. Fifth St
Springfield, IL 62705-2459

Deborah J. Williams
Stefanie N. Diers
Illinois EPA
1021 North Grand Avenue
Springfield, IL 62794-9276

Katherine Hodge
Monica Rios
Hodge Dwyer Zeman
3150 Roland Avenue
Springfield, IL 62705-5776

Charles Wesselhoft
James Harrington
Ross & Hardies
150 N. Michigan Ave
Chicago, IL 60601-7567

Dennis L. Duffield
Director of Public Works & Utilities
City of Joliet
921 E. Washington St
Joliet, IL 60431

Keith Harley
Elizabeth Schenkier
Chicago Legal Clinic, Inc.
205 West Monroe Street
4th Floor
Chicago, IL 60606

Frederick Keady
Vermillion Coal Company
1979 Johns Drive
Glenview, IL 60025

Fred L. Hubbard
P.O. Box 12
16 West Madison
Danville, IL 61834

Georgia Vlahos
Naval Training Center
2601A Paul Jones St
Great Lakes, IL 60088-2845

W.C. Blanton
Blackwell Sanders LLP
4801 Main St
Suite 1000
Kansas City, MO 64112

Kay Anderson
American Bottoms
One American Bottoms Road
Sauget, IL 62201

James L. Daugherty
Thorn Creek Basin Sanitary District
700 West End Avenue
Chicago Heights, IL 60411

Jeffrey C. Fort
Ariel J. Tesher
Sonnenschein Nath & Rosenthal LLP
7800 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6404

Sharon Neal
Commonwealth Edison
125 South Clark Street
Chicago, IL 60603

Dr. Thomas J. Murphy
2325 N. Clifton St
Chicago, IL 60614

Tracy Elzemeyer
American Water Company
727 Craig Road
St. Louis, MO 63141

Beth Steinhorn
2021 Timberbrook
Springfield, IL 62702

Margaret P. Howard
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

Ann Alexander
Natural Resources Defense Council
101 N. Wacker Dr
Suite 609
Chicago, IL 60606

Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, IL 60025

Cathy Hudzik
City of Chicago
Mayor's Office of Intergovernmental Affairs
121 North LaSalle Street, Room 406
Chicago, IL 60602

James Huff
Huff & Huff, Inc.
915 Harger Road, Suite 330
Oak Brook, IL 60523

Traci Barkley
Prairie Rivers Networks
1902 Fox Drive, Suite 6
Champaign, IL 61820

William Richardson
Chief Legal Counsel
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, IL 62702

Thomas V. Skinner
Thomas W. Dimond
Kevin Descharnais
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606

Robert VanGyseghem
City of Geneva
1800 South St
Geneva, IL 60134-2203

Jack Darin
Sierra Club
70 E. Lake St
Suite 1500
Chicago, IL 60601-7447

Jerry Paulsen
Cindy Skrukud
McHenry County Defenders
132 Cass Street
Woodstock, IL 60098

Bob Carter
Bloomington Normal Water Reclamation
PO Box 3307
Bloomington, IL 61702-3307

Matthew Dunn
Office of the Attorney General
Environmental Bureau North
69 West Washington Street
Suite 1800
Chicago, IL 60602

Tom Muth
Fox Metro Water Reclamation District
682 State Route 31
Oswego, IL 60543

Albert Ettinger
Freeman Freeman & Salzman
401 N. Michigan Ave
Chicago, IL 60611

Kenneth W. Liss
Andrews Environmental Engineering
3300 Ginger Creek Drive
Springfield, IL 62711

Bernard Sawyer
Thomas Grant
Metropolitan Water Reclamation District
6001 W. Pershing Rd
Cicero, IL 60650-4112

Albert Ettinger
Jessica Dexter
Environmental Law & Policy Center
35 E. Wacker
Suite 1300
Chicago, IL 60601

Lisa Frede
Chemical Industry Council of Illinois
2250 E. Devon Ave
Suite 239
Des Plaines, IL 60018-4509

Vicky McKinley
Evanston Environmental Board
223 Grey Avenue
Evanston, IL 60202

Fredric Andes
Erika Powers
Barnes & Thornburg
1 North Wacker Dr
Suite 4400
Chicago, IL 60606

Marc Miller
Jamie S. Caston
Office of Lt. Governor Pat Quinn
Room 414 State House
Springfield, IL 62706