

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 LAURA BARGHUSEN** 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

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Testimony of Laura Barghusen

Openlands

(August 4, 2008)

My name is Laura Barghusen and I am the Associate Greenways Director for Openlands.

I am here to testify in support of stronger water quality standards proposed by the Illinois Environmental Protection Agency (Illinois EPA) in this proceeding, including more protective recreational use and aquatic life use designations for the Chicago, Calumet and Lower Des Plaines River systems.

I. **Introduction**

The Openlands Greenways Department partners with state agencies, local governments and other organizations to increase recreational use of our area waterways. It has been a major force in planning and promoting water trails in northeastern Illinois. The Department actively seeks to realize these plans through on-the-ground projects to install canoe and kayak access points and signage. It raises public awareness and involvement by coordinating training for citizens on water monitoring techniques and advocacy for water quality.

Openlands assists local governments, homeowners, citizen groups, and developers to enhance and protect water quality and aquatic habitat through watershed planning and restoration projects. Through this work we strive to protect both existing and attainable recreational and

aquatic life uses of waterways in northeastern Illinois and further the goals of the Clean Water Act to make these waterways fishable and swimmable.

II. **Northeastern Illinois Regional Water Trail Plan**

Openlands uses the Northeastern Illinois Regional Water Trail Plan as a guide in our work to enhance access to waterways in the region. The water trail plan was co-authored by Openlands, Illinois Paddling Council and the Northeastern Illinois Planning Commission (NIPC) (now the Chicago Metropolitan Agency for Planning) in the late 1990's, with funding from the Illinois Department of Natural Resources. Plan objectives were developed in cooperation with NIPC's Recreation and Open Space Technical Advisory Committee. NIPC adopted the plan in 1999, and Openlands has since been involved in implementing its recommendations.

The Northeastern Illinois Regional Water Trail Plan recommends 10 waterways in northeastern Illinois for improvement as water trails. These waterways were prioritized based on a number of factors. Our organizations considered local support for the trails. We also evaluated whether the trails were paddleable with relatively low cost improvements, and if they offered multiple benefits to paddlers, such as quality of experience. When considering quality of experience, we strove to include a variety of experiences for paddlers, including stretches that wind through quiet wooded areas, as well as trails with views of downtown Chicago, and access to the city's past and current industrial areas. We also chose trails where paddlers could experience high quality aquatic habitat, and visit areas of current and historical regional interest.

The north branch, north shore channel, mainstem and south branch Chicago River, parts of the Cal-Sag Channel, and Calumet and Little Calumet Rivers, are included in the water trail plan and have been developed as water trails. The Lower Des Plaines River (LDPR) below the confluence of the Chicago Sanitary and Ship Canal (CSSC) is part of the Northeastern Illinois

Regional Water Trail Plan. However, it was characterized in 1999 as “major improvements needed,” meaning that it was designated as a future water trail but has not yet been improved for this use. It is important to note that the LDPR was judged to be a candidate for water trail development or it would not have been included in the plan, and that the stretch of the Des Plaines River directly above it has been developed into a well used trail.

III. **Map of Recreational Use Access Points on Waterways in the Proposed Rulemaking**

Openlands, Illinois Paddling Council, and NIPC developed a regional map as part of the water trails planning process in the late 1990s. The map was published as a brochure to promote the water trail plan and educate paddlers and local governments about the initiative. Openlands and Illinois Paddling Council have periodically updated this map to reflect the current state of water trail planning and development. Brochures were updated and published in 2002, 2004 and 2007.

For this rulemaking, I overlaid several new features onto an updated version of the map to show recreational use access points that are relevant to the Chicago Area Waterways System (CAWS) and LDPR. *See* “Attachment A.” The map shows the proposed designated uses for this rulemaking. For context, it indicates the location of the Stickney, Calumet and North Side Metropolitan Water Reclamation District (MWRD) Wastewater Treatment Plants, Midwest Generation’s power plants and other points of interest. The map includes numerous public access launch sites for paddling from the regional water trail map that are established, unimproved and proposed for construction. It also displays established and unimproved launch sites that are not listed in the water trail plan. Some of these additional sites offer public access to the water, while others are maintained by paddling or rowing clubs, liveries, or private homeowners.

The numerous launch sites on the map illustrate several key points. There are a lot of access points throughout the waterways at issue in this rulemaking. While there are concentrated areas of activity, such as along the North Branch of the Chicago River, launch sites (both planned and built) are scattered throughout the CAWS and LDPR. This reinforces other evidence of intensified recreational use. Paddlers heavily use the Chicago River. The parts of the Calumet area waterways under consideration by this rulemaking are increasingly used, especially by rowers. Many more sites are proposed for construction, which is a sign of escalated activity on these waters in the future. With additional places to put in and take out canoes and kayaks, people can more easily explore various reaches of the river systems.

The growing number of launch sites also means safer use for paddlers, in line with recommendations in the Northeastern Illinois Regional Water Trail Plan for access points every three to five miles on a trail. Both the MWRD North Side and Calumet Wastewater Treatment Plants will be required to disinfect their effluent to kill bacteria, viruses and parasites if this rulemaking is adopted. Openlands considers the dramatic reduction in bacterial levels that would result from disinfection to be an integral step forward in fostering safe access to the Chicago River and Calumet Area water trails.

A. Established Launch Sites

Increased use and interest in the CAWS and LDPR can be seen in the continued maintenance and new development of launch sites to provide paddlers with access to these waterways. There are six established public access launch sites on the North Shore Channel and North Branch of the Chicago River downstream of the North Side Wastewater Treatment Plant. This includes a relatively new launch that was installed at Lincoln Village on the North Shore Channel. The

Chicago Park District also recently finished a brand new launch site on the South Branch Chicago River at South Western Avenue. In addition to the public access launch sites identified and recommended in the water trail plan, there are also numerous private, business or club maintained sites along the Chicago River downstream of the North Side Wastewater Treatment Plant. For example, canoe guides with Friends of the Chicago River recently documented the existence of 45 private docks in the approximately two mile stretch of the North Branch Chicago River between River Park and Clark Park.

We have included 11 marinas, as well as eight established and unimproved launch sites along the Calumet River System. Fay's Point Developers installed a new public access canoe and kayak launch site and a marina at the confluence of the Little Calumet River and the Calumet-Sag Channel. There are also four established launch sites and a marina allowing access to the Calumet-Sag Channel downstream of the MWRD Calumet Wastewater Treatment Plant on the Little Calumet River. Sites from the water trail plan include the Forest Preserve District of Cook County's Little Calumet Boat Ramp, and the Alsip launch. Additionally, there are three launch sites not included in the water trail plan along the Calumet-Sag Channel. These include an unimproved access point in the Forest Preserve District of Cook County's Whistler Preserve, the Worth Park District Launch and Howe's Landing. These sites provide additional access for recreational uses, including canoeing and kayaking.

B. Proposed Launch Sites

In addition to the eleven established launch sites on the Chicago River and in the Calumet area from the water trail plan, there are at least seven proposed launch sites along the stretches of the CAWS and LDPR that are included in this rulemaking. For example, the Chicago Park District is considering installing rowing, canoe and kayak access on future parkland at 28th and

Eleanor Street, near the confluence of the South Branch Chicago River and Bubbly Creek. It has also made plans to include a rest stop for kayaks at DuSable Park once the Chicago Spire Development is completed. The City of Blue Island plans to acquire land on the Little Calumet River or Calumet-Sag Channel to create a rowing and paddling center. This would provide a location to store rowing sculls and establish a canoe and kayak rental place.

IV. Public Opinion and Use Survey of Recreational Paddlers in Northeastern Illinois

In 2006, Openlands, Friends of the Chicago River, and the Illinois Water Trails Council conducted a public opinion survey of area recreational paddlers. One of our goals was to better understand the needs of paddlers in Northeastern Illinois and the patterns of use of the rivers and creeks in the water trail plan. The survey collected information on the popularity of certain waterways, some of which are the subject of this rulemaking. Overall, the results of the survey show that people are out on the waterways subject to the proposed rules. For example, the survey indicated the North Branch Chicago River is one of the most widely used water trails in the region, with 34% of all survey respondents stating they paddled it in 2005.

A. How the Survey Was Conducted

The survey was mailed to 1,500 randomly selected individual households who registered their non-motorized watercraft (canoe or kayak) with the State of Illinois. It was also distributed electronically to members of Northeastern Illinois paddling clubs, participants in the Flatwater Classic canoe race, and members of the public who had requested the Northeastern Illinois Water Trails map.

Of the surveys sent out, we received 250 responses. We asked respondents to let us know what rivers in Northeastern Illinois they had paddled at least once in the previous year (2005). We also asked them to indicate how many trips they took on the rivers they paddled that year.

B. Survey Results

Participating organizations tallied the responses and ranked the rivers in terms of frequency of use. The North Branch Chicago River ranked second out of the 17 area rivers and creeks listed in the survey in terms of number of people who had paddled it at least once. Eighty-six of the 250 respondents indicated they had paddled it in 2005. The North Branch Chicago River ranked fourth of 17 in terms of the total numbers of trips taken on it in 2005. The eighty-six people who filled out this section indicated they took a total of 291 trips on the North Branch Chicago River in 2005.

We also asked survey respondents to indicate where they usually put in and took out their boat on each river they paddled in 2005. Not everyone answered this question. However, out of the 76 respondents that answered they used the Chicago River, the highest number (33 people or 43%) indicated that they put in at Clark Park. This indicates heavy use of the North Branch Chicago River in an area that would be positively impacted by disinfection of effluent from MWRD's north side plant.

V. Evidence of Increasing Recreational Use on the CAWS and LDPR

The survey largely targeted people who own canoes and kayaks, but the population that rents canoes and kayaks for trips on the Chicago River is also quite high. Ryan Chew of Chicago River Canoe and Kayak reported that he rented for 55,000 trips on the Chicago River since he opened his business in 2001. *See* "Report: Illinois Pollution Control Board Public Hearing" by Gary Mechanic, Illinois Paddling Council at Chicago Area Sea Kayakers Association Web site: <http://caskaorg.typepad.com/caska/2008/06/report-il-pollu.html>.

Rowing has increased in the past few years on the Calumet-Sag Channel. Openlands is assisting the City of Blue Island in acquiring property for a permanent facility to store rowing

boats and a dock to allow rowers to access the channel. Although we are still in the process of establishing this permanent location, Blue Island has already made significant progress in promoting rowing in the Calumet Sag Channel. Last November, approximately 350 students from women's crew teams from the Universities of Indiana, Iowa, Michigan, Michigan State, Minnesota, Notre Dame and Wisconsin competed in a series of races along the Calumet-Sag Channel. Another women's race is planned for November 2, 2008 on the Calumet-Sag Channel. The University of Wisconsin has asked the City of Blue Island to host a Spring 2009 rowing regatta for both men's and women's rowing. These Fall 2008 and Spring 2009 events are expected to involve eight to nine schools with over 300 participants per event.

In addition to hosting rowing for college teams, Loyola Academy in Wilmette recently asked Blue Island to host high school rowing events on the Calumet-Sag Channel. The effort that Blue Island has made by hosting and promoting rowing on the Calumet-Sag is accelerating the use of this waterway for non-motorized boating. The interest that college and high school rowing teams are showing in using the Calumet-Sag Channel for regattas indicates that this use is very likely to continue to increase in the future.

VI. **Important Aquatic Habitat in Jackson Creek is Directly Affected by This Rulemaking**

In addition to regional water trails and educational programs, Openlands is also involved on many levels in improving aquatic habitat to protect aquatic life in area waterways. It assists local governments in watershed planning throughout the region. The Greenways Department teaches water monitoring techniques and water quality advocacy to citizens. On a project level, Openlands facilitates efforts by homeowners and developers to incorporate and maintain conservation design features, such as buffer strips and native plantings to treat and slow water

released into creeks and rivers. These practices are designed to improve and protect water quality and aquatic habitat.

Over the last five years Openlands' Greenways Department has been involved in watershed planning, monitoring and enhancement on four creeks in Will County. In 2004, Openlands released a plan, titled "The Prairie Streams Watershed: A Habitat Protection and Restoration Strategy for Jackson, Prairie, Grant, and Forked Creeks." The plan was designed to assist citizen groups and local governments in pursuing a vision of protecting and enhancing the diverse biological life found in the waters and riparian corridors of these creeks. In particular, Jackson Creek is a tributary to the lower Des Plaines River. Its confluence with the LDPR is 1.5 miles upstream of the I-55 bridge, which marks the southernmost boundary of the area under consideration for this rulemaking.

A. Interconnected Health of Jackson Creek and the Lower Des Plaines River

According to IDNR, Jackson Creek has diverse fish species and is one of the higher quality streams in the Des Plaines River basin. *See* "Status of Fish Communities and Stream Quality in the Des Plaines and DuPage Rivers: 2003 Basin Survey," Steve Pescitelli and Robert Rung (2005). The 2003 survey states that "Jackson Creek had the highest quality rating for [Des Plaines River] tributary stations, with the highest IBI [Index of Biotic Integrity, a metric of stream quality based on fish populations], the highest species diversity, and the greatest abundance of fish" based on the results of the 2003 fish survey of the Des Plaines River basin. *See* 2003 Basin Survey, 7.

In spring of 2005, Openlands coordinated a water monitoring course held to encourage citizens to monitor these creeks. During training, we sampled fish and mussels in lower Jackson Creek

with Steve Pescitelli, an IDNR fisheries biologist who co-authored the above study, and Roger Klocek, a senior conservation biologist from John G. Shedd Aquarium. We found sixteen species of fish, including smallmouth bass, a species intolerant of degraded and polluted conditions. We also identified four live mussel species, including ellipses which are also intolerant of degraded conditions according to “Protocol for Surveying Freshwater Mussels in Wadable Streams and Wadable Portions of Large Rivers, December 2002” by Robert Szafoni (IDNR).

Improving water quality in the LDPR so that it is more protective of aquatic life will also help maintain the higher degree of biological diversity in Jackson Creek into the future. *See* “Evaluation of Fish Communities and Stream Quality in the Jackson Creek Watershed (Des Plaines River Basin),” Steve Pescitelli and Robert Rung (Sept. 2003), 3. Tributaries recruit species from connecting rivers when local events such as pollution or drought result in a decline in numbers. *Id.* According to “The Prairie Streams Watershed: A Habitat Protection and Restoration Strategy for Jackson, Prairie, Grant, and Forked Creeks,” “[s]ediment, nutrients, toxic pollutants and lack of dissolved oxygen will stress organisms, with a shift toward more tolerant species.” *Prairie Streams Watershed*, 28. Designating more protective aquatic life uses on the LDPR will improve water quality for aquatic species and aid in creating conditions that better support aquatic life. This in turn will help to protect the work that Openlands, local citizen groups and local governments have invested in protecting both aquatic habitat and the dependent species harbored in Jackson Creek.

B. Government Action to Protect Jackson Creek

Several agencies and local governments are investing in the health of Jackson Creek. More protective aquatic life uses on the LDPR would support their efforts for the reasons

discussed above. In the Forest Preserve District of Will County's 2005 Referendum Land Preservation Priorities, the District states "[p]reservation of Jackson Creek is a priority for the Forest Preserve." As part of their 2005 capitol improvement acquisition plan, the Forest Preserve District of Will County acquired Jackson Creek Preserve, a 242.3 acre preserve in Green Garden Township. In addition, their 26 mile long Wauponsee Glacial Trail crosses branches of Jackson Creek in three places within Manhattan Township. The District also holds a 92.4 acre conservation easement on Manhattan Park District's Round Barn Farm Park on Jackson Creek.

In order to protect and restore the creek, the Forest Preserve District of Will County, Joliet, Elwood, Manhattan, Manhattan Park District, New Lenox, New Lenox Park District, Green Garden Township, Frankfort, and Frankfort Park District resolved in 2006 to work toward preserving a continuous greenway of open space along Jackson Creek. As part of their objectives, they have committed to improving aquatic habitat and "[e]ncourag[ing] the preservation and enhancement of existing natural resources through planning, ordinances, land donations, easements, etc." *See* Jackson Creek Open Space Plan Study Area Map, Forest Preserve District of Will County, (2006). This open space planning initiative has grown into an ongoing watershed planning process for Jackson Creek, facilitated by CMAP and funded by grant money from the federal Clean Water Act section 319 Nonpoint Source Management Program. The plan includes goals to improve riparian and aquatic habitat in Jackson Creek and its tributaries and protect regionally and locally valuable natural resources within the watershed from degradation in hydrologic condition.

VII. **Conclusion**

The proposed rules are fundamental in creating a better future for the CAWS and LDPR. Improved water quality over the last few decades has enticed a growing number of people to

enjoy our rivers and tributaries, and communities to promote activities in and along these waterways. With the mounting number of boat launches and river races, as well as revitalized development along the water's edge, it has become increasingly important to recognize and protect existing and future recreational uses. Adjusting our water quality standards to match attainable uses will strengthen the regional vision of our "second waterfront," encouraging communities to better connect to this precious natural resource.

Similarly, strengthening aquatic life use designations will contribute to better water quality and aquatic habitat, helping ecosystems throughout the region to reach their potential. In addition to benefiting fish populations in the CAWS and LDPR, better habitat conditions can lead to healthier tributaries with more species diversity. Conversely, maintaining the status quo can be a factor in the slow degradation of high quality streams, like Jackson Creek, which are vulnerable to shifts in natural conditions. For these reasons, Openlands urges the Board to adopt upgraded designated uses for the CAWS and LDPR.

Thank you for your time and consideration.

Submitted by:

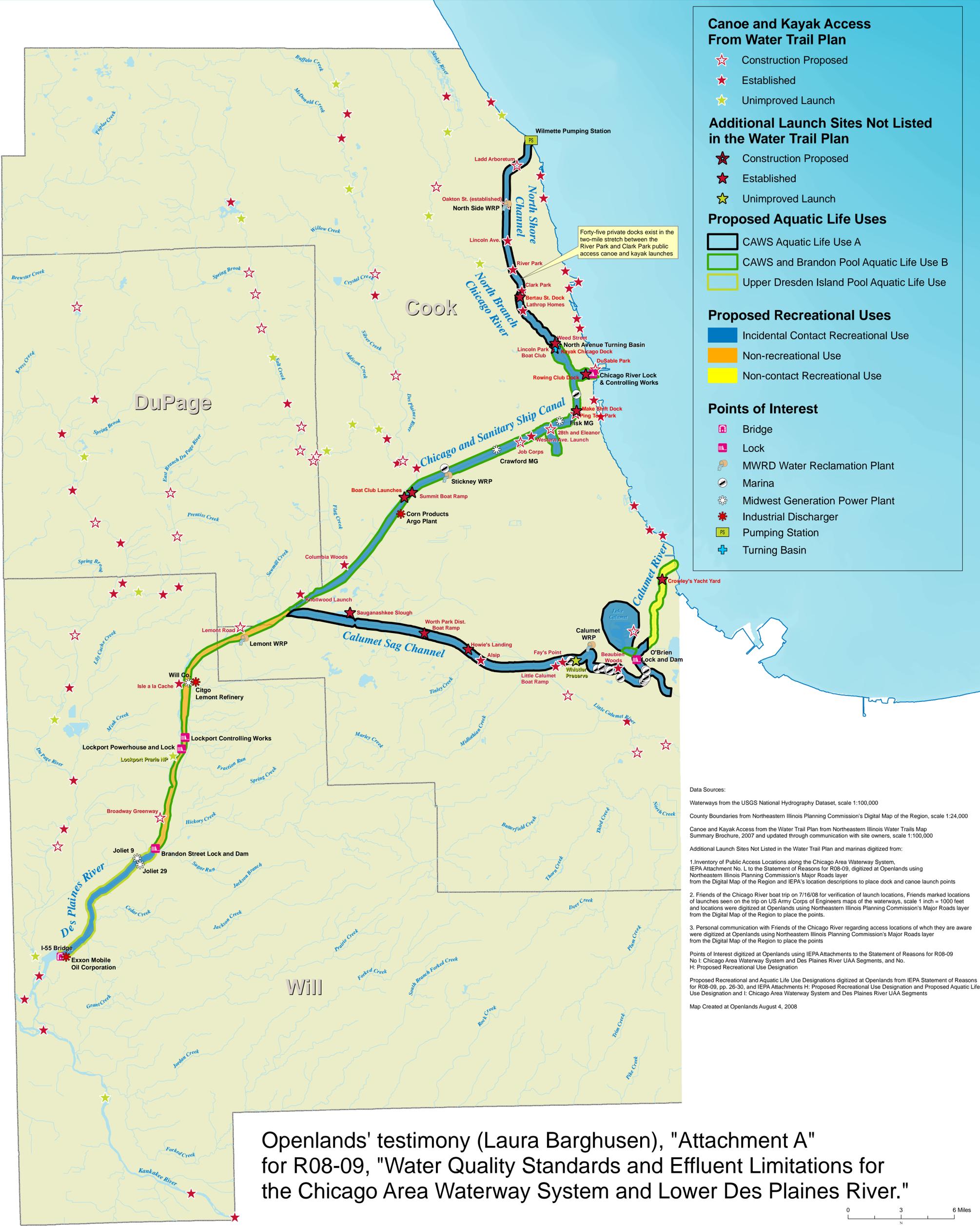


Laura Barghusen
Associate Greenways Director
Openlands
25 E. Washington, Suite 1650
Chicago, Illinois 60602

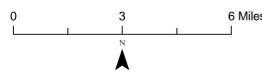
Date: August 4, 2008



Chicago Area Waterway System Recreational Access Points and Proposed Uses



Openlands' testimony (Laura Barghusen), "Attachment A" for R08-09, "Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River."



LAURA BARGHUSEN
5222 S. Ingleside Ave. #2N
Chicago, IL 60615
Phone: 773-752-0652
Email: lbarghusen@openlands.org

EMPLOYMENT

Associate Greenways Director, Openlands, Chicago, IL, 9/2004 – present

- Coordinate and teach a four session StreamLeaders course to prepare Citizen Scientists to monitor stream quality and advocate for stream health.
- Work to improve canoe and kayak access on waterways in the Chicago region through planning, advocacy, coordination and technical assistance to local governments.
- Participate in watershed planning.

Environmental Planner and GIS Specialist, Natural Resources Department, Northeastern Illinois Planning Commission, Chicago, IL, 12/2000-9/2004

- Raised funds for projects, prepared project budgets and reports, took responsibility for project deliverables, and hired and supervised interns.
- Constructed GIS models and layers to assist with natural resource planning especially identification and evaluation of wetland and stream resources in northeastern Illinois.
- Assisted local governments and watershed groups in watershed planning.
- Used GPS and geo-referenced video to document the location and success of stream restoration work; and to navigate to aquatic plant sampling sites.

Environmental and Conservation Programs Intern and GIS Technician, The Field Museum of Natural History, Chicago, IL, 08/1999-11/2000

- Analyzed land cover classification of the Chicago region using satellite imagery and refined the classification using land use maps.
- Provided data to Chicago Wilderness partner agencies.
- Compiled documentation and wrote reports.

Fisheries Intern, Salmon-Challis National Forest, Salmon, ID, 05/1999-08/1999

- Monitored water chemistry in incubators located on private land and National Forest Service land containing steelhead eggs and assisted in placing eggs in incubators.
- Interviewed landowners about why they chose to host steelhead incubators.
- Transferred forest service water chemistry and macroinvertebrate stream sampling data to GIS format.

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Teaching Assistant, University of Illinois at Chicago, Chicago, IL 08/1998-12/1998 and 08/1999-12/1999

Science Curriculum Specialist, American School, Lansing, IL 09/1996-08/1998

Research Assistant, Miami University, Department of Zoology, Oxford, OH, 08/1994-05/1999

Teaching Assistant, Miami University, Department of Zoology, Oxford, OH 08/1992-08/1994

Bald Eagle Nest Watcher, Arizona Game and Fish Department, Phoenix, AZ, 02/1992-05/1992

Seasonal Park Ranger, North Cascades National Park, Stehekin, WA 05/1990-09/1990

Seasonal Park Ranger, Indiana Dunes National Lakeshore, Porter, IN 03/1989-12/1989

EDUCATION

Master of Arts, Environmental and Urban Geography, 2001

University of Illinois at Chicago, Chicago, IL

Thesis: Lay Involvement in Streamside Incubation: Why People Participate in a Fish Recovery Program

Master of Science, Zoology, 1994

Miami University, Oxford, OH

Thesis: The Effects of Temperature on the Web-Building Behavior of the Common House Spider (*Achaearanea tepidariorum*) and the Western Black Widow Spider (*Latrodectus hesperus*)

Bachelor of Arts with General Honors, History, 1987

University of Chicago, Chicago, IL

JOB-RELATED TRAINING

- Wetland Plant Identification, Biotic Consultants, August 5-8, 2003
- Fall Plant Identification (five Saturdays), Morton Arboretum, Lisle, Illinois, Fall, 2002
- Winter and Spring Bird Identification (five Saturdays each), Morton Arboretum, Lisle, Illinois, Winter-Spring 2003
- Wetland Delineation Training, 40 hour U.S. Army Corps of Engineers Wetland Delineator Certification Training Program, Richard Chinn Environmental Training, Inc., Madison, Wisconsin, March 1998.

SELECTED PUBLICATIONS

Klocek, R., J. Bland, and L. Barghusen. 2008. A Field Guide to the Freshwater Mussels of Chicago Wilderness. Chicago, Illinois: Openlands.

Barghusen, Laura. *Endangered Animals and Habitats: The Bear*. San Diego: Lucent Books, 1999.

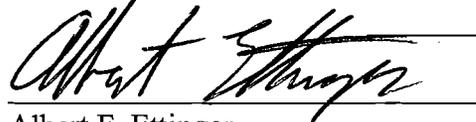
Barghusen, L., and N. Toomy, 1998. *Study Guide for Ecology*. Chicago, Illinois: American School.

Barghusen, L.E., D.L. Claussen, M.S. Anderson and A.J. Bailer. 1997. The effects of temperature on the web-building behavior of the common house spider, *Achaearanea tepidariorum*. *Functional Ecology* 11:4-10.

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 LAURA BARGHUSEN** 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

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

Jeffrey C. Fort
Ariel J. Teshar
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 Skrukrud
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