

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
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Chicago, Il 60601

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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 MARGARET FRISBEE** 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
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(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)
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ADM. CODE PARTS 301, 302, 303, AND 304.)

**Testimony of Margaret Frisbie
August 4, 2008**

I. Introduction

My name is Margaret Frisbie and I am the executive director of Friends of the Chicago River (“Friends”), a nonprofit membership organization whose mission is to foster the vitality of the Chicago River for the plant, animal, and human communities that live within its watershed. Friends was founded in 1979 and our work spans the entire Chicago River system and surrounding watershed. The only organization dedicated solely to the river’s improvement, Friends works in partnership with municipalities, businesses, community groups, schools, other nonprofits, government agencies and individuals on projects that will benefit the river. Friends has 2,000 members and 4,000 volunteers who work with us on an annual basis to improve the Chicago River.

Friends supports the Illinois EPA’s recommendations for improved water quality standards for the Chicago River system and is convinced these standards are long overdue. In fact, we believe that the Illinois EPA’s efforts present a once in a generation opportunity to bring the river’s water quality standards up to date. To decide against these recommendations now might result in another more than 30 year delay before they are reviewed again. Common sense, current and planned investments, and increasing river use demand that we make the proposed changes now.

Since Friends was founded 29 years ago, the Chicago River has improved dramatically. Where it used to be considered a community detriment and the Chicago River, Calumet and connected canals used to receive massive amounts of sewage, today 85% of the combined sewer overflows

have been captured by TARP and communities as diverse as Chicago, Skokie, and Blue Island are investing in their riverfronts. Where there used to just a few fish species and wildlife was scarce, the river is now home to nearly 70 species of fish, 60 species of birds and a growing diversity of animals including beavers, muskrats, mink, and river otters. Where fences and walls of buckthorn used to prevent easy access, new canoe and kayak launches, river-edge parks and plazas, river-edge homes, and miles and miles of river trail now allow people down to the water and the landowners such as the Chicago Park District and homeowner associations are encouraging use.

Right now it is time to take the next step and improve the river system for the people and wildlife that share this valuable resource.

As a small nonprofit organization, Friends does not have the resources to develop regional reports. Yet with decades of experience and interaction with users, planners, and developers, we can provide specific and first-hand information about river use, major river planning efforts, access, input from people with whom we have had contact and who actively support the vision of a river system which is safe for people of ages to use and that provides healthy habitat for wildlife of all kinds.

II. Documented People on the River with Friends

Over the years, Friends has worked to educate people about the Chicago River and our goal to make it the natural, recreation and economic asset it deserves to be. These efforts have resulted in Friends taking thousands of people of all ages to the river in canoes and kayaks, on boats, walking or through a variety of special events intended to serve as an introduction to this incredible yet under-utilized natural resource. Through Chicago River Day, easily 20,000 volunteers have climbed riverbanks to clear them of trash and restore native landscapes or build river-edge trails. In addition, Friends has supported the establishment of river-edge canoe and kayak liveries that now rent boats to people from facilities in parks in Chicago and Skokie along the North Branch of the Chicago River.

In 1998, Friends founded our Urban Canoe Adventures Program, a volunteer-based program with roughly 25 guides who are trained annually in on-the-water safety and rescue and paddling. Over the past 11 years, these guides have taken at least 2,640 people canoeing on the North Shore Channel, North Branch of the Chicago River, Main Stem, South Branch, down Bubble Creek and along the Chicago Sanitary and Ship Canal and showed them the river and the wildlife that lives in it. Typically each trip lasts five hours and is open to anyone over age six. In addition to the guests, our volunteers spend hours on the water servicing those who wish to see the river, rescuing those who fall in, and getting wet and dirty carrying and cleaning the canoes after they come out of the Chicago River. Guests on Friends' trips have spent \$80,000 on ticket fees since the program was founded.

In 2000, with the establishment of a permanent and public canoe launch at Clark Park at 3400 North Rockwell on the North Branch in Chicago, Friends founded the Chicago River Flatwater Classic. This canoe and kayak race, supported by US Coast Guard and the Chicago Marine Police, gives people a safe opportunity to paddle through downtown and interact with the river. Open to anyone over the age of six and of any skill level, the event is seven and a quarter miles long and takes the average paddler around two and half hours to complete. The Finish Line is in Ping Tom Memorial Park in Chinatown.

Since the event was founded, not counting our upcoming race on October 5, 2008, over 4,600 people ages six to 92 from 186 towns in Illinois and 18 other states have spent over \$413,000 supporting and paddling the Classic. This figure includes fees from sponsors such as ACE INA, Bell, Boyd, & Lloyd LLC, The Boeing Company, The John Buck Company, Burke, Warren, MacKay & Serritella, P.C., Christy Webber Landscapes, CNA, Earth Tech, Ernst & Young LLP, General Iron Industries, Harris Bank, Marsh USA Inc., MWH, Ozinga Chicago, PricewaterhouseCoopers, Robert T. Friedman Family Foundation, Ryan Companies, Schulze and Burch Biscuit Co., Skidmore, Owings & Merrill LLP, The Trump Organization, and U.S. Equities Realty, Inc. Each of these sponsors, along with BP and the Chicago Park District, has fielded teams who raced in the Flatwater, many of them for multiple years in a row. In addition, The Boeing Company twice used the Flatwater Classic as the basis for management team

building, with more than 100 employees racing each year and the whole headquarters staff with their families, celebrating their participation at the Finish Line in Ping Tom Memorial Park.

Through our communications with them, these companies and our paddlers know they are investing in Friends and our efforts to improve the river.

In addition to Friends' own paddling initiatives, in 2004 the Chicago Park District hired Friends to take people canoeing through their summer programs utilizing their own boat launches at river-edge parks. From 2004 through 2007, Friends led 34 trips with nearly 1,000 attendees. This year, Friends is contracted with the Park District and expects another 324 people to participate through 12 trips. Park District programs have included Ecology of the River (all ages), JETs (teens), Learn to Paddle (all ages), Nature Oasis (all ages), Urban Campers (ages 9-12). The Chicago Park District has paid Friends of the Chicago River over \$70,000 to provide this service in addition to their own expenditures to promote and administer the program showcasing the Chicago River.

III. Chicago River Planning

Friends' early leaders saw the value of clean water and a continuous Chicago River trail. Yet, it was not only us who saw the potential and planned for a future that entwined river development with urban growth and economic success. As early as 1979 Chicago Central Area Committee "Chicago River Promenade" plan called for "attractive recreational space" which was accompanied by a news release with a list of desired uses and a quote from then-chair, Robert B. Johnson CEO of IC Industries, who said, "The Chicago River can become one of Chicago's most desirable amenities." Before them in 1966, the City of Chicago stated their interest in the river's future in the "Comprehensive Plan," which included proposals for river-edge parks. And predating them all was Daniel Burnham, who included the Chicago River in his 1909 plan, calling it "another great opportunity" that should have "pleasures for people" and allow Chicago to develop on a grand scale like Paris or London.

Numerous plans since Burnham's have called for the Chicago River to be improved as a major civic amenity and include bird watching, bike paths, boat parades, boat docks, business districts,

canoe and kayak launches, fishing, floating food markets, habitat, hotels, housing, parks, pedestrian access, plazas, recreation, restaurants, underbridge connections, and water trails as uses. Among the more prominent are:

- 1909 Commercial Club of Chicago, The Plan of Chicago
- 1966 City of Chicago, Comprehensive Plan
- 1973 Chicago 21
- 1974 City of Chicago, River Edge Plan
- 1979 Chicago Central Area Committee, Chicago River Promenade
- 1983 Chicago Central Area Committee, Central Area Plan
- 1986 Chicago Central Area Committee, Chicago: Growing into the Future
- 1989 City of Chicago, River Corridor Development Plan
- 1992 Chicago Central Area Committee, Chicago Riverwalk Project (circa 1992)
- 1998 U.S Fish & Wildlife Service, Nature and the River
- 1998 USDA Forest Service, People and the River
- 1999 City of Chicago, Chicago River Corridor Design Guidelines and Standards
- 1999 City of Chicago, Chicago River Corridor Development Plan
- 2002 Chicago Central Area Committee, The Chicago Central Area Plan
- 2002 Chicago Park District, Master Plan: Connecting People to the River
- 2002 Chicago Wilderness, From Stockyards to Spawning Beds (circa 2002)
- 2005 City of Chicago, Mayor Daley's Chicago River Agenda
- 2007 Openlands, Illinois Paddling Council and Northeastern Illinois Planning Council (now CMAP), Northeastern Illinois Water Trails
- 2008 City of Chicago, Chicago Riverwalk Development Committee (in progress)
- 2008 Blue Island, Robbins, Alsip, Calumet Park, and Riverdale, a river-focused economic development proposal for a seven-community corridor along the Cal-Sag/Calumet River (in progress)

Among all the plans, perhaps the most visionary and comprehensive are the recent efforts by the City of Chicago, and especially Mayor Daley's "Chicago River Agenda." The city's leadership was summarized well by Chicago Dept. of Environment Commissioner Suzanne Malec-McKenna, who wrote "we are committed to continued improvement of the river system for water quality, wildlife habitat and recreation" in her March 17, 2008, letter to the Board.

The "Chicago River Agenda" itself, released in summer 2005, is very specific about river improvement. It calls for improving water quality and encourages effluent disinfection. It calls for protection of nature and wildlife, pushing for in-stream habitat improvements, eliminating invasive species, and riverbank restoration. The agenda also outlines balanced river uses and celebrates increased public access citing four (now five) non-motorized boat launches

established by the city and the Chicago Park District. The final section of the agenda discusses the river as the center of community life. Its introduction says “the City is committed to developing projects and programs that bring people to the river and enhance community life in the neighborhoods next to the river.”

That message, regardless of the author, is a common thread throughout all these plans and confirms that the Chicago River system is considered vital to our communities, is an essential development opportunity, and that the people who live in and lead our communities desire it as a recreational, natural and economic asset.

IV. Increased Access

While formal planning through civic leadership and corporate engagement has resulted in numerous plans, it has also resulted in tangible developments and millions of dollars spent, not counting the over \$3 billion spent by the Metropolitan Water Reclamation District of Greater Chicago on the Tunnel and Reservoir Plan. Of the uses listed in the plans above, every one of them with the exception of the floating food market (being researched at present by the Chicago Dept. of Planning and Development), is happening on the river system already.

- Thousands of new residences along the North Branch, Main Stem, South Branch, Bubbly Creek and Cal-Sag have been built in the last 10 years
- New parks and boats launches in towns as diverse as Skokie and Summit or Chicago and Blue Island are open and getting used by crew teams, canoe and kayak liveries, and the general public.
- Restaurants are flourishing on the North Branch, Main Stem, South Branch, Cal-Sag and the Calumet.
- River trails cover miles, with ordinances that call for more
- And state-sanctioned water trails connect them all.

V. What People Have to Say about the Chicago River and CAWS

By and large the general public has expressed support for the Illinois EPA since they filed their recommendations for water quality improvement in October 2007.

Since January 2008, nearly 100 letters filed by individuals, families, user groups, nonprofits, local, state and federal elected officials, who represent hundreds of thousands of people, have

called for effluent disinfection and protections for fish. On June 16, 2008, more than 100 people attended the public hearing held by the Illinois Pollution Control Board and 43 of them spoke in support of the measures. On July 9, the editorial board of the *Chicago Sun-Times* wrote in support of the changes and stated that they “agreed with the state EPA, Friends of the Chicago River, Illinois Attorney General Lisa Madigan and other public officials and environmentalists who don’t believe we can settle for good enough when it comes to cleaning our waterways.”

To find out what our members and friends thought, on May 9, 2008, Friends sent an online survey via email to 1,857 people. With a 3.3 percent overall response rate, 73.3 percent said they believed that their health was at risk when they recreated on the river, 14 percent said that they thought they “got sick” from using the Chicago River, and 90 percent said if the water quality of the Chicago River was dramatically cleaner, they would seek out additional recreational opportunities.

VI. Conclusion

In conclusion, Friends of the Chicago River believes that it is imperative that the proposed improvements to the CAWS water quality standards be approved and implemented. Already the Chicago River and its sister waterways afford a regional advantage to the people, plants, and animals that live in and along them. The complex system of rivers and canals provides thousands of acres of habitat for a diverse wildlife population that ranges from state-endangered black-crowned night herons to beavers to bass. It provides recreational opportunities such as paddling, fishing, birding, biking, boating, hiking, or crew to thousands of individuals, families, school teams, and river-edge communities who must share our limited public open space. And finally, these rivers and streams provide a commercial boost to the region through canoe and kayak rentals, shipping, tourism, and investment in a new waterfront economy.

I personally have seen toddlers wading in the river at Clark Park. My co-worker, John Quail, has seen children swimming for soccer balls at River Park on more than one occasion. A Friends’ board member, author David Solzman, has photographed children swimming on the Chicago Sanitary and Ship Canal. And last week, the *Chicago Tribune* ran a story by a reporter who paddle downtown from North Avenue and ate lunch with his hands from his kayak (see

attachment A). These stories are not from the future. They are things that are happening right now. And as Chicago, the Chicago Park District, Blue Island, Skokie and others continue to look to the river for economic and cultural opportunities; these activities are only going to increase.

Right now is the time to take the next step toward clean and healthy waters. If these new standards are not approved, we run the risk of squandering the hundreds of millions of dollars tax payers and private enterprise has already invested in the continued improvements of these waterways. We turn our backs on a community advantage that has potential for incredible growth. We fight against the vision of the river as a community centerpiece that has been in development for decades. And we make a formal declaration that says we don't care about the health of the people and fish and otters and mussels that already use and need the river system. We must act and we must act now.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Margaret A. Frisbie".

Margaret Frisbie
Executive Director
Friends of the Chicago River
28 E. Jackson St., Suite 1800
Chicago IL 60604

DATED: August 4, 2008

www.chicagotribune.com/features/lifestyle/explore/chi-kayak-eats-0731jul31,0,4898224.story

chicagotribune.com

Kayak dining on the river

Season with common sense, planning, skill

By Christopher Borrelli

Chicago Tribune reporter

July 31, 2008

The other day I answered a question you weren't asking: Yes, it is possible to eat dinner on the Chicago River while floating in a kayak. Yes, you can be served an entire meal while just sitting there, bobbing. No, this is not a practical way to dine. It requires some skill (and planning).

But, yes, it is fun. Indeed, though you weren't asking this either: I ordered sushi, spicy tuna, eel, and barbecue, inches from the, ahem, emerald surface of the Chicago River, *this close* to those pristine waters, rising and falling in the wake of tour boats.

Jay Spriggs, a decent guy and kayak instructor, a Chicago native of many tattoos who subscribes to *The Nation* ("It can be a chore") and says the river is his life—Jay pointed out that eating raw fish this close to the Chicago River was not especially wise. So I gently reminded Jay I was the journalist here and he was the river guide and would he like a piece of eel?

See, Jay had doubted this was doable. With reason.

He teaches kayaking for Kayak Chicago and said his students often yell up to restaurants along the Chicago Riverwalk, a stretch running from Lake Shore Drive to Franklin Street, but rarely expect to get served. The primary obstacle is that imposing wall along Wacker Drive—a sheer cliff rising at least 10 feet up from the water. Food, waiters, everything is up there; we're down here. However, I also heard from Dave Olson, lead instructor and owner of Kayak Chicago, that last year one restaurant would occasionally lower hot dogs in a basket to paddlers. Gary Mechanic, president of the Illinois Paddling Council, told similar stories of push-cart vendors who served at the river's edge and of paddling into Jackson Harbor on the South Side, pulling his kayak on the dock, climbing out and having dinner.

Sounded lovely.

Not being familiar with kayaking downtown, however, I asked Jay to come along. The point, I told him, was to experience the Riverwalk dining season from a fresh angle. "Can I be honest? Not to be rude?" he asked. "This isn't going to work."

We pushed off from the low wooden dock south of the North Avenue Bridge. We passed box turtles and blinking ducks, and the water was still and gave way without resistance. I had an idea of who would humor us—of who was set up to serve a small boat. I had called around a few days

earlier: Lawrence's Fisheries, on the South Branch not far from Chinatown, has a relatively low-slung dock and a decent space somewhat accessible to paddlers.

You have to get out of the boat if you want to order food, but it works. Downtown is a bit tougher.

It's really geared to big boats. Big boats get served all the time; yachts regularly pull up to Flatwater on Clark Street, in the shadow of the Clark Street Bridge. The manager told me a guy once leaped from the bridge, swam to the ladder extending over their river wall, climbed up and had dinner. They've also served Jet Skis, and occasional kayakers—just anchor at the ladder and climb up.

But we wanted to stay in the boat, like our rich yachting brethren. As we passed beneath the Kinzie Street Bridge, I reached into the plastic dry bag strapped against the hull, pulled out my cell phone and called Diosa on the River, a sushi stop between State and Dearborn Streets. I explained we were in kayaks and would be there soon. They said they weren't sure if they had a basket. Then they said, no, wait, they could do it. I placed my order, and 10 minutes later, we rounded the bend in the river. I spotted our waitress leaning over the wall, gingerly dangling a basket of food over the river as though it were a marionette.

I reached up and pulled the takeout container from the basket. Jay took my paddle and I opened the plastic lid. We floated side by side and passed our sushi. Our waitress leaned over and lowered a second basket holding a tuna roll. A few minutes later she lowered another basket with napkins and a check. I tucked the money beneath a napkin and the basket rose back up again. She could keep the change; it was too much work on their side. I stuck a single finger in a break on the mossy wall and held on—if there's a problem with dining on the river by kayak, it's learning to stabilize, to eat without drifting into those tour boats.

Which isn't likely.

Tour boats leave a significant wake, and the small rolling waves act as a stabilizer, incessantly, gently, pushing you closer to the wall. (However, when in doubt, Jay said, use your hips and tilt slightly and balance the boat.) Then again—you could just tie up on a pylon or row away with your food until you're out of the boating traffic. There's a low stone entranceway beside O'Brien's Riverwalk Cafe; and an old rusty ladder near Dearborn Street. Either would work as temporary anchors.

Closest to that ladder is Robinson's No. 1 Ribs, and they will lower a basket to you, along with a complimentary bag of chips. The manager is a friendly guy named Charles Allen who prefers being called "Country." I paddled over then realized I had no menu. "Um, what do you have?" I yelled up. Country leaned over the wall. "What do I have?" he asked. Rib tips? I asked. He said, how about a boneless rib sandwich? I nodded. A minute later a large wicker basket attached to a chain floated down.

I placed a \$20 bill in the basket and a couple moments later, the basket was back, holding a plastic water bottle stuffed with three \$5 bills, change from my \$20. Country delivers a lot of

sandwiches to kayakers, and I thought I made certain to lick every drop of barbecue sauce from my hands before paddling off. But first I pushed off from the slimy, damp wall with my right hand. Then I noticed a splotch of barbecue sauce on that hand. Which brings me to one additional key bit of advice here:

Bring Handi Wipes.

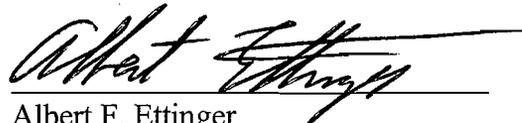
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STATE OF ILLINOIS)
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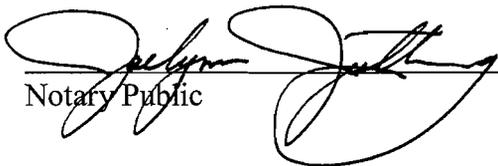
PROOF OF SERVICE

I, Albert Ettinger, on oath state that I have served the attached **PRE-FILED TESTIMONY OF MARGARET FRISBEE** 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

