

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
)
)
 WATER QUALITY STANDARDS AND)
 EFFLUENT LIMITATIONS FOR THE) R08-09
 CHICAGO AREA WATERWAYS 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

Persons included on the attached
SERVICE LIST

PLEASE TAKE NOTICE that the Alliance for the Great Lakes, Environmental Law and Policy Center, FOCR, NRDC, Openlands and Sierra Club have today filed an **Objection to the Motion of Citgo Petroleum for a Hearing on the Impact of Asian Carp Litigation** in R2008-009, a copy of which is herewith served upon you.

Respectfully Submitted,



Albert Ettinger
 Senior Attorney
 Environmental Law and Policy Center
 35 East Wacker Drive, Suite 1300
 Chicago, IL 60601
 312-795-3707

DATED: January 20, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-09
CHICAGO AREA WATERWAYS SYSTEM) (Rulemaking- Water)
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Code Parts 301, 302, 303 and 304)
)

**OBJECTION OF THE ALLIANCE FOR THE GREAT LAKES,
ENVIRONMENTAL LAW AND POLICY CENTER, FOCR, NRDC,
OPENLANDS AND SIERRA CLUB TO THE MOTION OF CITGO
PETROLEUM FOR A HEARING ON THE IMPACT OF ASIAN
CARP LITIGATION**

Apparently in the belief that this proceeding should never end, Citgo Petroleum Corp. and PDV Midwest ILC (“Movants”) have moved that yet another hearing be held. Nothing is said in the motion of any witnesses to be offered. No reason is given why Movants cannot make any point they wish to make in written submissions. Movants just summarize various litigation positions that the State of Michigan and other parties concerned about the movement of Asian Carp have taken before the Supreme Court and ask for a hearing to discuss them.

For whatever it is worth, the Supreme Court yesterday denied the motion of the State of Michigan for a preliminary injunction that was based on the theories that Movants rehearsed in their motion. In any event, it is sheer speculation that anything will come out of this litigation that is relevant to this proceeding.

It is certainly not speculative, however, that granting the motion will lead to more delay as the Board struggles to find calendar and physical space for yet more hearing days. It is also clear that parties seeking to maintain the status quo regarding water quality standards for the

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CAWS and the Lower Des Plaines can be expected in the future to exploit every development to delay this matter from ever coming to a Board ruling.

If Movants believe that they have a point to make based on the current carp litigation, they should make it by filing papers. If some actual ruling in the litigation or other development occurs that is relevant to this proceeding that can be raised in the future.

It is not expected that water quality standards are written to last for eternity. Water quality standards are supposed to be reconsidered at least every three years. 33 U.S.C. § 1313(c)(1). The possibility that something will happen in the future that might affect the proper standards for the Sanitary and Ship canal is not a reason to hold yet more hearings in this matter.

Respectfully submitted,

ALLIANCE FOR THE GREAT LAKES

ENVIRONMENTAL LAW AND POLICY
CENTER

FRIENDS OF THE CHICAGO RIVER

NATURAL RESOURCES DEFENSE
COUNCIL

OPENLANDS

SIERRA CLUB – ILLINOIS CHAPTER

By: 
ELPC Senior Attorney and authorized to
represent all of the above parties with regard
to this objection

Dated: January 20, 2010

Environmental Law & Policy Center
35 East Wacker Drive, Suite 1300
Chicago, IL 60601; ph. 312-795-3707

CERTIFICATE OF SERVICE

I, Albert Ettinger, hereby certify that I have served the attached **Objection to the Motion of Citgo Petroleum for a Hearing on the Impact of Asian Carp Litigation** upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on January 20, 2010; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on January 20, 2010.

Respectfully submitted,



Albert Ettinger
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