

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

To: ALL COUNSEL OF RECORD  
(Service List Attached)

**PLEASE TAKE NOTICE** that on the 20th day of September, 2010, I electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, **Metropolitan Water Reclamation District of Greater Chicago's Motion to Allow Oral Statement of Thomas Granato.**

Dated: September 20, 2010.

**METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**

By: /s/ David T. Ballard  
One of Its Attorneys

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**PROOF OF SERVICE**

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that I caused a copy of the foregoing, **Notice of Filing** and **Metropolitan Water Reclamation District of Greater Chicago's Motion to Allow Oral Statement of Thomas Granato**, to be served via First Class Mail, postage prepaid, from One North Wacker Drive, Chicago, Illinois, on the 20th day of September, 2010, upon the attorneys of record on the attached Service List.

*/s/ David T. Ballard*

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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EFFLUENT LIMITATIONS FOR THE ) (Rulemaking - Water)  
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**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S  
MOTION TO ALLOW ORAL STATEMENT OF THOMAS GRANATO**

Pursuant to 35 Ill. Adm. Code 101.500 and 101.628(a), the Metropolitan Water Reclamation District of Greater Chicago ("the District"), by its attorneys Barnes & Thornburg LLP, hereby moves the Board to allow Thomas Granato to make oral statements at the upcoming rulemaking hearings.<sup>1</sup> In support of its Motion, the District states as follows:

1. On September 20, 2010, the District filed the Pre-Filed Testimony of Thomas Granato – Recreational Use and Standards.
2. Unlike the other pre-filed testimonies filed by the District, the pre-filed testimony for Dr. Granato was filed not to provide new data or analysis, but to summarize and synthesize the testimonies of other District witnesses. By concluding the District witnesses' testimonies with a summary by Dr. Granato, the District intended to provide the Board with a clear conclusion about the District's positions and analysis in this rulemaking.
3. When the District submitted its previous testimony on recreational issues, testimony was submitted for Dr. Granato that summarized and synthesized the testimony of other District witnesses, to provide the District's recommendations as to how the Board should act on recreational issues. The District filed a motion to allow Dr. Granato to present his testimony

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<sup>1</sup>The next hearings are scheduled for October 19 and 20, 2010.

orally, and the Board granted that motion. In his testimony, Dr. Granato stated that the conclusions of the CHEERS Study would provide important information for the Board to consider in deciding the recreational issues, including as to whether disinfection of the District's effluents should be required. Now, the District has submitted testimony regarding the CHEERS Report, by Dr. Samuel Dorevitch, the expert who led the CHEERS Study. Based on that testimony, Dr. Granato's testimony presents the District's conclusions and recommendations as to how the CHEERS Report should be considered by the Board in deciding the recreational issues that are currently before it.

4. Under Board rules,

The hearing officer may permit a participant to make oral statements on the record when time, facilities, and concerns for a clear and concise hearing record so allow. The oral statements must be made under oath and are subject to cross-examination.

35 Ill. Adm. Code § 101.628(a).

4. Dr. Granato's pre-filed testimony is 6 double-spaced pages and should not take more than 10 minutes to read. Thus, his oral testimony of his submission will not cause any real delay during the rulemaking hearings. Instead, Dr. Granato's oral testimony will provide a short summary of testimony that is being presented by the District's other witnesses as well as the District's position on how the Board should act on the Illinois Environmental Protection Agency's proposed recreational requirements. This testimony will serve to provide a "clear and concise hearing record." Further, considering the short length of the testimony, there is sufficient time and facilities to allow Dr. Granato to provide oral testimony.

5. Dr. Granato will provide his oral statement as requested in this Motion under oath, and will be subject to cross-examination.

WHEREFORE, the District respectfully requests that the Board allow for Thomas Granato to make an oral statement at the upcoming rulemaking hearings according to his previously submitted pre-filed testimony, and grant all relief the Board deems just and fair.

Dated: September 20, 2010

**METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**

By: /s/ Fredric P. Andes  
One of Its Attorneys

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