

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 III. |) | Subdocket A |
| Adm. Code Parts 301, 302, 303 and 304 |) | |

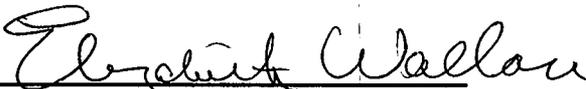
NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 30th day of November, 2010, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached People of the State of Illinois' Comments in Support of the Board's Proposed Rules for First Notice Establishing Recreational Use Designations for the Chicago Area Waterway System and the Lower Des Plaines River, a copy of which is hereby served upon you.

Respectfully submitted,

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By: 
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| CHICAGO AREA WATERWAY SYSTEM |) | (Rulemaking – Water) |
| AND THE LOWER DES PLAINES RIVER: |) | |
| PROPOSED AMENDMENTS TO 35 ILL. |) | (Subdocket A) |
| Adm. Code Parts 301, 302, 303 and 304 |) | |

**PEOPLE OF THE STATE OF ILLINOIS' COMMENTS IN SUPPORT OF THE
BOARD'S PROPOSED RULES FOR FIRST NOTICE ESTABLISHING
RECREATIONAL USE DESIGNATIONS FOR THE CHICAGO AREA WATERWAY
SYSTEM AND THE LOWER DES PLAINES RIVER**

The People of the State of Illinois (“the People”), by and through Illinois Attorney General Lisa Madigan, submit these comments in support of the Illinois Pollution Control Board’s (“Board”) proposed rules for first notice establishing recreational use designations for the Chicago Area Waterway System (“CAWS”) and Lower Des Plaines River (“LDPR”) set forth in the Board’s Opinion and Order dated August 5, 2010 (“First Notice”). The People support the proposed First Notice recreational use designations as the minimally appropriate use designations for the CAWS and LDPR, as they accurately reflect the existing uses of those waters for fishing and boating in canoes, kayaks and small motorized craft, and because maintenance of those existing uses is mandated by the Clean Water Act. Accordingly, the People respectfully request that the Board move forward with Subdocket A and adopt the recreational use designations proposed in the First Notice.

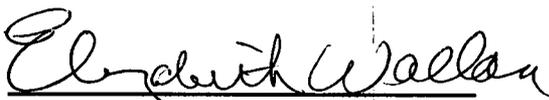
I. VOLUMINOUS EVIDENCE SUPPORTS THE BOARD'S PROPOSED RULES FOR FIRST NOTICE

An enormous amount of evidence was put into the record which demonstrates that there are existing recreational uses of the CAWS and LDPR. Over 40 days of hearings have been held by the Board in this rulemaking and hundreds of public comments have been submitted. The overwhelming evidence is that the CAWS and LDPR can and do support recreational uses as set forth in detail in the Board's Opinion and Order, in the sections titled "Summary of Testimony", at pages 34 through 57, and "Summary of Public Comments", at pages 57 through 78. The Clean Water Act requires that those existing uses must be protected. The proposed incidental contact recreational use designation is, therefore, the minimum use designation that is appropriate for the CAWS and LDPR.

II. THE BOARD SHOULD MOVE TO ADOPT REGULATIONS THAT SUPPORT RECREATIONAL USES

The People appreciate the Board's careful and thorough review of the uses of the CAWS and LDPR and support the proposed rules in the First Notice. We urge the Board to quickly move forward to adopt the use designations provided in the First Notice, as well as water quality standards necessary to protect those uses.

LISA MADIGAN,
Attorney General of the
State of Illinois

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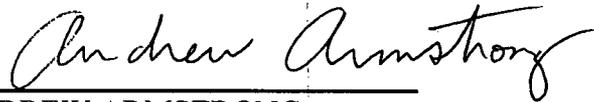
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(312) 814-0660

Environmental Division
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Chicago, Illinois 60602

DATE: November 30, 2010

CERTIFICATE OF SERVICE

I, ANDREW ARMSTRONG, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the foregoing Notice of Filing and People of the State of Illinois' Comments in Support of the Board's Proposed Rules for First Notice Establishing Recreational Use Designations for the Chicago Area Waterway System and the Lower Des Plaines River, and caused them to be served this 30th day of November, 2010 upon the persons listed on the attached Service List by depositing true and correct copies of same in an envelope, first class postage prepaid, with the United States Postal Service at 69 West Washington Street, Chicago, Illinois, unless otherwise noted on the Service List.



ANDREW ARMSTRONG