

**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: ) Subdockets C and D  
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 5th day of March, 2012, I, on behalf of the Metropolitan Water Reclamation District of Greater Chicago, electronically filed **JOINT MOTION OF ENVIRONMENTAL GROUPS AND METROPOLITAN RECLAMATION DISTRICT OF GREATER CHICAGO REGARDING BUBBLY CREEK** with the Office of the Clerk of the Illinois Pollution Control Board.

Dated: March 5, 2012

**METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**

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

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**PROOF OF SERVICE**

The undersigned, a non-attorney, certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that I caused a copy of the forgoing, the **JOINT MOTION OF ENVIRONMENTAL GROUPS AND METROPOLITAN RECLAMATION DISTRICT OF GREATER CHICAGO REGARDING BUBBLY CREEK**, to be served via First Class Mail, postage paid, from One North Wacker Drive, Chicago, Illinois, on the 5th day of March, 2012, upon the attorneys of record on the attached Service List.

*/s/ Barbara E. Szynalik*

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Barbara E. Szynalik

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
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WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE ) R08-09C and R08-09D  
CHICAGO AREA WATERWAYS SYSTEM ) (Rulemaking- Water)  
(CAWS) AND THE LOWER DES PLAINES )  
RIVER: PROPOSED AMENDMENTS TO )  
35 Ill. Adm. Code Parts 301, 302, 303 and 304 )  
(Recreational Use Designations) )

**JOINT MOTION OF ENVIRONMENTAL GROUPS AND  
METROPOLITAN WATER RECLAMATION DISTRICT  
OF GREATER CHICAGO REGARDING BUBBLY CREEK**

On January 27, 2012, the Metropolitan Water Reclamation District of Greater Chicago (“MWRD”), Natural Resources Defense Council (“NRDC”), Environmental Law & Policy Center, Friends of the Chicago River, Openlands, Southeast Environmental Task Force, Prairie Rivers Network, and Sierra Club-Illinois Chapter (collectively, “Environmental Groups”) submitted a joint statement concerning their efforts to resolve issues in Subdockets C and D. In that statement, the parties stated that they had reached a tentative agreement on a number of issues. That tentative agreement, which was attached as Exhibit A, included the following statement: *“MWRD and the Environmental Groups agree to propose to the IPCB that it create a separate docket or subdocket for Bubbly Creek and not take action in that docket or subdocket before the report being prepared by the U.S. Army Corps regarding Bubbly Creek is issued.”* The proposal referenced in that statement has been supported by the Illinois Environmental Protection Agency, in a filing that was submitted on January 27, 2012.

That statement was based on a recognition that the South Fork of South Branch Chicago River, also known as Bubbly Creek, is a unique waterbody, which poses extremely complex questions as to the aquatic life uses that can be attained, and the dissolved oxygen standards that are appropriate to protect those uses. The U.S. Army Corps of Engineers (the Corps) is currently conducting an assessment of the Bubbly Creek ecosystem, entitled "Bubbly Creek Ecosystem Restoration Feasibility Study." When that study is complete, the Corps will prepare a report concerning actions that may be taken to address the Bubbly Creek ecosystem and improve its environmental status. That report will provide substantial assistance to the stakeholders, and to the Board, in assessing and determining the appropriate designated uses and water quality standards for Bubbly Creek. Therefore, the MWRD and Environmental Groups believe that issues as to Bubbly Creek should not be addressed by the Board until that report is issued. We propose that the Board create a separate docket or subdocket for Bubbly Creek and that the Board not take action in that proceeding until after the Corps report is issued.

Respectfully submitted,

METROPOLITAN WATER  
RECLAMATION DISTRICT OF  
GREATER CHICAGO

By:

*/s/ Fredric P. Andes*

Fredric P. Andes  
Barnes & Thornburg LLP

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ENVIRONMENTAL LAW AND POLICY  
CENTER

OPENLANDS

SIERRA CLUB—ILLINOIS CHAPTER

PRAIRIE RIVERS NETWORK

FRIENDS OF THE CHICAGO RIVER

ALLIANCE FOR THE GREAT LAKES

By:

*/s/ Albert Ettinger*

Albert Ettinger

Authorized to represent all of the above  
parties with regard to this document