

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	
CHICAGO AREA WATERWAYS SYSTEM)	R08-09 Subdocket C
AND THE LOWER DES PLAINES RIVER:)	(Rulemaking- Water)
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 on April 19, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Environmental Law and Policy Center, Friends of the Chicago River, Natural Resources Defense Council, Openlands, Prairie Rivers Network and Sierra Club's **Opposition of Certain Environmental Organizations to the Illinois Environmental Regulatory Group's Motion for Clarification Regarding the First Notice Opinion and Order**, a copy of which is attached hereto and herewith served upon you.

Respectfully Submitted,

Albert Ettinger
 Counsel for Environmental Groups
 53 W. Jackson Blvd., Suite 1664
 Chicago, IL 60604

DATED: April 19, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-09 Subdocket C
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)
)

**OPPOSITION OF CERTAIN ENVIRONMENTAL ORGANIZATIONS TO THE
ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S MOTION FOR
CLARIFICATION REGARDING THE FIRST NOTICE OPINION AND ORDER FOR
SUBDOCKET C**

The Environmental Law and Policy Center, Friends of the Chicago River, Natural Resources Defense Council, Openlands, Prairie Rivers Network and Sierra Club ask that the motion of the Illinois Environmental Regulatory Group for clarification regarding the Subdocket C opinion and order of the Board of February 21, 2013 be denied. The Board's Order is not unclear and no purpose would be served through further clarification other than delay.

In its order, the Board made clear that, as none of the 40 CFR 131.10(g) factors applied, the Upper Dresden Pool should be designated as general use, "General Use" apparently being the designation the Board finds appropriate for waters capable of meeting Clean Water Act goals. (Order and Opinion p. 221) The Board also made clear that the particular criteria to be applied to the Upper Dresden Pool would be addressed further in Subdocket D. (Order and Opinion p. 223). If there is a particular need for clarification here, it is not apparent to us.

If there is a need for clarification, it can easily be secured by commenting on the First Notice decision and allowing the Board to decide what it needs to change. Putting the Board to the trouble of issuing a separate decision just to clarify is a totally unnecessary step.

Additionally, corrections regarding issues relating to the criteria to be applied in the Upper

Dresden Pool can be addressed in Subdocket D.

Respectfully submitted,

ENVIRONMENTAL LAW & POLICY CENTER
FRIENDS OF THE CHICAGO RIVER
NATURAL RESOURCES DEFENSE COUNCIL
OPENLANDS
PRAIRIE RIVERS NETWORK
SIERRA CLUB - ILLINOIS CHAPTER

By:



Albert Ettinger
53 W. Jackson, Suite 1664
Chicago, Illinois 60604
773 818 4825
Ettinger.Albert@gmail.com



Jessica Dexter
Staff Attorney
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1600
Chicago, IL 60601
jdexter@elpc.org
(312) 795-3747

Authorized to represent the parties listed above for
the purposes of this Opposition

CERTIFICATE OF SERVICE

I, Albert Ettinger, hereby certify that I have served the attached **OPPOSITION OF CERTAIN ENVIRONMENTAL ORGANIZATIONS TO THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S MOTION FOR CLARIFICATION REGARDING THE FIRST NOTICE OPINION AND ORDER FOR SUBDOCKET C** upon the attached service list via document in the United States Mail, postage prepaid, in Chicago, Illinois on April 19, 2013.



Albert Ettinger
53 W. Jackson, Suite 1664
Chicago, Illinois 60604
773 818 4825
Ettinger.Albert@gmail.com

SERVICE LIST

April 19, 2013

Frederick M. Feldman, Esq., Louis Kollias,
Margaret T. Conway, Ronald M. Hill
Metropolitan Water Reclamation District
100 East Erie Street
Chicago, IL 60611

Matthew J. Dunn – Chief,
Susan Hedman
Office of the Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, IL 60602

Roy M. Harsch
Drinker Biddle & Reath
191 N. Wacker Drive, Suite 3700
Chicago, IL 60606-1698

Bernard Sawyer, Thomas Grant
Metropolitan Water Reclamation District
6001 W. Pershing Rd.
Cicero, IL 60650-4112

Claire A. Manning
Brown, Hay & Stephens LLP
700 First Mercantile Bank Building
205 South Fifth St., P.O. Box 2459
Springfield, IL 62705-2459

Lisa Frede
Chemical Industry Council of Illinois
1400 East Touhy Avenue Suite 100
Des Plaines, IL 60019-3338

Deborah J. Williams, Stefanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Fredric P. Andes, Erika K. Powers
Barnes & Thornburg
1 North Wacker Drive Suite 4400
Chicago, IL 60606

Alec M. Davis, Katherine D. Hodge,
Matthew C. Read, Monica T. Rios,
N. LaDonna Driver
Hodge Dwyer & Driver
3150 Roland Avenue P.O. Box 5776
Springfield, IL 62705-5776

James L. Daugherty - District Manger
Thorn Creek Basin Sanitary District
700 West End Avenue
Chicago Heights, IL 60411

Ariel J. Teshler, Jeffrey C. Fort
SNR Denton US LLP
233 South Wacker Driver Suite 7800
Chicago, IL 60606-6404

Tracy Elzemeyer – General Counsel
American Water Company
727 Craig Road
St. Louis, MO 63141

Ann Alexander, Senior Attorney
Natural Resources Defense Council
2 N. Riverside Plaza, Suite 2250
Chicago, IL 60606

Keith I. Harley, Elizabeth Schenkier
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, IL 60606

Robert VanGyseghem
City of Geneva
1800 South Street
Geneva, IL 60134-2203

Frederick D. Keady, P.E. – President
Vermilion Coal Company
1979 Johns Drive
Glenview, IL 60025

Cindy Skrukrud, Jerry Paulsen
McHenry County Defenders
132 Cass Street
Woodstock, IL 60098

W.C. Blanton
Husch Blackwell Sanders LLP
4801 Main Street Suite 1000
Kansas City, MO 64112

Marie Tipsord - Hearing Officer
Illinois Pollution Control Board
100 W. Randolph St.
Suite 11-500 Chicago, IL 60601

James E. Eggen
City of Joliet,
Department of Public Works and Utilities
921 E. Washington Street
Joliet, IL 60431

Kay Anderson
American Bottoms RWTF
One American Bottoms Road
Sauget, IL 62201

Jack Darin
Sierra Club
70 E. Lake Street, Suite 1500
Chicago, IL 60601-7447

Bob Carter
Bloomington Normal Water Reclamation District
PO Box 3307
Bloomington, IL 61702-3307

Tom Muth
Fox Metro Water Reclamation District
682 State Route 31
Oswego IL 60543

Kenneth W. Liss
Andrews Environmental Engineering
3300 Ginger Creek Drive
Springfield, IL 62711

Mark Schultz
Navy Facilities and Engineering Command
201 Decatur Avenue Building 1A
Great Lakes, IL 60088-2801

Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, IL 60025

Dr. Thomas J. Murphy
2325 N. Clifton Street
Chicago, IL 60614

Cathy Hudzik
City of Chicago –
Mayor's Office of Intergovernmental Affairs
121 N. LaSalle Street City Hall - Room 406
Chicago, IL 60602

Stacy Meyers-Glen
Openlands
25 East Washington Street, Suite 1650
Chicago, IL 60602

Beth Steinhorn
2021 Timberbrook
Springfield, IL 62702

Lyman Welch
Alliance for the Great Lakes
17 N. State St., Suite 1390
Chicago, IL 60602

James Huff - Vice President
Huff & Huff, Inc.
915 Harger Road, Suite 330
Oak Brook IL 60523

Susan Charles, Thomas W. Dimond
Ice Miller LLP
200 West Madison, Suite 3500
Chicago, IL 60606

Vicky McKinley
Evanston Environment Board
223 Grey Avenue
Evanston, IL 60202

Susan M. Franzetti
Kristen Laughridge Gale
Nijman Franzetti LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603

Marc Miller
Office of Lt. Governor Pat Quinn
Room 414 State House
Springfield, IL 62706