

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 D
 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 June 20, 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 **ENVIRONMENTAL GROUPS' PRE-FILED QUESTIONS TO SCOTT TWAIT**, a copy of which is attached hereto and herewith served upon you.

Respectfully Submitted,



Albert Ettinger
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DATED: June 20, 2013

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 D
(CAWS) AND THE LOWER DES PLAINES) (Rulemaking- Water)
RIVER: PROPOSED AMENDMENTS TO)
35 Ill. Adm. Code Parts 301, 302, 303 and 304)
(Aquatic Life Use Designations))

ENVIRONMENTAL GROUPS' PRE-FILED QUESTIONS TO SCOTT TWAIT

Environmental Law & Policy Center, Natural Resources Defense Council, Openlands, Friends of the Chicago River, Prairie Rivers Network, and the Illinois Chapter of Sierra Club (“Environmental Groups”) submit these questions to Scott Twait of the Illinois Environmental Protection Agency regarding proposed criteria for the Chicago Area Waterways System (“CAWS”) and the Lower Des Plaines River (“LDPR”).

1. Is it the IEPA’s proposal that the Upper Dresden Island Pool be treated like other General Use waters once the designation is finally adopted and that all of the water quality standards will be applied there as they are in Section 302 Subpart B of the Illinois Standards?

2. Specifically regarding temperature, is it the IEPA’s proposal that the provisions of Section 302.211 will be applied to the entire Upper Dresden Island Pool?

3. In USEPA’s Comments on the October 2007 Version of Proposed Water Quality Standards Revisions for the Chicago Area Waterway and Lower Des Plaines River (PC #286), USEPA requested that IEPA include additional analysis showing that the proposed period average thermal criteria are protective of existing and designated aquatic life uses. How does

IEPA's proposal to use background temperatures to establish period averages protect existing and designated aquatic life uses? Which survival endpoints were used to establish or justify these criteria?

4. In USEPA's Comments on the October 2007 proposal (PC #286), USEPA recommended deriving seasonally-based maximum criteria to replace the year-round maximum thermal criteria contained in IEPA's proposal. Why did IEPA decline to establish lower maximum criteria in the non-summer months?

5. In USEPA's Comments on the October 2007 proposal (PC #286), USEPA expressed concern that using the MWRD effluent temperatures to establish non-summer thermal criteria for segments upstream of the influence of a wastewater treatment plant could potentially disrupt fish reproduction in those segments. Did IEPA consider revising non-summer thermal criteria for those segments upstream of the influence of wastewater treatment plants?

6. In USEPA's Comments on the October 2007 proposal (PC #286), USEPA asked IEPA to explain its rationale for Section 302.408 (a) allowing an increase of 3.6°F above the proposed standards for 2% of the hours in a year. How will this provision affect survival of the Representative Aquatic Species (RAS) identified for Aquatic Life Use A and Aquatic Life Use B?

7. How is the existing variance held by MWG regarding the temperature requirements at the I-55 Bridge to be handled if the Board's proposed designation and IEPA's proposal regarding criteria for the Upper Dresden Island Pool is adopted?

8. To your knowledge, has the existing variance held by MWG regarding compliance at the I-55 Bridge affected any other discharger to the CAWS or the LDPR?

9. What was the effect of IEPA using different background temperature data instead of using the temperatures at the Cal-Sag Channel - Route 83 to establish period average thermal criteria?

10. Are you aware of whether there are native mussels in any of the waters covered by the proposed Subpart D criteria?

11. Are you aware of any studies regarding the effects of cyanide on native mussels?

12. Are there any specific numeric water column criteria of general applicability that have been developed to protect human health for fish consumption now in any of the Illinois standards?

13. In USEPA's Comments on the October 2007 Version of Proposed Water Quality Standards Revisions for the Chicago Area Waterway and Lower Des Plaines River (PC #286), USEPA references "numerous published human health criteria recommendations that have been derived to protect human health from the exposure of contaminated fish (organism-only exposure criteria)." Which of these USEPA recommended criteria has IEPA considered adopting for the waters at issue in this case?

14. Does the Agency proposal contain a narrative water quality standard regarding unnatural sludge?

15. Does the Agency proposal for ammonia criteria in Use B waters protect larval fish present in Use B waters from March through October?

16. Does the Agency proposal for dissolved oxygen criteria in Use B waters protect larval fish present in Use B waters from March through July?

17. Does the Agency proposal incorporate criteria that are at least as protective as the USEPA national criteria recommendations, including those for Cadmium, Chloride, Lead, Silver, Selenium, Copper, Diazinon, Methyl Tertiary-Butyl Ether (MBTE), Nonylphenol, and Tributyltin?

Dated: June 20, 2013

Respectfully submitted,

ENVIRONMENTAL LAW & POLICY CENTER

FRIENDS OF THE CHICAGO RIVER

NATURAL RESOURCES DEFENSE COUNCIL

OPENLANDS

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CERTIFICATE OF SERVICE

I, Albert Ettinger, hereby certify that I have served the attached **ENVIRONMENTAL GROUPS' PRE-FILED QUESTIONS TO SCOTT TWAIT** upon the below service list via the United States Mail, postage prepaid, in Chicago, Illinois on June 20, 2013.



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