

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

To: John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(VIA electronic mail and First Class Mail)

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed electronically today with the hearing officer ILLINOIS EPA'S STATUS FOR SUBDOCKET D, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

Dated: January 31, 2014  
1021 North Grand Avenue East  
P.O. Box 19276  
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(217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**STATUS FOR SUBDOCKET D**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorneys, hereby submits a status as requested by the hearing officer at the December 17, 2013 hearing. The Agency states as follows:

1) On October 26, 2007, the Agency filed a rulemaking proposal to update the designated uses and accompanying water quality standards for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Use which includes most waters in the Chicago Area Waterway System (“CAWS”) and Lower Des Plaines River.

2) On November 1, 2007, the Board accepted the Agency’s proposal for hearing.

3) On March 18, 2010, the Board issued an order dividing R08-09 into four separate subdockets. Pursuant to the Board’s March 18, 2010 Opinion and Order, Subdocket D was “created to address the issues dealing with water quality standards

and criteria, which are necessary to meet the aquatic life use designations.” See, Opinion, P. 1.

4) At the end of the December 17, 2013, the hearing officer asked the participants in the rulemaking to give a status as to whether the participants needed more time to discuss Subdocket D issues or if the participants were ready for the hearing officer to set a post hearing comment deadline. See, Hearing transcript P. 202.

5) The Agency is ready to proceed to post hearing comments for all the standards proposed in Subdocket D except for the chloride standard. The Agency is still in discussions with various parties, as well as, with the USEPA with respect to chlorides. It is clear that more time is needed to work on an approvable chloride standard and what would be needed to obtain a variance, as discussed at the last hearing.

6) Therefore, the Agency proposes that a new subdocket be reserved for the issue of chlorides. By granting a separate subdocket for chlorides, it will allow the various participants the necessary time to address the issues without delaying the other standards from moving forward. The Agency encourages the Board to move forward with setting a post hearing comment deadline with respect to all the other standards addressed in Subdocket D.

WHEREFORE, the Agency respectfully requests the Board set a post hearing comment deadline for all the standards addressed in Subdocket D except chlorides and, therefore, asks the Board to open a separate Subdocket for chlorides.

Respectfully submitted,

By: /s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel  
Division of Legal Counsel

Date: January 31, 2014

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**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S STATUS FOR SUBDOCKET D upon the person to whom it is directed by electronic filing and placing it in an envelope addressed to:

John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

and by mailing the document to those listed above and on the attached Service List by First Class

Mail from Springfield, Illinois on January 31, 2014, with sufficient postage.

/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**