

ORIGINAL

RECEIVED  
CLERK'S OFFICE

ILLINOIS POLLUTION CONTROL BOARD

DEC 28 2006

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO ) R04-25  
DISSOLVED OXYGEN STANDARD 35 ILL.) (Rulemaking - Water)  
ADM. CODE 302.206 )

**EXHIBIT LIST**

**First Hearing: June 29, 2004, Chicago**

Exhibit 1: "An Assessment of National and Illinois Dissolved Oxygen Water Quality Criteria" James E. Garvey and Matt R. Whiles (Apr. 2004)

Exhibit 2: "Ambient Water Quality Criteria for Dissolved Oxygen" USEPA (Apr. 1986)

Exhibit 3: Resume of Dennis Streicher

Exhibit 4: Copies of letters from Dennis Streicher to various organizations concerning the proposed rulemaking

Exhibit 5: Resume of James E. Garvey

Exhibit 6: Resume of Matt R. Whiles

Exhibit 7: From R02-19, written testimony of Robert J. Sheehan & Table 1 "Spawning periods for fishes in Illinois"

Exhibit 8: "Influences of Hypoxia and Hyperthermia on Fish Species Composition in Headwater Streams" Martin A. Smale and Chalres F. Rabeni (1995)

**Second Hearing: August 12, 2004, Springfield**

Exhibit 9: Pre-filed Testimony of Dr. James E. Garvey, with attached July 2004 report entitled "Long Term Dynamics of Oxygen and Temperature in Illinois Streams" by Dr. Garvey.

Exhibit 10: Electronic comments by Gary Chapman in the margins of "An Assessment of National and Illinois Dissolved Oxygen Water Quality Criteria" James E. Garvey and Matt R. Whiles (Apr. 2004)

Exhibit 11: One-page hard copy of e-mail sent July 22, 2004 at 8:52 a.m. from Roy M. Harsch regarding IEPA "implementation rules"

Exhibit 12: Letter entitled "Fight Effort to Lower Fox Oxygen Criteria," from David J. Horn, appearing on the Opinion page of the *Daily Herald*

Exhibit 13: Letter dated July 30, 2004 from David L. Thomas, PhD, Chief of the Illinois Natural History Survey to Lieutenant Governor Pat Quinn

**Third Hearing: August 25, 2005**

Exhibit 14: Statement of Toby Frevert, Manager of the Division of Water Pollution Control, IEPA

Exhibit 15: Pre-filed Testimony of Dennis Streicher, Director of Water and Wastewater with the City of Elmhurst, and President of IAWA

Exhibit 16: Pre-filed Testimony of Dr. James E. Garvey, with nine attachments

Exhibit 17: One-page list of streams entitled "Table 2 – Testimony of David L. Thomas, August 2005"

Exhibit 18: Pre-filed Testimony of Todd Main, Director of Policy and Planning, Friends of the Chicago River

Exhibit 19: Pre-filed Testimony of Thomas J. Murphy, Emeritus Professor of Chemistry, Environmental Science Program, DePaul University

**Fourth Hearing: April 25, 2006**

Exhibit 20: IEPA/DNR Proposed Rule Language (Attached to 4/4/06 Pre-filed Testimony of IEPA/DNR)

Exhibit 21: IEPA/DNR Proposed Section 302. Appendix D: Stream Segments for Enhanced Dissolved Oxygen Protection (Attached to 4/4/06 Pre-filed Testimony of IEPA/DNR)

Exhibit 22: IEPA's April 24, 2006 Response to Dennis Streicher of IAWA (includes compact disc of Dissolved Oxygen Results at IEPA Stream Sites (Selected Sites), Grab Samples (1994-2003), Continuous Monitoring Data (2004-2005))

Exhibit 23: IEPA/DNR Technical Support Document (Mar. 31, 2006) (Attached to 4/4/06 Pre-filed Testimony of IEPA/DNR)

Exhibit 24: Compact disc of IEPA/DNR Proposed Streams for Enhanced Dissolved Oxygen Protection (Attached to 4/4/06 Pre-filed Testimony of IEPA/DNR)

Exhibit 25: Amended Pre-filed Testimony of Richard Lanyon on behalf of the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC)

Exhibit 26: USEPA Method # 360.1, Approved for NPDES (Issued 1971), Oxygen, Dissolved (Membrane Electrode)

Exhibit 27: Testimony of Thomas J. Murphy, Emeritus Professor of Chemistry, Environmental Science Program, DePaul University

**Status Conference Call: June 5, 2006**

Exhibit 28: Compact disc with May 19, 2006 cover letter from DNR (five copies of disc) (disc includes the information from Exhibit 24, as well as the following information: stream segments that IEPA identified in the 2006 Assessment Database as being aquatic life use impaired (including segments where low dissolved oxygen is identified as a potential cause of impairment); and National Pollutant Discharge Elimination System (NPDES) discharge points and associated metadata)

**Fifth Hearing: November 2-3, 2006**

Exhibit 29: Pre-filed Questions of Environmental Law & Policy Center of the Midwest (ELPC), Prairie Rivers Network (PRN), and Sierra Club Directed to IEPA/DNR

Exhibit 30: IEPA/DNR Responses to Pre-filed Questions of ELPC, PRN, & Sierra Club

Exhibit 31: Pre-filed Testimony of Thomas J. Murphy, Emeritus Professor of Chemistry, Environmental Science Program, DePaul University

Exhibit 32: Pre-filed Testimony of Dennis Streicher

Exhibit 33: Certifications of Dissolved Oxygen Sample Collection by the Fox Metro Water Reclamation District, the City of Naperville, the Greater Peoria Sanitary District, the Village of Plainfield, the Rock River Water Reclamation District, and the Wheaton Sanitary District

Exhibit 34: Compact disc of IAWA Dissolved Oxygen Sampling Data

Exhibit 35: Pre-filed Testimony of Dr. James E. Garvey

Exhibit 36: Additional Testimony of Dr. James E. Garvey

Exhibit 37: Abstract of presentation made to the North American Benthological Society entitled "Effects of hypoxia on brood survival in the freshwater mussel, *Venustaconcha ellipsiformis*," B.E. Kaiser, M.C. Barnhart

Exhibit 38: "Anthropogenic Inputs of Nitrogen and Phosphorus and Riverine Export for Illinois, USA," Mark B. David, Lowell E. Gentry, reprinted from the *Journal of Environmental Quality*

Exhibit 39: “Biological Criteria and Tiered Aquatic Life Uses: Potential Changes to Illinois Water Quality Standards,” IEPA Bureau of Water (Sept. 2006)

Exhibit 40: Pre-filed Testimony of Richard Lanyon, MWRDGC

Exhibit 41: Pre-filed Testimony of Louis Kollias, MWRDGC