

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 04 2008

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
 WATER QUALITY STANDARDS AND)
 EFFLUENT LIMITATIONS FOR THE) R08-9
 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)

NOTICE OF FILING

To: see attached Service List

PLEASE TAKE NOTICE that on the 4th Day of August, 2008, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Prefiled Testimony of Victor Crivello and Alan Mammoser, copies of which is hereby served upon you.

By: Keith Harley
 Keith Harley, Chicago Legal Clinic, Inc.

Dated: August 4, 2008

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CERTIFICATE OF SERVICE

I, Keith Harley, the undersigned attorney, hereby certify that I have served the attached Prefiled Testimony of Victor Crivello and Alan Mammoser on all parties of record (Service List attached), by depositing said documents in the United States Mail, postage prepaid, from 227 W. Monroe, Chicago, IL 60606, before the hour of 5:00 p.m., on this 4th Day of August, 2008.



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PRE-FILED TESTIMONY OF VICTOR CRIVELLO

My name is Victor M. Crivello. I am a resident of the Pullman neighborhood on Chicago’s southeast side. I have worked on environmental issues for over thirty years. I participated in environmental and engineering projects for Environmental Design, Inc., Chicago Public Schools, McDonough Engineering, U.S. Ecology, Envirosafe Service, Inc., Chem-Clear Inc., U.S. EPA Superfund projects as well as for several municipal and community organizations. I have also contributed in the implementation of various training programs for the public on hazardous waste regulations, water quality planning, and special waste hauling regulations. Currently, I am working with Carnow, Conibear & Associates doing environmental construction oversight and working with six UNO Charter Schools helping them develop a Green School program. As a volunteer, I am co-chair of the Lake Calumet Vision Committee advocating public access and boating on Lake Calumet and connected waterways.

In addition to my environmental work, I have been a boat enthusiast for the majority of my life. From 1984 to 2003, I traveled on my sailboat on the Calumet River from Marine Services to the Montrose Harbor every spring and returned every fall. In 2003, due to the rising expense of slip costs on Lake Michigan, I purchased a thirty-foot Chris Craft cabin cruiser and have kept the boat ever since at Marine Services in Dolton on the Calumet River. For the last

five years, I have gotten out at least three weekends a month from May to October spending about half my time on the Calumet River system.

There has always been a large boating community on the Calumet waterways and each year the size is increasing. Every week during the boating season, hundreds of families recreate on the Calumet River system. I have primarily observed waterway uses from Ashland Ave. east along the Grand Calumet River. Yet, over the years I have traveled almost all the Calumet waterways and I am very familiar with the uses there as well. The recreational uses I observe include power boating, waterskiing, jet skiing, tubing, canoeing, kayaking, swimming, rowing and fishing. During the boating season, recreational activities are quite prevalent in the area. There can be as many as 100 boats out on a given day. Today, along with the growing popularity of power boating, jet skiers and water-skiers are becoming more common. I believe we will continue to see more jet skiers and water-skiers in upcoming years. I have also seen an increase in canoeing and kayaking activities. On any given weekend, I observe upwards of twenty or more fisherman in small boats fishing on the Calumet waterway system. The majority of recreational boating activities are south of the O'Brien Lock and Dam. On weekends, I have observed many traffic jams at the Lock consisting of at least 25 boats. From the Lock, there is a 6 mile stretch before you enter Lake Michigan. There are designated no wake zones along the stretch. Coast Guard enforcement has been increasing due to the increasing number of boaters. The Calumet waterways range in depths of 3 to 14 feet with width in some areas extending as much as 50 yards wide. These depths and widths are sufficient for recreational boating. The Cal-Sag River is also an area with heavy recreational uses. Even though occasional barge traffic does exist, there is always more than enough room to pass in a safe way.

There are currently ten marinas on the Calumet River with about 500 boat slips. In addition, there are three boat launches in Alsip, Worth, and Beaubien Woods. Also, there are four good restaurants accessible by boat on the waterways, including “Red Neck Tavern.” Currently, four of the ten marinas are undergoing major renovations and at least one large housing community with river access, called Fay’s Point, is being constructed in Blue Island. The Calumet Vision Plan is also in the works. This plan focuses on the natural lands, greenways, and trails with special attention to the Lake Calumet area. Yet, in this Calumet Area Vision plan, attention is also brought to the Calumet waterways. The plan identifies routes and future plans for launches and signage along the waterways. Disinfection of the waters will be vital to the success of this plan.

There have been numerous events that have taken place in the Calumet waterways. In 1975, while working at the Northeastern Illinois Planning Commission, I helped organize an Earth Day boat cruise supporting clean water that had over 200 boat participants. The Calumet waterways have been home to many fishing tournaments. In July of 2000, the 30th edition of the prestigious BASS Masters Classic was held in the Calumet waterways. On November 4, 2007, the first Southland Regatta at Fay’s Point was held where five major universities participated in this premier Division I rowing competition with over 300 female rowers in the Cal-Sag Channel. The next Regatta is scheduled for November 2, 2008. In addition, the Chicago Rowing Center has been using the Cal-Sag as training grounds since early 2006. Many collegiate and high school rowing teams have held daily practices on the Cal-Sag Channel.

People who recreate in the waterways will get wet. When power boating, there are many instances where you will be required to go overboard to fix a propeller or plug a hole. In addition, it is common for boaters to come in direct contact with the water when launching their

boats and wheeling them out of the water. There is also possibility of being splashed with water from the wake from other boats. Jet skiing, waterskiing, and tubing are activities where water contact is unavoidable. Boat fishing also involves at least some water contact. Lastly, rowing, canoeing, and kayaking involve water contact especially in the launching and wheeling out phase. All and all, especially with the growing popularity of recreational boating in the Calumet waterways, direct water contact is inevitable and the continuing unsafe water conditions of the Calumet waterways will have a negative affect on these activities.

In conclusion, I strongly support the disinfection of the Calumet waterways. The Chicago community is starting to realize the great benefits of the Calumet waterways especially because of the large and ever increasing recreational uses of these waters. It is more obvious now to see why disinfection is necessary for this will not only make the waters first class facilities for recreational boating, but it will also improve the community and quality of life of Chicago's southeast side, the near suburbs, and the whole metropolitan region.

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PRE-FILED TESTIMONY OF ALAN MAMMOSER

INTRODUCTION

My name is Alan Mammoser. I was employed at the Southeast Environmental Task Force (“SETF”) for 2-1/2 years, most recently as the Executive Director of the SETF. Prior to attaining this title in 2006, I joined the SETF in October, 2005 as a project manager for the Calumet Area Vision project. As Executive Director, I led the organization’s work in three programs: pollution prevention, open space planning, and environmental education.

Prior to working at the SETF, I worked for six years as an associate planner at the Northeastern Illinois Planning Commission. During my time at the Northeastern Illinois Planning Commission I participated in various regional planning projects including the Common Ground Regional Framework Plan, and the East Will County Council of Mayors. In the Common Regional Ground Regional Framework Plan, I implemented a participatory regional planning process to identify goals, strategies and regional spatial framework of centers and corridors. For the East Will County Council of Mayors, I advised five municipalities adjacent to a proposed suburban airport to help them create a special area-wide authority for intergovernmental land use planning. Further, I performed regional research which resulted in

the reports *Employment Subcenter Identification Project, Final Summary Report* (August, 2002) and *The Transit – Land Use Link: A Density Study in Suburbia* (June, 2002).

In 1999, I was awarded the Nicolas V. Trkla Scholarship by the Urban Land institute for outstanding academic accomplishment in the field of urban planning. I also received an American Fellowship in 2004 which is a presidential initiative for the Americas by the U.S. State Department. As part of the fellowship, I worked three months in the regional planning agency Emplasa in São Paulo, Brazil. Finally, I was awarded a journalism fellowship in 2005 by the German Marshall Fund of the United States for research and writing about trans-Atlantic environmental issues, specifically pertaining to local food systems.

I have Bachelor of Arts in History from the University of California at Los Angeles. I have a Masters Degree in Urban Planning and Policy and a Masters in History from the University of Illinois at Chicago.

SOUTHEAST ENVIRONMENTAL TASK FORCE

The SETF represents the Illinois Calumet Region, which includes the southeast side of Chicago and adjacent south suburbs. We were founded in 1989 as an arm of Illinois State Representative Clem Balanoff's Office and were incorporated in 1994. We operate as mostly a volunteer organization. Our Board of Director's is completely voluntary and is comprised of public officials, engineers, professors, teachers, clergy and bankers. Our accomplishments include: stopping various landfill expansions and waste facility proposals; promoting restoration of degraded wetlands; promoting sustainable Brownfield redevelopment; and driving pollution reduction investments in industries adjacent to communities and waterways.

We serve students, educators, adults and families through our Environmental Education program. The goal of the Environmental Education program is to create environmentally aware

communities in southeast Chicago; communities that contribute to the area's redevelopment and respond to environmental threats. To create such communities, we work to foster a love for the environment among residents. We educate them on issues that affect quality of life in their neighborhoods and in the remarkable natural areas of the Calumet region. Programs that we set up include: environmental education workshops on an issue in the Calumet Region; presentations of the history and environmental issues in the Calumet region, presentations on how a particular community or school can get involved, Toxics Treasures Tours for students and adult groups; and evening environmental education workshops for adults.

Our mission is to empower residents and students in the southeast side and the south suburbs of Chicago to improve their local environment; promote pollution prevention and progressive practices in the Calumet region facilities; and promote preservation, restoration, and enhancement of the region's natural areas, and sustainable development of the region's industrial lands. Our vision is that one day educated and empowered residents are able to contribute to sustainable growth and respond to all environmental threats; all businesses are utilizing the most energy efficient processes, generating the least possible pollution and waste, and hiring local residents; and all open spaces and vacant lands are restored to create a community vitality, industry, - making the Calumet region of Greater Chicago a model for the nation and the world to emulate.

In 2005, we were one of 13 citizens, cities, or groups to receive Lt. Governor Pat Quinn's Environmental Hero Award. The award was given to SETF primarily based on our work to win the 20 year landfill moratorium for Chicago—effectively preventing two multimillion ton landfill expansions in the southeast and far south sides.

CALUMET AREA

The Calumet River connects the southeast side to the south and west suburbs of Chicago via the Little Calumet and the Calumet-Sag Channel, and to downtown Chicago via Lake Michigan. The Calumet River System includes the Calumet River, Little Calumet River, the Grand Calumet River, and the Calumet-Sag Channel. Historically, the Calumet River System is known for industrial and shipping use. The region has experienced some of the heaviest concentrations of industry in the Midwest. As a result, the area has lost thousands of acres of lakes and wetlands that were filled in with construction waste, steel mill slag, municipal garbage, and hazardous waste.

Currently, the Calumet Region in the City of Chicago contains approximately 4,800 acres of open lands, including 700 acres of Lake Calumet itself; approximately 20 miles of waterways including the Calumet, Little, and Grand Calumet Rivers; Wolf Lake; and, various smaller lakes and ponds. The region also holds about 2,000 acres of abandoned industrial lands which is 60% of Chicago's vacant industrial property.

CALUMET AREA VISION PLAN

The Calumet Area Land Use Plan was created by the City of Chicago Department of Planning and Development and Department of Environment, three non-government organizations - the Southeast Chicago Development Commission, Openlands Project, and the Calumet Area Industrial Commission - and focus group participants including our founder, Marian Byrnes. The plan was created as an effort to increase the environmental and economic vitality of the Calumet Area. The plan was created by collecting all the existing maps and information about the area. The plan focuses on the creation of public access through small open spaces to the rivers.

In response to the City's Calumet Area Land Use Plan, we gathered partners to form the Lake Calumet Vision Committee in March, 2003 to create a Lake Calumet Vision Document detailing the desired uses for the waters and shores of the lake. Member organizations to date include: Openlands Project, Sierra Club-Illinois Chapter, Bird Conservation Network, Historic Pullman Foundation, Vet's Park Improvement Assn., Lake Michigan Federation, Friends of the Parks, Pullman Civic Organization, Peace Pipe Prairie Project and Calumet Ecological Park Assn. Further, in November 2003 a process to identify possible public open spaces in the corridor began. Sites were selected based on the following factors: no hindrances to industrial traffic, proximity to neighborhoods, consideration for public safety, historical significance, current uses by the community, security of neighboring properties.

On May 23, 2007 our Board members adopted the Calumet Area Vision Plan. Prior to the creation of the Calumet Area Vision Plan, I created a map of the area that encompasses the Calumet River, Cal-Sag River and the Little Calumet River. This map was used to create the Calumet Area Vision Plan. The plan is shown through a map that highlights 18 specific points called "Places and Connections" which unifies the area through a regional system of greenways and bike trails. The Map includes a variety of open spaces including the Big Marsh, covering hundreds of acres to half-acre market gardens on south Chicago lots. The Calumet Area Vision Plan envisions the Calumet River System as the centerpiece of a whole system of open spaces, greenways, bike paths, and a slew of recreational opportunities, mainly boating and fishing. We want to give people access to open spaces while supporting the birds, animals, fish, and native plant species that thrive in the Calumet region. Our ultimate goal is to create neighborhoods and industrial areas that coexist with natural areas.

Currently, we are focused on the Burnham Greenway – the “gap”, the Western Shore of Lake Calumet, and the Calumet-Sag Trail. First, the Burnham Greenway stretches from the heart of south suburban communities to Southeast Side neighborhoods linking people to Chicago’s Lakefront Trail. Currently, a 5-mile gap interrupts its course through Hegewisch and Burnham. We are working to close the gap which requires two bridges and new paths along right-of-ways.

Second, the Western Shore of Lake Calumet is a natural lake that was once considered a natural paradise by indigenous peoples, pioneers and early residents of Chicago. Today though the lake provides harbor facilities for the Illinois International Port District much of it remains open, unused and surrounded by a razor wire fence. We along with various partners in the Lake Calumet Vision Committee are working to have the area become part of the Forest Preserve District of Cook County.

Finally, the Calumet-Sag Trail will unite the Calumet area with the Illinois & Michigan National Heritage Corridor. The trail will follow the Grand Calumet and Little Calumet Rivers through the communities of Burnham, Calumet City, Riverdale and Dolton, and then continue along the Cal-Sag Channel to the National Heritage Corridor. The multiuse trail will spur community and economic development through recreation and tourism.

Increasing green space is known to improve people's perceptions of their neighborhoods, reduce crime, and prompt further voluntary community greening efforts. Since tourism is a \$22 billion industry in Illinois, a strong case can be made for preserving the areas surrounding the Calumet River System. The area has the potential to become attractive to tourists, boaters, and fishermen. Further, investing in open spaces and historic structures along the river could also

boost industrial redevelopment. Business are more likely to locate a new facility in a community that is economically, socially, and culturally vital.

The Southeast Environmental Task Force (SETF) will implement its Calumet Area Vision project during 2008-09. The project builds upon our twenty years of work in the Lake Calumet region by strengthening each of our three current programs: pollution prevention, open space planning and environmental education.

DISINFECTION OF THE CALUMET AREA RIVERS

I believe that the Illinois Environmental Protection Agency's proposed regulation, specifically the heightened standard for disinfecting the waters in the Calumet River System, is a key component to the success of the Calumet Area Vision Plan and the environmental and economic vitality of the Calumet River System. Without disinfection of the Calumet River System, the collective impact of the other efforts to improve the area will greatly decrease.