

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND) **R08-9**
EFFLUENT LIMITATIONS FOR THE) **(Rulemaking - Water)**
CHICAGO AREA WATERWAY SYSTEM)
AND THE LOWER DES PLAINES)
RIVER: PROPOSED AMENDMENTS TO)
35 Ill. Adm. Code Parts 301, 302, 303 and)
304)

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S PRE-FILED QUESTIONS TO MARGARET FRISBIE

1. **I. Introduction, page 2, paragraph 3, last sentence.** Did you mean to state “safe for people of all ages?”

2. **II. Documented People on the River with Friends, page 2-4**
 - A. What safety protocols does your organization employ when inviting the public to use the CAWS?
 - B. Do you avoid certain areas due to barge and motorized boat traffic, absence of safe entry and exit locations, and/or other issues incompatible with recreational uses?
 - C. Do you avoid certain times, such as during and following wet weather events?
 - D. Do you allow children to participate in your events? Do you have special safety protocols for children?
 - E. Do you allow novice canoeists and/or kayakers to participate in your events? Do you have special safety protocols for inexperienced participants?
 - F. Please describe any liability protection that the Friends of the Chicago River affords itself when it organizes events on the CAWS.

3. On page 2, last paragraph, you state that over the years you have worked to make the Chicago River the natural, recreation and economic asset it deserves to be.
 - A. Please clarify what you mean by the Chicago River: only the main stem?
 - B. What is your definition of natural and how would it apply to the man-made canal system, which is not of natural origin?

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- C. Do you advocate returning the Chicago River and all of the CAWS to their original natural state (i.e. conditions as they existed prior to anthropogenic modification)?
4. **Page 3, paragraph 1.** You state that over the past 11 years, 2,640 people have been canoeing on the North Shore Channel, North Branch Chicago River, Main Stem, South Branch, Bubble Creek and along the Sanitary and Ship Canal.
- A. Is “Bubble Creek” the same waterbody commonly known as “Bubbly Creek?”
- B. Is it correct that the figures you have presented average out to 240 persons per year who have taken these guided trips?
- C. Does this figure average to less than one person-trip per day over the time period specified?
- D. Can you please break these numbers down as they pertain to each of the CAWS reaches you have listed?
- E. How many of the person-trips occurred on the upper North Branch Chicago River upstream of the Albany Avenue dam outside of the CAWS?
- F. Do you mean to say that 2,640 person-trips occurred or that 2,640 different people participated in the program?
- G. If you are referring to person-trips, do you know how many separate individuals accounted for this total number of trips (i.e., were there individuals that took repeat trips)?
- H. You indicate that your volunteers spend time rescuing participants who fall in the water. Do you agree that there is a significant risk of capsizing in the waterways, due to wakes created by large motorized watercraft such as barges, tour boats and motor boats, and that recreators who capsize may be in serious danger due to the deep-draft nature of the waterways and the lack of points of egress?
5. **Page 3, paragraph 2.** You describe the Chicago River Flatwater Classic in the statement: “This canoe and kayak race, supported by the US Coast Guard and the Chicago Marine Police, gives people a safe opportunity to paddle through downtown and interact with the river.”
- A. What role, if any, did the United States Coast Guard and the Chicago Marine Police have in the Chicago River Flatwater Classic?
- B. You describe this event as a “safe opportunity” to paddle through downtown. What leads you to characterize this as a safe opportunity?
- C. How does the level of safety for this event differ from that of paddling that occurs on days other than this event?

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6. **Page 3, paragraph 3.** You state that 4,600 people have participated in the Flat Water Classic and that many corporations sponsor the event and field teams of paddlers.
 - A. When you state that 4,600 people have participated in the Flat Water Classic, do you mean separate individuals or total person-trips?
 - B. You have indicated that many corporate teams have competed for multiple years in a row. Do you know what percentage of the total person-trips or separate individuals are employed by or are associated with employees of the sponsoring corporations?
 - C. Do you know how many total separate individuals have participated in the Flat Water Classic?
 - D. Excluding this year, how many years has the Flat Water Classic been held?
 - E. Based on your response to this question and the 4,600 people that you report as having participated to date, what is the average number of people that participate each year?
7. **Page 4, paragraph 3.** You state that 1,000 attendees paddled on the Chicago River in Chicago Park District programs from 2004 to 2007.
 - A. Does this figure represent total number of individuals that participated (i.e., no repetitive participation)?
 - B. Where did the paddling programs that you list take place? Please identify the specific reaches of the CAWS or other river systems.
 - C. This number of attendees participating over the time period specified averages to fewer than one person per day, correct?
8. **Page 4, last paragraph, through page 6 second paragraph.** You list a number of amenities that plans for the Chicago River have called for. You also state that people who live in and lead our communities desire the Chicago River system as a recreational, natural and economic asset.
 - A. Can you discuss the amenities from this list that have materialized on the CAWS?
 - B. To what extent do you attribute the introduction of these amenities to water quality improvements that have occurred in the CAWS to date?
 - C. Do you think that water quality improvements that have contributed to introduction of these amenities would continue to occur even without the adoption of the proposed rulemaking? Why or why not?
 - D. You state that the Chicago River system is an essential development opportunity. What type of development did you have in mind?

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- E. How do you reconcile the increased pressure for residential and commercial development along the waterways with the desire to maintain a more natural condition?
 - F. Will this development aid or impede future efforts to improve aquatic and ecological habitat?
 - G. Would you agree that a large portion of the Chicago River System is no longer natural, and the Chicago Sanitary and Ship Canal and Calumet-Sag Channel are entirely man-made, which means that they are not natural waterways?
9. **IV. Increased Access, page 6, third bullet.** You discuss development along the waterways and investments made to support this.
- A. What is the source of the statement you made that the MWRDGC has spent \$3 billion on TARP?
 - B. Do you know if this was all funded by MWRDGC or were some of the funds provided by the federal government and others?
 - C. What do you mean by “thousands of residences along the North Branch, Main Stem, South Branch, Bubbly Creek and Cal-Sag have been built in the last 10 years?”
 - D. What type of residences are these?
 - E. What is meant by “along the waterways”?
 - F. Can you identify restaurants that are “flourishing” along the South Branch Chicago River and Cal-Sag Channel?
 - G. What state agency has sanctioned the water trails you refer to?
10. **V. What people have to say about the Chicago River and CAWS, Page 6-7.** In this section, you discuss comments that have been filed in the rulemaking by citizens, interest groups and elected officials and the results of a survey that FOCR conducted.
- A. Do you know how many of the 100 persons that filed comments in the rulemaking are members or employees of FOCR or other interest groups that are participating in the rulemaking?
 - B. Can you tell us how many of the individuals that have filed comments in the rulemaking are not users of the CAWS?
 - C. What evidence do you have that the demographic of the 100 or so people that have expressed comments in the rulemaking are representative of the “general public”?

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- D. How did you select the recipients of your survey?
 - E. Were they all members of FOCR?
 - F. Have you published a formal report detailing the methodology and findings of the survey?
 - G. Who designed the survey and what did the questions consist of?
 - H. It appears that 61 persons (3.3% of 1,857) responded to your survey. Is that correct?
 - I. Why do you think you received such a low response rate to your survey?
 - J. 45 persons (73.3% of 61) in your survey believed that their health was at risk when they recreated on the river. If so, why did they recreate on the river?
 - K. Did they indicate why they believed their health was at risk?
 - L. Did any of the 9 recreators who said they “got sick” according to the Friends survey follow up with a medical doctor?
 - M. Are you aware of the incidence of GI symptoms in a normal sample of the public?
 - N. Are you aware of any evidence that fewer recreators would “get sick” in the CAWS if there were disinfection at the WRPs, or is this based on a series of assumptions?
 - O. 55 persons (90% of 61) said if the water quality of the Chicago River was dramatically cleaner, they would seek out additional recreational opportunities. What do you mean by “dramatically cleaner?”
 - P. Why would you want to encourage more recreation in a dangerous waterway?
 - Q. In your survey of members and others, did you ask about the cost people would be willing to assume to disinfect effluent from the treatment plants?
11. **VI. Conclusion, page 7, paragraph 1**, you seem to equate the commercial boost to the region given by use of the Chicago River of “canoe and kayak rentals” with “shipping.”
- A. Don’t you think that shipping (i.e., commercial navigation) has provided much more revenue to the area than “canoe and kayak rentals?”
 - B. Could you give some examples of what you mean by “a new waterfront economy?”
12. **VI. Conclusion, page 7, paragraph 2**, in regard to children wading and swimming in the CAWS.

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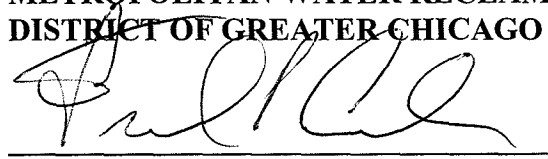
- A. Knowing what you do about CSOs, other bacterial sources into the waterways, and the physical condition of the waterways, do you feel that swimming and wading in the CAWS would be a safe activity for children, or adults for that matter, if only the District were to disinfect their effluents?
 - B. Even if the wastewater treatment plant effluent was disinfected, would you recommend that people, particularly children, should avoid exposure to the CAWS due to pathogen contributions from stormwater runoff and combined sewer overflows?
13. In an August 12, 2008 article in Medill Reports Chicago, you are quoted as saying that the “first flush” of a storm is so polluted that it’s toxic.¹ In light of this statement, would it be fair to say that even if the wastewater treatment plant effluent was disinfected, you would still be concerned about recreational exposure to the CAWS due to pathogen contributions from stormwater runoff and combined sewer overflows?
14. The District has completed a risk assessment and is conducting an epidemiological study to determine the health risks associated with recreational uses in the CAWS. Please provide your thoughts about how this information should factor in to decisions about the appropriate use designations and water quality standards. If you do not believe this information is relevant, please explain why.
15. A recent report by the U.S. Army Corps of Engineers on the Chicago Sanitary and Ship Canal states that “[t]he use of this waterway by recreational boaters is viewed as a small but potentially growing and serious problem for commercial navigation in the study waterway segment.” Wouldn’t efforts to increase recreational access exacerbate this significant concern about the incompatible nature of commercial and recreational boating?

Dated: August 25, 2008

Respectfully submitted,

**METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO**

By:



Fredric P. Andes

Fredric P. Andes
David T. Ballard
BARNES & THORNBURG LLP

¹ “Raw sewage and street muck: scrubbing the river after a storm,” Brain Boyer, Medill Reports Chicago, Aug. 12, 2008, <http://news.medill.northwestern.edu/chicago/news.aspx?id=97033&print=1>.

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Suite 4400
One North Wacker Drive
Chicago, Illinois 60606
(312) 357-1313
482492v1