

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

WATER QUALITY STANDARDS AND )  
 EFFLUENT LIMITATIONS FOR )  
 THE CHICAGO AREA WATERWAY )  
 SYSTEM AND THE LOWER )  
 DES PLAINES RIVER: )  
 PROPOSED AMENDMENTS TO )  
 35 Ill. Adm. Code Parts )  
 301, 302, 303 and 304 )

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 MAY 21 2009  
 STATE OF ILLINOIS  
 Pollution Control Board

No. R08-9

REPORT OF PROCEEDINGS had before the  
 ILLINOIS POLLUTION CONTROL BOARD held on May 6,  
 2009, at 9:00 o'clock a.m. at the Thompson Center,  
 Room-9-40, Chicago, Illinois.

1 A P P E A R A N C E S:

2

3 ILLINOIS POLLUTION CONTROL BOARD:

4 MS. MARIE TIPSORD, Hearing Officer

5 MR. THOMAS E. JOHNSON, Member

6 MR. ANAND RAO, Senior Environmental Scientist

7 MR. LIN SHUNDAR

8 MS. ALISA LIU

9 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

10 Ms. Stefanie Diers

11 Ms. Deborah Williams

12 Mr. Robert Sulski

13

14 ENVIRONMENTAL LAW AND POLICY CENTER

15 33 East Wacker Drive, Suite 1300

16 Chicago, Illinois 60601

17 (312) 795-3707

18 BY: MR. ALBERT ETTINGER and JESSICA DEXTER

19 Appeared on behalf of ELPC, Prairie Rivers

20 Network and Sierra Club;

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1 APPEARANCE CONTINUED:

2 BARNES & THORNBURG LLP

3 One North Wacker Drive, Suite 4400

4 Chicago, Illinois 60606-2833

5 (312 357-1313

6 BY: MR. FREDERIC P. ANDES

7 Appeared on behalf of the MWRDGC.

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1 CHAIRMAN TIPSORD: Good morning  
2 everyone. My name is Marie Tipsord, and  
3 I've been appointed by the Board to preside  
4 as officer in this hearing entitled Water  
5 Quality Standard Waterway System and lower  
6 Des Plaines River Proposed Amendments to  
7 Illinois Admin Code 301, 302, 303, 304.  
8 This is docket number R08-09. With me to my  
9 right is Thomas Johnson and Shundar Lin. To  
10 my immediate left is Anand Rao and Alisa Liu  
11 from our technical unit. As I indicated  
12 yesterday, Dr. Girard is tending to business  
13 in Springfield. He did talk to me this  
14 morning and gives everyone his regards.

15 We will begin today and continue  
16 to hear testimony. We will hear from three  
17 witnesses, hopefully, Margaret Frisbie,  
18 Thomas Bamonte and James Huff. We will  
19 start with Margaret, finish the day with  
20 James Huff. We will start with questions  
21 from the Metropolitan Water Reclamation  
22 District and the IEPA. Anyone may ask a  
23 follow-up question. You do not need to wait  
24 until your turn to ask a follow-up question.

1 I do ask that you raise your hand, wait for  
2 me to acknowledge you, after I have  
3 acknowledged you, please state your name and  
4 whom you represent before you begin your  
5 question. Please speak one at a time. If  
6 you speak over each other, the court  
7 reporter will not be able to get your  
8 questions on the record. Please note that  
9 any question asked by a Board member or  
10 staff are intended to help build a complete  
11 record for the Board's decision and not to  
12 express any preconceived notions or biases.  
13 Mr. Johnson will be acting in Dr. Girard's  
14 stead today, and I think we're ready to  
15 begin.

16 MARGARET FRISBIE

17 having been first duly sworn, was examined and  
18 testified as follows:

19 MS. DEXTER: I have Ms. Frisbie's  
20 pre-filed testimony here.

21 HEARING OFFICER TIPSORD: If there's  
22 no objection, we will mark the pre-filed  
23 testimony of Ms. Frisbie as 259. Oh, by the  
24 way, this is day 27 of hearings. People

1 were asking and I said I would check. This  
2 is day 27 of the hearings. For those of you  
3 who were hoping for that record, we're  
4 coming up on it fast. Seeing no objection,  
5 Margaret Frisbie's testimony is Exhibit 259.

6 Are we ready to begin  
7 questioning or do you have something before  
8 we start? Mr. Andes then.

9 MR. ANDES: I'm going to start with  
10 question 2: "What safety protocols does  
11 your organization employ when inviting the  
12 public to use the CAWS"?

13 MS. FRISBIE: Well, the Friends'  
14 programs are really only a small fraction of  
15 the people who use the CAWS, so we don't  
16 have any control of how and when the general  
17 public uses the CAWS. It's a public  
18 facility with public canoe launches. It  
19 goes through neighborhoods. So there's  
20 people using the river any way they like  
21 that we don't control. For our organization  
22 and our paddling programs, we follow  
23 established activity safety protocols.  
24 First we follow general safety precautions

1 and guidelines that are put forth by the  
2 United States Canoe Association, as well as  
3 a brochure that was published in 2003 as  
4 part of the stakeholder proceeding, I  
5 believe, which is the CAWS Health Precaution  
6 Brochure. It was published by the MWRD,  
7 Illinois Department of Public Health, the  
8 U.S. EPA and IEPA. And we have copies of  
9 both these items.

10 I'd like to add, however, on the  
11 idea of inviting people to use the CAWS, I  
12 think it's important to point out that other  
13 people are encouraging use, and we have two  
14 other things that we'd like to add when  
15 Jessica finishes with this.

16 MS. DEXTER: The first Exhibit I  
17 offered is the first that Margaret  
18 referenced.

19 MR. ANDES: So these are the  
20 national guidelines?

21 MS. FRISBIE: Yes, for the U.S.  
22 Canoe Association.

23 MS. DEXTER: And the second are the  
24 Chicago Area Waterways Health Precautions.

1 HEARING OFFICER TIPSORD: The first  
2 exhibit, United States Canoe Association  
3 Competition Cruising Conservation Camping  
4 Camaraderie Competition Events, USA  
5 Sanctioning Guidelines, if there's no  
6 objection, we will mark that as Exhibit 260.  
7 Seeing none, it is Exhibit 260.

8 And the second one is Chicago  
9 Area Waterways Health Precautions. It's a  
10 brochure. Publication date of 10/2003. If  
11 there's no objection, we will mark that as  
12 Exhibit 261. Seeing none, it is  
13 Exhibit 261.

14 MS. DEXTER: I have also two other  
15 documents that Margaret referenced. I have,  
16 "It's Our River Day." And we have a CD copy  
17 of the Illinois Bureau of Tourism  
18 Commission, which we will play in just a  
19 moment.

20 HEARING OFFICER TIPSORD: If there's  
21 no objection, we will mark the brochure,  
22 "It's Our River Day" as Exhibit 262. Seeing  
23 none, it is Exhibit 262.

24 MR. ANDES: Can I ask, is this



1 responsive to the question I've asked?

2 MS. FRISBIE: Yes, well, we talked  
3 about inviting people on the CAWS, and so  
4 what I'd like to show is Friends' of the  
5 Chicago River is not the only organization  
6 that has talked about using the CAWS.

7 MR. ANDES: That wasn't my question.

8 MS. DEXTER: She's already  
9 referenced it in her testimony.

10 MR. ANDES: So. We're here to  
11 answer the questions that are being  
12 raised --

13 HEARING OFFICER TIPSORD: Are you  
14 objecting to the admission of the exhibit?

15 MR. ANDES: Yes, I am. It is not  
16 responsive to my questions.

17 CHAIRMAN TIPSORD: That is however,  
18 irrelevant. And in rulemaking, evidence is  
19 relevant. It's relevant.

20 MR. ANDES: And the question is  
21 whether this is played, this is really  
22 giving testimony. This is really giving  
23 testimony. It's not answering questions.  
24 When we wanted somebody to give testimony,

1 we filed a motion and asked to give  
2 testimony. This is providing testimony and  
3 is not responsive to my question.

4 HEARING OFFICER TIPSORD: I'm going  
5 to enter it as an exhibit, but we won't play  
6 it. It can be viewed by anybody who wants  
7 to view it. We will enter it as an exhibit,  
8 but we won't take the time to play it.

9 So over the objection, we will  
10 enter the CD Rom as Exhibit 263.

11 MR. ANDES: So to go back, the  
12 safety protocols that your organization  
13 employs are those in the Chicago Area  
14 Waterways Health Precautions document?

15 MS. FRISBIE: We follow several  
16 different protocols. We follow the water  
17 quality guidelines put forth in the 2003  
18 CAWS brochure, as well as what's recommended  
19 as standard operating procedures for  
20 canoeing and kayaking programs. We take  
21 people canoeing, including, we train our  
22 program staff. We have a volunteer guide  
23 group of about 35 guides who we train in the  
24 history of the river. We train in water

1           quality, paddling skills, CPA and canoe  
2           safety before the season begins, and then  
3           they take people out on the river. They  
4           give all the guests general paddling  
5           instruction before they take them out on the  
6           water. They talk about the water quality  
7           based on what, you know, we can talk about  
8           from that brochure, washing your hands,  
9           don't rub your eyes, all those kinds of  
10          things. We require life jackets at all  
11          times. We have sweep boats. We make sure  
12          the guides wear orange vests so they can be  
13          seen easily on the water.

14                   MR. ANDES: And the specific  
15          precautions that are identified as general  
16          precautions in the brochure, including  
17          avoiding swallowing water, avoiding physical  
18          contact with water, washing hands  
19          thoroughly, advising people with weakened  
20          immune systems to limit exposure, are those  
21          specifically stressed? Are they stated to  
22          people? Are they just handed the brochure  
23          or what's the protocol?

24                   MS. FRISBIE: We train the guides --

1 to be honest, I'm present -- but they do  
2 understand water quality. They are  
3 carrying boats and lifting them out of the  
4 water so they are paying attention to that  
5 kind of thing. They are instructed to  
6 instruct the guests of these precautions.

7 MR. ANDES: Do you avoid certain  
8 areas due to large and motorized boat  
9 trafficking, absence of safe entry and exit  
10 locations and/or other issues incompatible  
11 with recreation uses?

12 MS. FRISBIE: Well, I'm not aware of  
13 any conflicts with boats in any of our  
14 paddling programs in the almost nine years  
15 of workings with Friends of the Chicago  
16 River. I'm also unaware of any conflicts  
17 with any other paddling on the river during  
18 those same years. The river is, frankly,  
19 it's a great place to paddle. It's  
20 beautiful. It's fun. There's a lot of  
21 places to get in and out. And if people  
22 fall in the river, if they fall in, they  
23 tend to get back in their boats. So, you  
24 know, you pile your stuff in, if it hasn't

1           been tied in, you get back in and you keep  
2           going. But I think it's important to note  
3           that the river, there's plenty of places to  
4           get in on the north branch. We have some  
5           series of photos that show all the docks. I  
6           don't even know if they are all the docks,  
7           but we have -- we had a staff person go out  
8           on the river, and he counted between Clark  
9           Park and River Park, which are two park  
10          district facilities that were constructed  
11          that have canoe launches, he counted 47  
12          docks. Of which 45 were private, but they  
13          were on the riverbank and you could get out.  
14          As well as the two public docks that I  
15          mentioned, and we have photos of that.

16                   MS. DEXTER: I'm going to offer this  
17                   as an exhibit to support Margaret's  
18                   response.

19                   MR. ANDES: So there are some areas  
20                   where there are entry and/or exit locations.  
21                   I guess my question was, you are aware of  
22                   some areas in the system where there is  
23                   barge traffic, correct?

24                   MS. FRISBIE: I am. But at the same

1 time I'm not aware of any conflict with  
2 barges. We also have a series of other  
3 photos in addition to the north branch. I  
4 personally am most familiar with the north  
5 branch of the Chicago River and the north  
6 shore channel downtown, and I have a series  
7 of photos as well that show places that if  
8 you were trying to get off the River  
9 downtown and in the section that I  
10 mentioned, other places. So Jessica will  
11 hand that out. And then in addition, we did  
12 what's called commonly known as the Circle  
13 Tour last summer where we took a boat ride  
14 from downtown through the main stem to the  
15 south branch, out the Sanitary and Ship  
16 Canal to the confluence with the Cal Sag and  
17 came back up into the lake system and back  
18 downtown. We just took a bunch of photos so  
19 that you could see, while there are areas  
20 that, you know, where there's industry and  
21 all kinds of things throughout this, I think  
22 it's 70-something miles of waterway, it's  
23 really mixed. So we could take you through  
24 the slideshow we have as it is a series of

1 pictures, if that would help.

2 MR. ANDES: I'm not sure that's  
3 necessary. What I'm trying to get to is,  
4 are there -- let's go back to my original  
5 question.

6 HEARING OFFICER TIPSORD: Let me  
7 mark these exhibits first.

8 MR. ANDES: Sure.

9 HEARING OFFICER TIPSORD: First  
10 exhibit that I've been handed is "Boat  
11 Launches Clark Park 1 to River Park 47  
12 direct from south to north." If there's no  
13 objection, we will mark that as Exhibit 264.  
14 Seeing none, it is Exhibit 264.

15 The second one is Egress Points  
16 on CAWS, Testimony of Margaret Frisbie, if  
17 there's no objection, we will mark that as  
18 Exhibit 265. Seeing none, it is  
19 Exhibit 265.

20 I've also been handed a CD Rom,  
21 "CAWS Circle Tour Photos." We'll mark that  
22 as Exhibit 266, if there's no objection.

23 MS. DEXTER: I also have printouts  
24 of all the numbers.

1 MR. ANDES: My question was, are you  
2 aware of areas where there's barge traffic?

3 MS. FRISBIE: Yes.

4 MR. ANDES: Does your group advise  
5 people to avoid those areas?

6 MS. FRISBIE: No, we don't.

7 MR. ANDES: There's some areas where  
8 there aren't safe entry or exit locations,  
9 correct?

10 MS. FRISBIE: I don't think we can  
11 characterize it that way. I think all of  
12 the river system that I mentioned  
13 previously, and we can go through and look  
14 at the slides, there are places if you chose  
15 to get out of the river, you could get out.  
16 The boat launches on the north branch -- I  
17 think people are familiar with the north  
18 branch. It's mostly riverbank, and there's  
19 a lot of them that are mostly docks. If you  
20 look downtown at the photos I provided, what  
21 you'll see is every couple of blocks there  
22 is a ladder, there is a dock. There's  
23 Marina City. There is a ladder in front of  
24 Flatwater, which in the photo it's called



1 Riso Hotel (sic). It's now Flatwater. East  
2 of Michigan Avenue, there's several docks.  
3 The one in the photo is just east of  
4 Michigan Avenue. A little bit further east  
5 from there is a dock at Columbus Drive.

6 HEARING OFFICER TIPSORD: Could you  
7 specify which exhibit you are referring to?

8 MS. FRISBIE: I'm sorry, Egress  
9 Exits on the CAWS.

10 HEARING OFFICER TIPSORD: Which is  
11 Exhibit 265.

12 MS. FRISBIE: 265. There is a dock  
13 at the East Bank Club, which is also  
14 downtown. You can see the rowers near Wolf  
15 Point, and there is a photo of that, that  
16 shows the soft edge at Wolf Point. There is  
17 a photo on the south branch near Chinatown,  
18 which shows the nature of the soft edge  
19 there. That's at about Cermak where  
20 Lawrence's Fishery and Riverfront restaurant  
21 is. The south branch at about 16th Street,  
22 again, you can see there is a soft bank.  
23 And then the North Shore Channel, which  
24 would be north of River Park, and actually

1 just south of the North Side Waste Water  
2 Treatment Plant, this is a boat launch at  
3 Peterson and Lincoln about. The north  
4 branch turning basin has on the west side of  
5 the turning basin, there is a dock that you  
6 can see that's got colored canoes. And then  
7 on the other side in the east channel at the  
8 north branch at North Avenue, there is a  
9 crew team docked where the Lincoln Park  
10 Juniors row. The last photo shows the mouth  
11 at Bubbly Creek. On one side, that isn't  
12 pictured in this picture shot, is Canal  
13 Origins Park, which has a soft bank. And  
14 there's a park district and city project on  
15 the east bank, which you can see in this  
16 photo. That's a redevelopment, and that  
17 again is a soft bank. And the Circle Tour I  
18 mentioned starts downtown and shows the  
19 nature of the mixed walls. And so it's not  
20 really sea wall, it's a mixture of soft  
21 bank, sea wall, but a lot of it is green as  
22 you get out of the river.

23 HEARING OFFICER TIPSORD: Before we  
24 go on, let me catch up with the exhibits

1 because I don't think I ever formally  
2 admitted Exhibit 266, which is the CD Rom.  
3 I will admit that as Exhibit 266 seeing no  
4 objections. The hard copies of the photos I  
5 will admit as 266A, since they are the same  
6 photos on the CD Rom, if there's no  
7 objection. Seeing none, that's 266A. Okay,  
8 I'm now caught up on the exhibits. Go  
9 ahead, Mr. Andes.

10 MR. ANDES: Sure. I'll go on to  
11 question C. When I ask you, I obviously  
12 mean your group and the activities that your  
13 group sponsors, do you avoid certain times  
14 such as following wet weather events?

15 MS. FRISBIE: My understanding is we  
16 are not talking about up weather here today,  
17 but we do check the weather. Friends' of  
18 The Chicago River checks the river for our  
19 paddling programs, and if there is a storm  
20 that will impact the area of river that we  
21 are paddling on, we'll take that into  
22 account, if there's going to be lightening,  
23 that kind of thing.

24 MR. ANDES: So from a safety

1 perspective if there's lightening, but not  
2 simply because there's wet weather and  
3 precipitation and possibility of combined  
4 sewer discharges?

5 MS. FRISBIE: We do look at combined  
6 sewer discharges. The Metropolitan Water  
7 Reclamation District website has a web page  
8 where they post if there has been a combined  
9 sewer overflow. If there's a heavy rain, we  
10 cancel if there's extreme weather, and we  
11 also pay attention. We have a CSO policy,  
12 that we don't bring people on the river  
13 24 hours after a CSO. I'm not sure there is  
14 any kind of standard guideline for that.  
15 That's what our organization adopted some  
16 years ago.

17 MR. ANDES: Do you allow children to  
18 participate in your events?

19 MS. FRISBIE: Very young children  
20 are not allowed to participate. But a  
21 better way to characterize how our events  
22 are managed is really about experience. So  
23 we pay special attention to those who have  
24 little or no experience. But, again, I

1 think it's really important to remember that  
2 we only take a fraction of people out on the  
3 river that use the CAWS. So our programs  
4 are just a fraction. So we can't control  
5 what any other individual or group is doing.

6 MR. ANDES: Understood. So when you  
7 are talking about very young children,  
8 that's what kind of age range?

9 MS. FRISBIE: Under six.

10 MR. ANDES: And so are your guides  
11 told not to allow children under six in your  
12 events?

13 MS. FRISBIE: I believe -- I know in  
14 the Flatwater Classic materials, which is  
15 our canoe and kayak race we hold, that it's  
16 posted that you need to be six years or  
17 older. And I believe on our website and all  
18 the information on our paddling programs, it  
19 says you need to be six or higher. That's  
20 slightly higher than the U.S. Canoe  
21 Association Guideline, which calls for five-  
22 year olds.

23 MR. ANDES: Are there special safety  
24 protocols for children?

1 MS. FRISBIE: Well, most children --  
2 all children are in fact with their parents,  
3 but we make sure that everybody is wearing  
4 their life jacket. We provide paddling  
5 instruction. We have trained guides who are  
6 with any canoe trip that we do. So  
7 people -- kids are being watched. They are  
8 not being ignored, and they are being taken  
9 care of.

10 MR. ANDES: Do you allow novice  
11 canoeists or kayakers to participate in your  
12 events?

13 MS. FRISBIE: I would say the same  
14 as I said earlier, that we pay attention to  
15 people's skill level. So the only real  
16 event that we do is the Chicago River  
17 Flatwater Classic, and we do allow novices  
18 to participate.

19 MR. ANDES: Are there any special  
20 safety protocols for them?

21 MS. FRISBIE: Just what I described  
22 earlier, following basic on the water safety  
23 guidelines standard across the country.

24 Again, I would point out there are

1 other people on the river. The City of  
2 Chicago has built docks. The Chicago Park  
3 District has built docks. The Army Corp has  
4 built docks. The Skokie Park district has a  
5 dock. Facepoint on the Cal Sag, you can  
6 access the river system on the CAWS there.  
7 So just there's --

8 MS. MEYERS-GLEN: Stacy Meyers-Glen.  
9 I'm with Openlands. Are a lot of those that  
10 you just mentioned on the CAWS Circle Tour  
11 CD or in the photographs?

12 MS. FRISBIE: Yes.

13 DR. YATES: And you actually saw  
14 everything on that Circle Tour that's  
15 depicted in those photographs, right?

16 MS. FRISBIE: Yes.

17 MR. ANDES: And all those activities  
18 take place without disinfection being part  
19 of the process at the treatment plants,  
20 correct?

21 MS. FRISBIE: Yes, they do.

22 MR. ANDES: Is there any liability  
23 protection that the Friends' afford  
24 themselves when it's organizing events on

1 the CAWS?

2 MS. FRISBIE: We insure pretty  
3 everything we do. We have general liability  
4 for the organization. We insure our fish  
5 hotel, which is a habitat project on the  
6 main stem. Our Big Fish Fall has insurance.  
7 Chicago River Day, which is Saturday, a big  
8 volunteer clean up with thousands of  
9 volunteers on the river banks and in the  
10 river. All of those have insurance, as well  
11 as our canoe programs, which we get our  
12 insurance from the U.S. Canoe Association.

13 MR. ANDES: I'm going to skip  
14 question 3, and go to question No. 4. You  
15 state that over the past 11 years 2640  
16 people have been canoeing on the north shore  
17 channel, north branch, Chicago River, main  
18 stem, south branch, Bubbly Creek and along  
19 the Sanitary and Ship Canal -- I'll skip  
20 question A. I think we know that we're  
21 talking about Bubbly Creek -- am I right  
22 those figures average out to about 240  
23 persons per year taking these guided trips?

24 MS. FRISBIE: I believe you are



1 right. However, I don't think it's  
2 important to break down Friends' trips that  
3 way. Unlike the canoe liveries who take out  
4 thousands of people, we just take a fraction  
5 of those people out. I have a list of crew  
6 teams and where they row from, a rental  
7 company list that shows other people that  
8 are taking people out. And I think it's  
9 just important to distinguish between what  
10 Friends' of The Chicago River is doing and  
11 what is possible on the CAWS and what is  
12 happening on the CAWS.

13 MR. ANDES: My question was just  
14 about your activities.

15 MS. FRISBIE: Okay.

16 MR. ANDES: I'll skip C, and let's  
17 go to D. Can you break the numbers down in  
18 terms of the 2640 people in terms of which  
19 beaches they would have been canoeing on?

20 MS. FRISBIE: We made a chart of  
21 those trips. I don't -- again, I don't  
22 think it's important to break down Friends'  
23 trips. We take people out as an education  
24 and advocacy role. We don't organize

1 anything beyond that, and so what these  
2 numbers represent really are people who  
3 interested in being on the river. There are  
4 people who are willing to pay for that  
5 experience. We think that that represents a  
6 greater public, and I know that I've  
7 mentioned later in my testimony plans and  
8 activities of major land owners, the City of  
9 Chicago Park District who are all investing  
10 in the access to the river, and so we do  
11 have this chart. But it's, you know, again,  
12 it's breaking it down by reach, but I don't  
13 think it's that important.

14 MR. ANDES: Duly noted.

15 HEARING OFFICER TIPSORD: I've been  
16 handed Friends' of The Chicago River  
17 Individual Canoe Trips By Reach 1998 to  
18 2008. It's a chart, I will mark this as  
19 Exhibit 267 if there's no objection. Seeing  
20 none, it's Exhibit 267.

21 MR. Andes: I have a couple  
22 questions about this. It looks like the  
23 largest numbers is in the Skokie Lagoons.  
24 You understand that that's not part of the

1 system that's being addressed in this  
2 rulemaking, right?

3 MS. FRISBIE: Yes, but I think it  
4 was a specific question of on or off the  
5 CAWS, so it includes all of it.

6 MR. ANDES: And can you define the  
7 north branch barge traffic areas? I'm just  
8 not sure exactly the area we are speaking  
9 about.

10 MS. FRISBIE: I believe that would  
11 be the north branch south of Webster Street,  
12 which I think is the most far north barges  
13 go at this point.

14 MR. ANDES: The second category is  
15 main stem, north branch, south branch, and  
16 the next category is north shore, north  
17 branch channel. Can you explain that?

18 MS. FRISBIE: I'll be honest, these  
19 are the names of the trips. So how I would  
20 believe that I would interpret it is, the  
21 main tem, north branch and south branch are  
22 basically trips that covered all those  
23 areas. North branch, north shore channel  
24 would be, say, putting it at Clark Park on

1 the north branch or River Park on the north  
2 branch and going north up into the north  
3 shore channel. Where as we have a trip  
4 that's called loop the goose, where you can  
5 put it in at Clark Park in the canoe launch  
6 there, paddle downstream and actually loop  
7 Goose Island. And there are some years I  
8 know we've put in at the dock at North  
9 Avenue that we've looked at a photo of, but  
10 it depends on the year. But that's what I  
11 would guess those mean based on what our  
12 canoe trip destinations have been.

13 MEMBER LIN: Do you know what the  
14 reason why to all three the number of trips  
15 there has been a big drop?

16 MS. FRISBIE: Yes. We got  
17 competition from the canoe rental companies,  
18 and so we didn't have very many Friends' of  
19 The Chicago River trips, because many people  
20 were renting boats from the canoe livery  
21 companies.

22 MS. DEXTER: Do you have a sense of  
23 how many canoeing/kayaking liveries there  
24 are?

1 MS. FRISBIE: There is a -- we have  
2 a list on the Chicago River, but in river  
3 edge locations, Chicago River Canoe & Kayak  
4 rents canoes and kayaks from Clark Park,  
5 which is at Belmont in the Chicago River, as  
6 well as they also rent boats at the Skokie  
7 Boat House, the Dan Ridge Rowing Center in  
8 Skokie. And then Kayak Chicago rents boats  
9 from along the Chicago River at 1500 North  
10 Magnolia, and then there's other rentals in  
11 the city, Water Riders, The Chicagoland  
12 Canoe Base, where you can just go pick up a  
13 canoe or kayak and bring it to the system or  
14 the Geneva Kayak Center, which I believe is  
15 new this year, which also rents boat and the  
16 river is pretty close. So those are places  
17 people rent boats.

18 MS. DEXTER: Do you have a sense of  
19 how many users access the CAWS through  
20 these?

21 MS. FRISBIE: I was told by the  
22 owner of Kayak Chicago, Dave Olsen, he  
23 thinks he had 10,000 people on the river  
24 last summer. He thinks -- he's opened in

1           2000, he's been adding by one thousand  
2 participants a year. On the record from the  
3 June 16th public hearing, Ryan Chew, the  
4 owner of Chicago River Canoe & Kayak told  
5 this body that he's had 55,00 people on the  
6 Chicago River system, the CAWS. And then,  
7 in addition, as I mentioned earlier I think  
8 I have a list of crew teams. It's high  
9 school crew teams, college crew teams and  
10 clubs, and I have a list of 11 of them with  
11 kind of their website descriptions, which  
12 talks about their activities. I have a  
13 niece who actually rows with Lincoln Park  
14 Juniors, and she says that they are out on  
15 the river about nine to ten months of the  
16 year, six days a week, two hours a day. So  
17 they may not have more than 60 or 80 kids in  
18 their group, but they are out there a lot,  
19 so they count for frequency.

20           HEARING OFFICER TIPSORD: We have to  
21 mark exhibits. I appreciate you wanting to  
22 get everything on the record, but  
23 housekeeping has to come first. "Chicago  
24 River Canoe & Kayak Liveries," I assume you

1           wanted that marked as an exhibit.  If  
2           there's no objection, we will mark that as  
3           Exhibit 268.  And then "Crew Teams On The  
4           Chicago River," if there's no objection we  
5           will mark that as Exhibit 269.  Seeing none,  
6           it's Exhibit 269.  Ms. Meyers?

7                       MS. MEYERS-GLEN:  Speaking of crew  
8           teams, do you know exactly in addition to  
9           all the liveries how many crew teams are  
10          actually out on the CAWS?

11                      MS. FRISBIE:  I believe there's 11  
12          groups.

13                      MS. MEYERS-GLEN:  And are those only  
14          in the north shore channel and basically the  
15          northern area of the north branch of the  
16          Chicago River or are they scattered  
17          throughout the CAWS?

18                      MS. FRISBIE:  My understanding is  
19          that at present there is a group rowing out  
20          of Facepoint on the Cal Sag, which is listed  
21          here I'm sure.  Like the Chicago Rowing  
22          Center is on the Cal Sag in Blue Island, and  
23          University of Chicago rows out of the  
24          location at the mouth of Bubbly Creek.

1 MR. ANDES: Do you know, and perhaps  
2 not because it doesn't look like it's not  
3 broken out this way on the chart, how many  
4 person trips occurred on the upper north  
5 branch of the Chicago River upstream of  
6 Albany Avenue dam which would be outside of  
7 the CAWS?

8 MS. FRISBIE: My belief is that 24  
9 percent were on the Skokie lagoons, and all  
10 the rest are in the north branch. Not the  
11 upper north branch, but in the CAWS, excuse  
12 me.

13 MR. ANDES: Okay.

14 MS. MEYERS-GLEN: I'm sorry, if I  
15 can have one more follow-up. The Lincoln  
16 Park Juniors, you said you were familiar  
17 with that, as far as having a relative that  
18 crews. Do you know how often they practice  
19 or are out on the waterway?

20 MS. FRISBIE: Six days a week from  
21 nine to nine-and-a-half months a year.

22 MR. ANDES: When you spoke in the  
23 testimony about 2640 people, are we talking  
24 being about person trips or 2640 people that



1 participated in the program?

2 MS. FRISBIE: We don't count if it's  
3 repeat. So it's person trips.

4 MR. ANDES: And so then that answers  
5 the next question. You don't separate out  
6 repeaters?

7 MS. FRISBIE: No, we don't separate  
8 them out.

9 MR. ANDES: You indicate that you  
10 volunteer time rescuing people who fall in  
11 the water. Do you feel there is a  
12 significant risk of capsizing in the  
13 waterways due to deep draft nature of the  
14 waterways, lack of points of egress  
15 throughout the system, there may not be one  
16 where they are as other factors.

17 MS. DEXTER: I object to the  
18 characterization of the system as deep  
19 drafting and egress, and she can address the  
20 question whether she agrees with that.

21 MS. FRISBIE: Well, I don't think  
22 there's any more risk of capsizing -- I  
23 guess, I would say I don't think there's  
24 more of a chance of falling in the CAWS than

1           there is anywhere else anyone would paddle.  
2           I personally have kayaked on Lake Michigan  
3           which I found terrifying because boats come  
4           at you from any direction and you have no  
5           way of knowing what's going to happen.  
6           Whereas on the river system, you can see  
7           what's happening. I don't -- I think I've  
8           said I don't actually believe that the CAWS  
9           have a major problem with lack of egress. I  
10          think there's places to get out all over the  
11          system. Deep draft nature, if you fall out  
12          of your boat, you get back in your boat or  
13          you hang on to the edge of the boat. Again,  
14          being out on the lake, people are in kayaks  
15          along the lakefront and water is deep, and  
16          so, again, I don't think it's a problem.

17                   MR. ANDES: Let's move on to the  
18          next question. You described the Chicago  
19          River Flatwater Classic stating, "This canoe  
20          and kayak race supported by the U.S. Coast  
21          Guard and the Chicago Marine police, gives  
22          people a safe opportunity to paddle downtown  
23          and interact with the river." What role, if  
24          any, do the Coast Guard and the Chicago

1 Marine police play in the Chicago Flatwater  
2 Classic?

3 MS. FRISBIE: Well, the Chicago  
4 Flatwater Classic is a larger event than  
5 just our paddling programs, and so we do  
6 planning upfront, which would be, I think,  
7 typical for any major event. And the Coast  
8 Guard and the Chicago Marine police come to  
9 a planning meeting that's hosted before the  
10 event in the spring. It's hosted by the  
11 Mayor's Office of Special Events. It's  
12 attended by the Chicago Park District  
13 because we use park district facilities, the  
14 Department of Transportation because we use  
15 a dock that they own, as well as the  
16 Chinatown Chamber of Commerce because they  
17 do something called dragon boat races, which  
18 are long boats that you paddle that have  
19 dragons on the front. So they do that as  
20 well, so it's kind of a coordinated meeting  
21 for all of those groups. And the Marine  
22 police and the Coast Guard come to that  
23 meeting. We review the course, which is the  
24 west side of the river, the whole length.

1 And the day of the event they, the Marine  
2 police generally have a boat out, and the  
3 Coast Guard sends the Coast Guard auxiliary,  
4 which I believe are volunteers, and they  
5 have one or two votes boats and they serve  
6 as traffic cops.

7 MR. ANDES: When you say as traffic  
8 cops --

9 MS. FRISBIE: Yes.

10 MR. ANDES: -- what's the scope, you  
11 say the whole length of the river?

12 MS. FRISBIE: The race goes from  
13 Clark Park, so at 3400 North Rockwell, down  
14 to the north branch to the south branch to  
15 Ping Town Memorial Park, which is just south  
16 of 18th street, so seven miles.

17 MR. ANDES: And I'll skip  
18 question B. I think question C addresses  
19 the safety question. "How does the level of  
20 safety for this event differ from that of  
21 paddling that occurs on other days?"

22 MS. FRISBIE: For the Friends' of  
23 The Chicago River trips in comparison with  
24 the Flatwater, we have a very detailed plan

1 for the Flatwater, but it reflects what  
2 anyone would do for a large event. So I  
3 think you could look at it along the lines  
4 of -- by involving the agencies that I  
5 mentioned, the pre-planning and safety  
6 plans, it's kind of like a marathon. Where  
7 a few people out running, they don't need  
8 the streets closed. They don't need water  
9 stations. Where as a few people canoeing or  
10 kayaking, you don't need that either. But  
11 when you start adding large numbers,  
12 suddenly you want to make sure you are  
13 paying closer attention.

14 MR. ANDES: Let's move on to the  
15 next question. You state that 4600 people  
16 have participated in the Flatwater Classic  
17 and many corporations sponsor the event and  
18 field teams of paddlers. When you state  
19 that 4600 people have participated, does  
20 that mean individuals or person trips?

21 MS. FRISBIE: Again, it's person  
22 trips. We don't know if there's repeats or  
23 we don't track that information any way.

24 MR. ANDES: Do you know what

1 percentage of the person trips are from  
2 people employed by or associated with the  
3 sponsoring corporations?

4 MS. FRISBIE: How many of the person  
5 trips? I don't know. I don't know that.

6 MR. ANDES: I'll skip C. I think  
7 we've addressed that issue. How many years  
8 has the classic been held?

9 MS. FRISBIE: This fall will be the  
10 tenth.

11 MR. ANDES: Do you have a sense of  
12 the average number of people that  
13 participate each year?

14 MS. FRISBIE: If you divide it based  
15 on the number of years we've had so far,  
16 it's 511, but really the race varies. The  
17 first year we had 120 people, and this year,  
18 for example, the Boeing Company is doing a  
19 special heat, where they are having their  
20 corporate headquarters in Chicago, they are  
21 having 12 teams, departmental teams race  
22 against each other. So that's going to  
23 boost the figure this year by another 120  
24 people or something.

1 MR. ANDES: Let's move on to  
2 question 7. You state that thousands attend  
3 these Chicago River and Park District  
4 Programs from 2004 to 2007. Do you know if  
5 that's total number of individuals or --

6 MS. FRISBIE: I would -- again, it's  
7 -- we don't track the information. But my  
8 guess is it's just individuals. The park  
9 district does all the promotion and booking  
10 for those. We just run it as a subcontract.

11 MR. ANDES: You are guessing it's  
12 probably person trips?

13 MS. FRISBIE: I'm guessing person  
14 trips.

15 MR. ANDES: And where do those  
16 paddling programs take place, on the main  
17 stem?

18 MS. FRISBIE: I have a chart of that  
19 as well. We'll pause and let it get entered  
20 this time.

21 HEARING OFFICER TIPSORD: I've been  
22 handed Friends' of The Chicago River,  
23 Chicago Park District Canoe Trips, 2004 to  
24 2008. It's another chart. If there's no

1 objection, we will mark this as Exhibit 270.  
2 Seeing none, it's Exhibit 270.

3 MS. FRISBIE: So you can see by  
4 looking at this chart that 75 percent were  
5 in the CAWS, and the balance were at park  
6 district parks in their lagoons.

7 MR. ANDES: And the ones in the CAWS  
8 were in the north branch and north shore  
9 channel?

10 MS. FRISBIE: Yes.

11 MR. ANDES: Going to question 8.  
12 You list the number of amenities and plans  
13 the Chicago River have called for. Can you  
14 discuss the amenities from this list that  
15 are materialized on the CAWS?

16 MS. FRISBIE: Yes. I think to start  
17 with a good representation of what's  
18 happening is the plans and activities of the  
19 Chicago Park District and the City of  
20 Chicago. The City of Chicago gave me a list  
21 of projects that they've spent \$73 million  
22 dollars in, I think, the last ten years on  
23 river front development projects. And the  
24 park district has spent over \$22 million.



1 We have a list of these projects with the  
2 amounts of money and locations.

3 MS. DEXTER: This first document I'm  
4 handing to the hearing officer is the --  
5 there's actually two, two documents, and  
6 this is the list from the City of Chicago  
7 that Margaret referred to, and then an  
8 example of one of the projects on that list  
9 or two projects on that list, that she'll  
10 discuss in a second to make that make sense.

11 HEARING OFFICER TIPSORD: We will --  
12 I've been handed a November 7, 2008, letter  
13 to Margaret Frisbie from Cathy Hudzik,  
14 H-U-D-Z-I-K, assistant to the mayor, which  
15 we will mark as Exhibit 271, if there's no  
16 objection. Seeing none, it's Exhibit 271.  
17 And then also there's a picture, both sides,  
18 and there's the marking on it is OWP/P, and  
19 it appears to be a picture in front of --  
20 I'm not sure. Marina Towers is on the back  
21 side. Thank you. We will mark that as  
22 Exhibit 272, if there's no objection.  
23 Seeing none, that's Exhibit 272.

24 This is also a picture of Bubbly

1 Creek, May 15, 2008, City of Chicago  
2 Department of Planning and Development,  
3 Department of Environment, The U.S. Arm Corp  
4 of Engineers, the Chicago Research Site  
5 Group Design Group, LTD. If there's no  
6 objection we will mark that as Exhibit 273.  
7 Seeing none, it's Exhibit 273.

8 MS. DEXTER: And a list of park  
9 district projects that Margaret referenced  
10 is the next document and one example is Ping  
11 Town Park.

12 HEARING OFFICER TIPSORD: The  
13 Chicago Park District memorandum dated  
14 November 8, 2008. I will mark as  
15 Exhibit 274, if there's no objection.  
16 Seeing none, it's Exhibit 274.

17 And Ping Town Shoreline  
18 Improvements Schematic A, we will mark as  
19 Exhibit 275, if there's no objection.  
20 Seeing none it's Exhibit 275.

21 MS. WILLIAMS: Do you mind repeating  
22 which ones are which.

23 HEARING OFFICER TIPSORD: Let me  
24 start from the beginning. 271 is the

1 November 7, 2008 letter. 272 is the picture  
2 that on one side has the Marina Towers. 273  
3 is the Bubbly Creek, May 15, 2008. And 274  
4 is the Chicago Park District memo. And 275  
5 is the Ping Town Shore Line Improvements.

6 MS. FRISBIE: So I just wanted to  
7 hand these out because partly, forgive all  
8 the attachments, I think it's very visual  
9 what's happening on the Chicago River system  
10 now. So you need to see what people are  
11 doing. But in direct answer to the  
12 questions about the amenities, recreational  
13 amenities, bike paths. The Chicago River  
14 Agenda, which we also have a copy of and  
15 we'd like to hand out, says the City of  
16 Chicago has built 12 miles of multi-use  
17 trails, and their goal is to complete a  
18 continuous trail throughout the entire city  
19 which could then connect to trails outside  
20 the city. Boat docks, paddling launches,  
21 there are many private docks that I  
22 mentioned. There are public docks at Oakton  
23 Street, Lincoln Village, River Park, Clark  
24 Park, Weed Street, North Avenue, at Western

1 Avenue in Alsip. There's more docks on the  
2 Circle Tour. I can't name all the names of  
3 where they are. Fishing has been  
4 increasing. River Park has a fishing  
5 station. Canal Origins has fishing.  
6 Actually we served on Mayor Daley's fishing  
7 committee. This summer they are going to do  
8 fishing along the main stem of the Chicago  
9 River pedestrian access. I think the  
10 charismatic mega project is the Chicago  
11 River walk, which is under construction  
12 right now, at Michigan Avenue and Under  
13 Wabash which will connect the lakefront bike  
14 path to as far as State Street. Under  
15 bridge connections, Michigan Avenue, Wabash,  
16 Peterson, Foster, Peterson, these are city  
17 projects that I've mentioned.

18 Bird watching, the City of  
19 Chicago has a brochure that they hand out  
20 that mentions Lake Calumet for a great place  
21 for birding. Recreation, Flatwater Classic,  
22 Dragon Race, as I mentioned, fishing  
23 birding, paddling rentals, restaurants, play  
24 lots, Erie Street Park and Ping Town Park

1 are river front parks with play lots that  
2 are new. Water trails, I think that will  
3 come up later with Openlands' testimony.  
4 There's regattas. The high school crew  
5 teams have regattas on the river. There was  
6 a -- the Chicago Rowing Center hosted a  
7 regatta on the Cal Sag in 2007 that was  
8 called the Cal Sag Collegiate Regatta that  
9 had students come to the Cal Sag and race  
10 from the University of Minnesota, University  
11 of Michigan, University of Wisconsin, Notre  
12 Dame, Indiana, Iowa and Michigan state. So  
13 that would just be recreation.

14 Habitat, there's been a lot of  
15 habitat and planting. I've got examples I  
16 could use is North Side College Prep on the  
17 North Side, Ronan Park, River Park, Canal  
18 Origins Park, the new park that's under  
19 construction east of Canal Origins, which is  
20 again at the mouth of Bubbly Creek.  
21 Facepoint in Blue Island is another very  
22 good example of where habitat projects are  
23 under which. We did a habitat project,  
24 Friends Of The Chicago River, called the

1 Michigan Avenue Fish Hotel, which is a  
2 floating wetlands structure that provides  
3 habitat downtown where clearly no one is  
4 going to take out the river, concrete walls  
5 where boats dock and put in habitat there,  
6 so we built habitat there as a demonstration  
7 project.

8 Residential and commercial  
9 amenities, Kingsbury Park is a new housing  
10 project, Kinzie Park, Facepoint again in  
11 Blue Island, River Bend, River Walk.

12 Restaurants, Fulton's on the  
13 river. I mean some downtown ones.  
14 O'Brien's, Cyrano's, Flatwater, Japonnais,  
15 Green Dolphin. There's a new Whole Foods  
16 that's opening on the east channel of the  
17 north branch sometime in May. They are  
18 going to have restaurants along with their  
19 outdoor seating. And then south there are  
20 others, the River Dell Marina, which is on  
21 the Calumet I believe. Lawrence's Fishery  
22 on the south branch which is expanding right  
23 now with river edge seating. And I also  
24 have an article from the Chicago Sun Times

1 from 2007 that lists a series of restaurants  
2 that are on the Calumet system, and how you  
3 can boat there. Actually, it's meant as a  
4 pub crawl, which someone said, I don't think  
5 they would say that if people were in cars.  
6 But, anyway, so I think that that gets the  
7 point across.

8 The other thing I believe that  
9 was on my list was effluent disinfection  
10 which we're talking about right now.

11 MR. ANDES: And all of these  
12 activities have occurred without  
13 disinfection?

14 MS. DEXTER: Can we stop and enter  
15 the exhibit she referenced.

16 HEARING OFFICER TIPSORD: If there's  
17 no objection, I will mark the Chicago River  
18 Agenda as Exhibit 276. Seeing none, it's  
19 Exhibit 276.

20 MS. DEXTER: And then we have the  
21 Sun Times article that Margaret just  
22 mentioned --

23 HEARING OFFICER TIPSORD: And Sun  
24 Times article "Neighborhoods with Mark

1 Konpel," From Friday August 10, 2007 in the  
2 Chicago Sun Times. If there's no objection  
3 we'll mark that as Exhibit 277. Seeing  
4 none, it's Exhibit 2 77.

5 MR. ANDES: I'm going to move on to  
6 question 10. In the testimony you discuss  
7 comments have been followed in the  
8 rulemaking as a result of the survey that  
9 Friends conducted. Do you know how many of  
10 the people that filed comments in the  
11 rulemaking are members or employees of  
12 Friends' or other groups who are  
13 participating in the rulemaking?

14 MS. FRISBIE: Yes, we do have that  
15 information. You'll be pleased to know we  
16 have another pie chart. And as of a few  
17 weeks ago, there were 180 individual  
18 letters, over 20 stakeholder groups, elected  
19 officials, including Governor Pat Quinn,  
20 U.S. Representatives, Jesse Jackson, Jr.,  
21 Mark Kirk, Mike Quigley. So we made this  
22 pie chart that shows the percentage that our  
23 Friends members. None of them are Friends  
24 employees. And the pie chart doesn't



1 actually have the actual number, but you get  
2 the sense that majority of these people are  
3 not members.

4 HEARING OFFICER TIPSORD: I've been  
5 handed a pie chart entitled "Public Comment  
6 Friends of the Chicago River Members Versus  
7 Nonmembers 2009. If there is no objection,  
8 we will mark that 278. Seeing none, it's  
9 Exhibit 278.

10 MR. ANDES: And nonmembers include  
11 people who are members of other groups?

12 MS. FRISBIE: I have no way of  
13 tracking that information.

14 MR. ANDES: Politicians, others --

15 MS. FRISBIE: Yes.

16 MR. ANDES: -- everybody who isn't a  
17 member of Friends?

18 MS. FRISBIE: Correct.

19 MR. ANDES: I'm going to move on to  
20 question 12. Knowing what to do about CSOs,  
21 other bacterial sources into the waterways,  
22 physical conditions of the waterways, you  
23 feel that swimming and wading in the CAWS,  
24 for example, would be a safe activity for

1 children or even adults if only the District  
2 were to disinfect the effluents?

3 MS. FRISBIE: Well, I'm not an  
4 expert in that area, and I would not like to  
5 comment. However, I do believe that people  
6 are using the CAWS in all kinds of ways. I  
7 have a sample series of photos of people  
8 wading on the CAWS in places that you can do  
9 that.

10 HEARING OFFICER TIPSORD: I've been  
11 handed "Wading On The CAWS, Testimony of  
12 Margaret Frisbie." If there's no objection,  
13 we'll mark this as Exhibit 279. Seeing  
14 none, it's Exhibit 279.

15 MS. FRISBIE: So in answer to your  
16 question, I disagree that the river is --  
17 the physical condition is a limitation. I  
18 do think that the bacteria, if 70 percent of  
19 the water is from sewage effluent as we've  
20 heard, I think clearly we need to take that  
21 into account. And if the bacteria is  
22 present from sewage pathogens, the pathogens  
23 should be removed, if that's possible.

24 If you look at "Wading On The

1 CAWS," you can see that there are plenty of  
2 places that I described earlier where you  
3 can access the CAWS in its public  
4 facilities. It is just along the riverbank.  
5 If you look at what we've handed out. The  
6 first picture is of the Clark Park Canoe  
7 launch. Those are people getting into a  
8 canoe. At North Park -- I'm sorry, that's  
9 River Park on the north branch. This is  
10 people fishing. This is typical. You see  
11 this there all the time. This is downstream  
12 from the Waste Water Treatment Plant on the  
13 North Side. At the mouth of Bubbly Creek,  
14 these are kids fishing, which is this third  
15 photo. And then another picture of kids  
16 wading on the Sanitary and Ship Canal. Most  
17 of these photos are from Friends' archives,  
18 but the last photo Dave Salzman who took  
19 this photo and lent it to us. I think it's  
20 important to distinguish how people are  
21 using the river, and whether or not we want  
22 to continue to put them at risk.

23 MR. ANDES: And so do you think  
24 people are at risk?

1 MS. FRISBIE: The people wading?

2 MR. ANDES: Yes.

3 MS. FRISBIE: Well, again, I'm not  
4 an expert in this area, and I think people  
5 have answered the question about risk.

6 MEMBER LIN: The kid wading and  
7 swimming, do you happen to know, do you know  
8 if they get any sickness?

9 MS. FRISBIE: No, I don't know the  
10 people in the photos.

11 MR. ANDES: Let's move on to  
12 question 13. In an August 12, 2008 article  
13 in Medical Reports Chicago you were quoted  
14 as saying that the first flush of a storm is  
15 so polluted that it's toxic. In light of  
16 this statement would it be fair to say that  
17 even if the waste water treatment effluents  
18 was disinfected, you would still be  
19 concerned about recreational exposure in the  
20 CAWS due to pathogens from storm water  
21 runoff and combined sewer overflows?

22 MS. FRISBIE: Well, according to the  
23 Chicago River Agenda, which was published by  
24 the City of Chicago, on page 10 it says in

1 the combined sewer area actually TARP  
2 captures the first flush. So in the areas  
3 of the river that we're discussing, it's my  
4 understanding that it's captured by TARP.  
5 That wouldn't be true in the areas where the  
6 other sewers are not combined.

7 MR. ANDES: Okay. So are you at all  
8 concerned about recreational exposure to  
9 storm water runoff and combined sewer  
10 overflows?

11 MS. FRISBIE: Well, we believe that  
12 improving the water quality of the river is  
13 a step by step process. If you look back at  
14 the plans, if you look back at what the park  
15 district and the City has done, it's taken  
16 steps. So we think that we need to finish  
17 TARP. And my understanding is that TARP to  
18 date captures 85 percent of the combined  
19 sewer overflows from when the first tunnels  
20 went on line in the mid 80's. We need to  
21 manage storm water better. I know the City  
22 of Chicago has protocols or new ordinances  
23 about storm water. The MWRD has become the  
24 storm water management for Cook County. So

1 they are actively working on storm water  
2 management plans right now. I think  
3 disinfection is the natural next step, and  
4 what we've seen -- in fact, we have a chart  
5 that shows the fish population in the  
6 Chicago River that was published by the  
7 Chicago Metropolitan Water Reclamation  
8 District that shows in the 70s there were  
9 ten species of fish in the CAWS. And as of  
10 2005, there were nearly 70. And so I think  
11 what we're talking about is a progression.  
12 It's not an all or nothing. It's a just a  
13 progression, and that disinfection is the  
14 natural next step that compliments the work  
15 on TARP already has achieved, the future  
16 work on TARP, as well as managing storm  
17 water.

18 MR. ANDES: So this improvement has  
19 taken place without disinfection?

20 MS. FRISBIE: Yes, but I think you  
21 could characterize it differently.

22 MR. ANDES: You believe that the  
23 bacteria concentrations in the effluents  
24 from the treatment plants impact fish

1 species?

2 MS. FRISBIE: I'm not an expert in  
3 that area. I don't want to get into that.  
4 But what I was talking about is was TARP,  
5 not disinfection.

6 HEARING OFFICER TIPSORD: If there's  
7 no objection, we will mark the chart "Total  
8 Number of Fish Species Collected From The  
9 Chicago and Calumet River System between  
10 1974 and 2005" as Exhibit 280. Seeing none,  
11 it's Exhibit 280.

12 MR. ANDES: That's all I have.

13 HEARING OFFICER TIPSORD: Thank you  
14 very much. The IEPA, do you have any  
15 questions?

16 MS. DIERS: Stephanie Diers for the  
17 Illinois EPA, and I'm going to ask you our  
18 pre-filed questions to start with.

19 Question 1, on page 3 of your  
20 pre-filed testimony you state, "Over the  
21 past 11 years these guides have taken at  
22 least 2640 people canoeing on the north  
23 shore canal, north branch of the Chicago  
24 River, main stem, south branch, down Bubbly

1 Creek and along the Chicago Sanitary and  
2 Ship Canal." What information do the guides  
3 receive on the water quality for these  
4 waters?

5 MS. FRISBIE: We distribute -- we  
6 train the guides at the spring, and we give  
7 them the details that are listed in the CAWS  
8 health brochure that we handed out earlier.  
9 I forget the exhibit number, forgive me.

10 MS. DIERS: Do you know if any of  
11 these guides have gotten sick from contact  
12 with the water?

13 MS. FRISBIE: I do not know that.

14 MS. DIERS: With respect to -- this  
15 will go to question two, but it's with  
16 regard to Exhibit 276, the Chicago River  
17 Agenda. Do you know who authored this  
18 document?

19 MS. FRISBIE: It was published by  
20 the Mayor's Office Of The City of Chicago  
21 and released in June of 2005. We actually  
22 have copies to go -- we already passed it  
23 out. So it was authored and distributed by  
24 the City of Chicago and kicked off with a



1 press conference by the mayor.

2 MS. DIERS: Question 3, "In your  
3 pre-filed testimony you referred to a state  
4 sanctioned water trail." Can you explain  
5 what this is?

6 MS. FRISBIE: What I was referring  
7 to was a project that will be discussed  
8 further by Openlands on May 20th I  
9 understand, but there is a brochure that  
10 shows water trail maps, and it says it's a  
11 join project of Openlands, the Illinois  
12 Paddling Counsel and the Illinois Department  
13 of Natural Resources.

14 MS. DIERS: And just one follow-up.  
15 We were talking about the different canoe  
16 facilities that do rentals. Do you have any  
17 figures of revenues that are coming into the  
18 area based on these canoe rentals?

19 MS. FRISBIE: I do not.

20 MS. DIERS: Thank you. That's all I  
21 have.

22 HEARING OFFICER TIPSORD: Are there  
23 any other questions for Ms. Frisbie?

24 MS. DEXTER: I have a couple

1 follow-ups from the pre-filed questions.  
2 The pre-filed question 3. I'm going to  
3 start with the District's pre-filed question  
4 3. On page 2, your last paragraph, you  
5 state that over the years you've worked to  
6 make the Chicago River the natural  
7 recreation and Chicago asset that it  
8 deserves to be. And subpart B is, "What is  
9 your definition of natural?"

10 MS. FRISBIE: Well, I don't believe  
11 the distinction between manmade and natural  
12 is relevant here. The river is, as I said  
13 earlier, the MWRD has counted 70 species of  
14 fish. Someone who is an active birder or  
15 involved here with the Chicago Autobahn has  
16 mapped out 60 species of birds. I have seen  
17 beavers, muskrats, mink. The Forest  
18 Preserve District of Cook County says  
19 there's otters. So I think if there's  
20 nature there, it's natural. It doesn't  
21 matter who made it.

22 MS. DEXTER: Do you have any  
23 documents that back that up?

24 MS. FRISBIE: Yes, I have a list of

1 birds of Chicago River separated by  
2 branches. It's not entirely -- it's not  
3 based on the CAWS. It's something I  
4 received in a lecture, as well as "Fishes of  
5 The Waterway System" that was given to us by  
6 an employee of the Army Corps of Engineers  
7 who is a fish biologist, and then third, a  
8 small snapshot from Friends of the Chicago  
9 River archives showing -- is it all right if  
10 I go ahead -- downtown a muskrat swimming in  
11 the main stem. It lived in our fish hotel a  
12 year ago summer. Here we go. So that's the  
13 muskrat. You can see the Wrigley Building  
14 in the background. This is a Monarch  
15 butterfly that hatched on a milk weed  
16 planted that was planted on the Friends of  
17 The Chicago River fish hotel. This is the  
18 guide who rented river bikes from River City  
19 several summers, and he's holding a snapping  
20 turtle. This is at River City on the south  
21 branch. And this is an endangered black  
22 round night heron fishing at the north  
23 branch dam at River Park on the north  
24 branch. And this is a gentleman fishing at

1 the turning basin at North Avenue on the  
2 north branch, and I think that's a carp, but  
3 I'm not sure.

4 HEARING OFFICER TIPSORD: On the  
5 Birds of the Chicago River -- let me ask  
6 this. It appears there's shading. Is that  
7 an indication that they were found on the  
8 Chicago River?

9 MS. FRISBIE: Yes. Forgive me --

10 HEARING OFFICER TIPSORD: If there's  
11 no objection, we will mark "Birds of the  
12 Chicago River" as Exhibit 281. Seeing none,  
13 it's Exhibit 281.

14 "Fishes Of The Chicago Waterway  
15 System," if there's no objection, we will  
16 mark that as Exhibit 282. Seeing none, it's  
17 Exhibit 282.

18 MR. ANDES: Can I ask again, what is  
19 the source of that?

20 MS. FRISBIE: The Fishes of the  
21 Waterway was sent from a person, from Frank  
22 Veraldi who gave it to one of the Friends of  
23 The Chicago River staff. I don't remember  
24 the context of why she gave it. I've had it

1 in a file for the last couple years, but it  
2 was given to Cynthia Fox from Frank Veraldi,  
3 who works for the Army Corps of Engineers.

4 MS. FRISBIE: I can get that  
5 information because I will see him on  
6 Saturday at Chicago River Day. If we'd like  
7 the source, I could get that.

8 MR. ANDES: We would.

9 HEARING OFFICER TIPSORD: And then  
10 we had "Wildlife on the CAWS." We will mark  
11 as Exhibit 283, if there's no objection.  
12 Seeing none, it is Exhibit 283.

13 MS. DIERS: I know you didn't  
14 prepare the exhibit. Is it intended to be  
15 from personal observation, a fish they  
16 caught?

17 MS. FRISBIE: I honestly don't know.  
18 Fish testing? I don't know. I'm sorry, I  
19 don't.

20 HEARING OFFICER TIPSORD: Can I ask  
21 have you looked at the "Fishes Chicago  
22 Waterway System" admitted as Exhibit 283,  
23 and compared it to the total number of fish  
24 species which we admitted as 280 to see if

1           they are consistent?

2                   MS. FRISBIE: I did not. That's a  
3           good question. Although I think -- yeah, I  
4           don't know.

5                   MS. DEXTER: Thanks for your  
6           patience. I think we are done.

7                   HEARING OFFICER TIPSORD: One last  
8           chance for any questions for Ms. Frisbie.  
9           Let's take a ten-minute break.

10                               (Whereupon, a break was taken  
11                               after which the following  
12                               proceedings were had.)

13                   HEARING OFFICER TIPSORD: Let's go  
14           ahead and go back on the record. Can we  
15           have you introduce yourselves.

16                   MR. BAMONTE: My name is Tom  
17           Bamonte.

18                   MR. QUAIL: I'm John Quail with  
19           Friends of the Chicago River.

20                   HEARING OFFICER TIPSORD: Can we  
21           have Mr. Bamonte sworn in.

22                               TOM BAMONTE  
23           having been first duly sworn, was examined and  
24           testified as follows:

1 HEARING OFFICER TIPSORD: If there's  
2 no objection, we will admit Mr. Bamonte's  
3 testimony as Exhibit 284. Seeing none, it's  
4 Exhibit 284. And did you have anything or  
5 should we go directly to questions? With  
6 that Mr. Andes, go ahead.

7 MR. ANDES: Good morning. We'll  
8 start with question 1. I'll rephrase it a  
9 little bit since we're not really not  
10 talking about inviting. What safety  
11 protocols does your organization employ when  
12 its members use the CAWS?

13 MR. BAMONTE: The safety protocols  
14 that the paddling community uses is the same  
15 paddling protocols we use in other bodies of  
16 water. There's nothing special about in  
17 terms of a paddling perspective. We urge  
18 paddlers to wear a PFD, wear appropriate  
19 immersion gear, if necessary, such as a wet  
20 suit or dry suit, to carry some  
21 communications equipment, a cell phone or  
22 marine radio, to leave a float plan with a  
23 family member, and, again, the standard  
24 paddling safety protocols.

1                   MR. ANDES: I believe there were  
2                   some additional protocols discussed this  
3                   morning in a brochure on Chicago area  
4                   waterways health precautions. Do your folks  
5                   follow these protocols as well?

6                   MR. BAMONTE: You are talking about  
7                   hygienic as opposed to paddling, is that what  
8                   you are referring to?

9                   MR. ANDES: That includes general  
10                  precautions about avoiding contact with the  
11                  water. I understand these are specific to  
12                  the Chicago area waterways.

13                 MR. BAMONTE: The standards that we  
14                 would follow, just general practice, would  
15                 be -- there is a general awareness that one  
16                 should avoid full body immersion, if  
17                 possible, but paddling inevitably requires  
18                 contact with the water. You have contact  
19                 through your paddles, as you are sweeping  
20                 side to side with your boat, your hands are  
21                 often getting in the water. There's water  
22                 that runs down the paddle shaft. When you  
23                 get in and out of your boat, you are often  
24                 putting your hands on the bottom and



1           immersing your hands in the river water.  
2           There's a splash that comes on your clothing  
3           and your body itself. So, again, standard  
4           kind of community practices, don't get full  
5           body immersion, but it's inevitable that you  
6           are going to get wet.

7                       MR. ANDES: Do you avoid certain  
8           areas due to barge or motorized boat  
9           traffic, absence of safe entry and exit  
10          locations or other issues incompatible with  
11          recreational use?

12                      MR. BAMONTE: There's no stretch of  
13          CAWS that the kayakers consider off limits  
14          because of those factors. Indeed, there are  
15          entrance and exit points throughout the CAWS  
16          system, and anywhere there is water that can  
17          float a kayak, kayaks pretty much belong.  
18          And so I analogize it to small cars and big  
19          trucks on an expressway. Both must utilize  
20          safety protocols. For paddlers it is to  
21          stay close to the bank and keep an eye out  
22          in front of you and behind you. And beyond  
23          that we certainly hope that the barge  
24          operators and other crafts keep a careful

1 eye out for us. But it's very much standard  
2 practice. Keep an eye out, stay fairly  
3 close to the bank, and the advantage of a  
4 Kayak as a small craft and the confined  
5 space of the river on the CAWS system is  
6 it's relatively easy to pull off and get  
7 close to a bank where you are safe from a  
8 passing boat.

9 MR. ANDES: Do you avoid certain  
10 times such as during or following wet  
11 weather events?

12 MR. BAMONTE: I would say there's  
13 some awareness in the paddling community  
14 about the combined sewer overflow CSO  
15 events. I think a fair number of  
16 experienced paddlers subscribe to the MWRD's  
17 website and choose not to paddle at the time  
18 of the CSO. But the information is not  
19 always -- doesn't always appear to be  
20 reliable. And so I would say that other  
21 than a generalized sense of not paddling  
22 during CSO events, paddlers access the river  
23 or the system, you know, pretty much at all  
24 times.

1 MR. ANDES: I'll skip question C  
2 then. In number two, even if the treatment  
3 plant effluent was disinfected, would you  
4 recommend that people, particularly  
5 children, should avoid exposures to the CAWS  
6 due to pathogens from storm water run-off or  
7 combined sewerage overflows?

8 MR. BAMONTE: I'm a paddler, not a  
9 public health person. Without knowing what  
10 the pathogens are, the levels, the risk  
11 factors, I just don't have the background or  
12 experience, and I wouldn't want to  
13 speculate.

14 MR. ANDES: As to question 3 on the  
15 protocols you employ, I believe you've  
16 already discussed the generally applicable  
17 protocols that are used for safety?

18 MR. BAMONTE: Yes, there is -- I  
19 would, you know -- there's safety equipment.  
20 There's -- which, again, that would be  
21 communications gear, life jackets, et  
22 cetera. There's safe paddling practices,  
23 which are to, again, keep an eye out, to  
24 know your limits, to always keep a good

1 sense of environmental conditions,  
2 approaching storms, et cetera. And then  
3 there's communications, which is letting  
4 people know that you are on the CAWS system,  
5 when is your expected time of departure,  
6 when is your expected return, and carrying  
7 communications equipment. That's one of the  
8 benefits of CAWS, is that you're in for the  
9 most part an urban environment. You have  
10 cell phone coverage. You have the ability  
11 to summon help in a way that is often not  
12 available in open bodies of water such as  
13 Lake Michigan.

14 MR. ANDES: I'm going to skip  
15 question 4 because I think we've already  
16 talked about barge traffic. On page 5 of  
17 your testimony, you stated that the river is  
18 heavily used by novice paddlers because it  
19 is more protected than Lake Michigan waters.  
20 I'll rephrase the first question.

21 Are you at all concerned with  
22 these novice paddlers sharing the waterways  
23 with barges, power boats, tour boats?

24 MR. BAMONTE: You are always

1 concerned with novice paddlers. You want to  
2 make sure that they are in an appropriate  
3 environment. From a paddler's perspective,  
4 the CAWS system is actually the preferred  
5 environment for novice paddlers. For the  
6 reasons that we set out in the paddling  
7 community statement that we filed last  
8 April, the CAWS is generally a much safer  
9 paddling environment than, say, Lake  
10 Michigan, inland lakes or free flowing  
11 rivers. It's protected from the wind, banks  
12 are nearby. There's often the opportunity  
13 to summon help from passer-byers on bridges  
14 or along the banks. You have, you have cell  
15 phone coverage so you can summon help.  
16 There are plenty of opportunities to --  
17 everything from small, I would say mini  
18 beaches. All you need is about three feet  
19 to get out of your kayak and stand on shore.  
20 There are often ways you can grasp ladders  
21 and other things to steady yourself at the  
22 waters's edge, say, when a barge is passing.  
23 The water is warmer, generally than Lake  
24 Michigan, which is an important factor.

1 Boat wakes are fewer and much less than  
2 let's say on Lake Michigan. Waves are less  
3 on Lake Michigan. So I would say that the  
4 majority of paddlers in the Chicago area get  
5 their start on the CAWS system rather than  
6 Lake Michigan. So if you are asking me as a  
7 paddler would I rather see a novice on the  
8 CAWS or Lake Michigan, I would say CAWS  
9 actually. So in that sense I'm less  
10 concerned about novice paddlers on the CAWS  
11 than I am, say, in the open waters of Lake  
12 Michigan or the busy waters of inland lakes  
13 say as the Fox lake with lots of boat  
14 action.

15 MR. ANDES: There's actually less  
16 chance of it capsizing?

17 MR. BAMONTE: Yes, on the CAWS than  
18 on, say, Lake Michigan.

19 MR. ANDES: Have you experienced  
20 full or suction of small or hand powered  
21 crafts toward a barge?

22 MR. BAMONTE: You know, I have not  
23 experienced -- I saw that in pre-filed  
24 questions, and I was frankly scratching my

1 head at that question. We have a very  
2 active paddling discussion group through my  
3 organization, the Chicago Area Sea Kayakers  
4 Association. Never in all the years it's  
5 been up has anyone mentioned any unusual  
6 water conditions or passing vessel issues on  
7 the CAWS system. So I've had no personal  
8 experience of any suctioning effect and I  
9 have not heard of such effects on CAWS  
10 vis-a-vis small vessels like kayaks.

11 MR. ANDES: Let's move to the  
12 question six, and I'll start with B -- well,  
13 first, on page five it stated, "I hope IPCB  
14 will establish better water quality  
15 standards like kayakers that have extensive  
16 bodily contact with river water each and  
17 every time they paddle in the river. Do you  
18 believe that the proposed standard or  
19 disinfection of 400 fecal counts for 300  
20 milliliters will make the water safe for  
21 recreational paddlers?

22 BAMONTE: I don't have the -- I am  
23 not a public health expert. I don't have  
24 the background, but common sense suggests to

1 me as a paddler that I would feel much  
2 better paddling in CAWS, and I think the  
3 paddling community would grow exponentially  
4 if the public knew that a major source of  
5 water flow has been disinfected. As I  
6 understand it occurs in most other  
7 metropolitan areas.

8 MR. ANDES: So have you looked at  
9 the risk from the treatment plants relative  
10 to, say, combined sewer overflows or storm  
11 water which would not be addressed by this  
12 rulemaking?

13 MR. BAMONTE: I have not done such  
14 an assessment.

15 MR. ANDES: So you don't know how  
16 much less risk there would be if the  
17 treatment plants were to disinfect?

18 MR. BAMONTE: That's beyond my  
19 candor here as a witness.

20 MR. ANDES: I'll skip down to  
21 question G. Does your association take any  
22 action to inform recreational paddlers that  
23 the river water is currently not safe due to  
24 direct or indirect exposure?



1 MR. BAMONTE: We have no specific  
2 guidelines vis-a-vis paddling on the CAWS  
3 system.

4 MR. ANDES: That's all I have.

5 HEARING OFFICER TIPSORD: Are there  
6 any other questions for Mr. Bamonte?

7 MS. WILLIAMS: I have just one  
8 follow-up questions. Good morning, Mr.  
9 Bamonte. I'm Debra Williams from the  
10 Illinois EPA, and I believe, I want to try  
11 to paraphrase your testimony in response to  
12 one of Mr. Ande's questions. Correct me if  
13 I'm getting it wrong. I think he asked you  
14 if there were other areas that you or  
15 members of your association avoid, and I  
16 believe you said no.

17 MR. BAMONTE: Let me clarify.  
18 Paddlers view the entire CAWS system as an  
19 attractive and viable paddling environment.  
20 I have personally paddled most of the  
21 system. I would say that there's extremely  
22 heavy interest in use on the north shore  
23 channel down through the river into the loop  
24 to Ping Town Park. There's an active group

1 of --

2 MS. WILLIAMS: Can you explain what  
3 you mean by the loop?

4 MR. BAMONTE: The downtown area, the  
5 loop, the downtown area.

6 MS. WILLIAMS: I thought you were  
7 referring to --

8 MR. BAMONTE: The loop, it's tough  
9 jumping into the rulemaking not knowing the  
10 terminology. Through the downtown area, a  
11 popular paddle, for example, is to come down  
12 through Clark Park and go through the lochs  
13 and come back. There's more paddling  
14 downtown inspired in part by the Flatwater  
15 Classic down to the Ping Town area. I have  
16 paddled, and I know others who have paddled,  
17 continued down the sanitary canal to, I  
18 think there is a take out at a currently  
19 deserted boat launch about ten miles south  
20 of there. There was paddling --

21 MS. WILLIAMS: Do you know if that's  
22 the Summit? =

23 MR. BAMONTE: I believe that's the  
24 Summit. That's a popular paddle. Bubbly

1 Creek is until recent work there was known  
2 as a launch site. Kind of a rough launch  
3 site but paddlers were launching from there.  
4 The Calumet area, there's a launch on the  
5 Calumet River. You go through the locks  
6 into lake Calumet, that's a popular paddle.  
7 In fact, my organization hosted a paddle  
8 this past weekend from Calumet Park in  
9 through the Calumet Harbor. I don't know if  
10 they made it through the locks and into the  
11 Little Calumet River, but again --

12 MS. WILLIAMS: When you say locks in  
13 this context are you talking about the  
14 O'Brien's --

15 MR. BAMONTE: I believe they are the  
16 O'Brien locks.

17 MS. WILLIAMS: Why don't I show you  
18 this map. I'm showing the witness a map  
19 kind of a proposed recreation use  
20 designation that's Exhibit 27. It was also  
21 attachment H to the Agency's proposal. And  
22 what I'd like to ask you is, if this map,  
23 there are different colors used to designate  
24 different recreational use designations

1 proposed by the Agency?

2 MR. BAMONTE: How did you know that  
3 I was partially color blind. Can we go by  
4 location?

5 MS. WILLIAMS: Absolutely, we are  
6 going to --

7 MR. ANDES: Can we have copies?

8 MR. BAMONTE: Can you have copies of  
9 Exhibit 27.

10 MR. ANDES: I don't know what you  
11 are referring to. I just don't have that  
12 handy.

13 MS. WILLIAMS: We stopped bringing  
14 the giant ones.

15 MR. ANDES: I'll try to remember it.

16 MS. WILLIAMS: All I'd like to ask  
17 you is, on this map in yellow are marked the  
18 areas I'm tracing with my hands that are  
19 designated as incidental contact recreation,  
20 and I believe all the areas that you've just  
21 identified are within that yellow. However,  
22 at the, from the confluence of the Chicago  
23 Sanitary and Ship Canal and the Cal Sag  
24 Channel to the O'Brien's locks and dam is

1 designated as an area as brown, which has  
2 been proposed for designation as  
3 nonrecreational by the Agency. Are you  
4 aware of any kayaking that occurs in this  
5 area?

6 MR. BAMONTE: I believe there is.  
7 There is kayaking, and I know some members  
8 of my club have done paddles on that  
9 stretch.

10 MS. WILLIAMS: Have you personally?

11 MR. BAMONTE: I have not personally.

12 MS. WILLIAMS: Have you seen anyone  
13 yourself?

14 MR. BAMONTE: I have not personally  
15 seen anyone on that stretch. I have little  
16 occasion to go to that area quite frankly,  
17 but the statement that we filed last April  
18 had paddling clubs, about a dozen paddling  
19 clubs, some of them are more focused in that  
20 area, and I believe there is paddling that  
21 does go on in those stretches.

22 MR. ANDES: Are you aware of any  
23 boat launches or other designated intake and  
24 egresses in the areas?

1 MR. BAMONTE: Personally, no,  
2 because it's not a stretch that I personally  
3 paddled.

4 MS. WILLIAMS: Thank you very much.

5 MS. DEXTER: When you paddle on the  
6 CAWS, do you act differently than when you  
7 paddle when there's sewage?

8 THE WITNESS: Well, kayaking is a  
9 very wet sport, and what we commonly do is  
10 we do rolls, we practice rescues, basically,  
11 what you do when you fall out of your boat.  
12 We have a mentorship program where we try to  
13 train each other how to get back in your  
14 boat quickly and effectively. When you  
15 paddle on CAWS, there's such a kind of  
16 community sense, you don't want to go there,  
17 and it means that the paddling experience is  
18 only partial because, again, you are just  
19 literally paddling, but you are avoiding the  
20 kind of full body contact, play, safety  
21 training, whatnot, that's very much a part  
22 of the paddling sport.

23 MS. DEXTER: Thank you.

24 MR. ETTINGER: Can you tell us what

1 a roll is?

2 MR. BAMONTE: A roll is something  
3 called an Eskimo roll. It's a common  
4 self-rescue technique. That's kind of the  
5 golden rule for kayakers is try not to get  
6 out of your boat, and what happens is when  
7 you tip over, either accidentally or much  
8 more likely on purpose, then you are under  
9 your boat and you execute a technique and  
10 you roll back up. That means you are under  
11 water for five seconds. It means that you  
12 are not -- you don't have full body  
13 immersion, which is important in cold water.  
14 You want to avoid getting your full body in,  
15 and you are in your boat. So it's a very  
16 quick, safe, fun thing, and what kayakers  
17 do, it's almost like water ballet when we go  
18 out and practice in appropriate water, we'll  
19 roll. We'll do things that are known as  
20 skulling, which is lying in the water and  
21 just paddling so you can keep your line next  
22 to your boat and you roll back up. None of  
23 those things we do on the CAWS system  
24 because of the water quality concerns that

1           you are addressing.

2                   MR. ANDES:   So there are ways of  
3           having fun in other water bodies that you  
4           try not to do in the CAWS?

5                   MR. BAMONTE:   Correct.

6                   MS. DEXTER:   I actually have one  
7           more follow-up.   How many people are  
8           represented by the clubs that signed the  
9           letter that you submitted to the Board last  
10          April?

11                   MR. BAMONTE:   I can't speak  
12          precisely.   My organization has 100 paying  
13          members.   We have a Yahoo group that has 400  
14          subscribers.   We have a blog that gets 100  
15          hits a day.   We are just one organization.  
16          We are not the largest one.   There's the  
17          Illinois Paddling, there's Prairie State  
18          Canoeists, a very active group with  
19          literally thousands of person trips per  
20          year.   There's Prairie Coastal Paddlers.  
21          There's rowing organizations that you've  
22          heard about earlier today.   Hundreds, if not  
23          thousands, of people are defining themselves  
24          as paddlers and have paddling as their



1 primary form of exercise and recreation.

2 MR. ANDES: Mr. Bamonte, as to  
3 safety precautions earlier, you talked about  
4 the fact that they were basically the same  
5 on the CAWS as the one you generally  
6 practice, correct?

7 MR. BAMONTE: Correct.

8 MR. ANDES: As to those ways of  
9 having fun or playing around that you try  
10 not to do on the CAWS, do you have any kind  
11 of specific direction to people not to do  
12 those things?

13 MR. ANDES: Well, it's both fun and  
14 safety. Those things we practice, rolls,  
15 skulling, self rescues. It's fun, but it's  
16 also safety development. Again, the general  
17 approach is, don't do those things on the  
18 CAWS that you would do in other bodies of  
19 water, and that means that the support is  
20 incomplete on the CAWS for that reason, and  
21 it also inhibits the development of the  
22 safety skills that make us safer paddlers.

23 MR. ANDES: But you don't have any  
24 written directions to people not to do those

1 things?

2 MR. BAMONTE: Correct, there are no  
3 written directions that say don't do it.  
4 And in fact, we would do it if you are a  
5 paddler with a roll and something goes wrong  
6 in the river, you are better off rolling  
7 than coming out of your boat, but in terms  
8 of practice, that's something that we as  
9 private paddlers don't do, and the  
10 commercial outfitters like Kayak Chicago and  
11 others, my observation is that they also  
12 direct their clients to avoid full body  
13 immersion. So their clients are not getting  
14 the full immersion in the sport, if you  
15 will.

16 HEARING OFFICER TIPSORD: Anything  
17 else for Mr. Bamonte? Thank you very much  
18 for your testimony.

19 Mr. Ford, are you ready to go or  
20 do you need some time?

21 (Brief recess taken, after which  
22 the following proceedings were  
23 had:)

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JAMES A. HUFF

having been first duly sworn, was examined and testified as follows:

HEARING OFFICER TIPSORD: If we could go back on the record. And we're back on the record. And could we have Mr. Huff sworn in, please continue, and we will enter the pre-filed testimony of James E. Huff along with the CD Rom as Exhibit 285, if there's no objection. Seeing none, it's Exhibit 285. And this is the testimony that was filed on March 25, 2009 and it replaces the previously filed testimony.

MS. DIERS: It does replace it?

HEARING OFFICER TIPSORD: Yes. Seeing no objection, it's Exhibit 285.

MS. DIERS: Madam Hearing Officer, I don't have an objection to Mr. Huff's testimony, but I did notice that I had printed his testimony off from the Board's website, and then of course we received a hard copy from Mr. Ford, and there are some discrepancies of what I printed off and what the hard copy is. There's information

1 missing on some of the attachments. So you  
2 might want to take a look at that and  
3 compare it to what you have.

4 The other point I think we were  
5 going to make is Mr. Huff's -- some of the  
6 new stuff that has been included is not  
7 numbered. It's not broken out. He's  
8 included lots of partial documents. It's  
9 going to be very difficult as we are going  
10 through to find for everyone, to be  
11 following along and finding things in the  
12 way the attachments were organized.

13 MR. FORD: Well, Madam Hearing  
14 Officer, we're glad to work through this  
15 first we've heard of any discrepancies, but  
16 we do have other copies of the testimony and  
17 a hard copy in the back if anybody needs a  
18 hard copy.

19 HEARING OFFICER TIPSORD: I will  
20 point out that it's electronically filed.  
21 It's not a scanning issue. It's how the  
22 electronic copy is filed.

23 MS. DIERS: I think Exhibit A, tab  
24 9, when it was scanned or however it was

1 presented, there's the top half of missing  
2 information on pages and stuff, so --

3 HEARING OFFICER TIPSORD: Then I  
4 would have to ask Mr. Huff to look at -- if  
5 you could take a look, Mr. Ford, at what was  
6 filed electronically on the Board's website  
7 and see where the problems may be. When  
8 it's filed electronically, the clerk's  
9 office merely links it.

10 MR. FORD: If there is, maybe we can  
11 check on that during the lunch break, and if  
12 there's a quick break.

13 MS. DIERS: We've kind of marked  
14 everything that I've noticed discrepancies.  
15 Debbie got the hard copy, and we were  
16 looking at it and noticed the problem.

17 HEARING OFFICER TIPSORD: Go ahead,  
18 Mr. Ford.

19 MR. FORD: For the record, before we  
20 proceed with questions to Mr. Huff, I want  
21 to make a couple preliminary statements on  
22 behalf of Citgo Petroleum and Midwest PDP,  
23 LLC. We are presenting testimony today with  
24 Mr. Huff only with respect to the use issue,

1           which we understand is the focal point of  
2           these sets of hearings. As Mr. Huff's  
3           testimony will indicate there are water  
4           quality issues that go with the Agency's  
5           proposal, and at a later time according to  
6           the hearing officer's scheduling order we  
7           will be presenting information on technical  
8           feasibility and economic reasonableness  
9           issues. So what we tried to focus on were  
10          the existing conditions for purposes of this  
11          testimony today.

12                        I would also have -- we have a  
13          couple of extra questions, actually very  
14          similar to what counsel was just asking the  
15          prior witness about the designated uses of  
16          the ship canal, and I can either ask those  
17          questions of Mr. Huff now or save it to the  
18          end of the questions when I'm trying to do  
19          any clarification that needs to be had. So  
20          it's really up to the hearing officer and to  
21          the Agency of whether or not you'd like me  
22          to ask these, and I promise there are four  
23          questions, and they are intended to reduce  
24          the issues and controversy as opposed to

1 expand the issues and controversy.

2 MS. WILLIAMS: Are they recreational  
3 use questions or aquatic life use questions?

4 MR. FORD: Let me tell you what I'd  
5 like to ask you, your Exhibit 28 -- I'm  
6 sorry, 29 is the UAA Application Factors To  
7 the Lower Des Plaines and CAWS, and I was  
8 going to ask him about the segment of the  
9 Chicago Sanitary & Ship Canal that onto  
10 which the Citco plant is located into which  
11 it discharges and whether he agrees or  
12 disagrees with any of those determinations.

13 MS. WILLIAMS: All I was getting at,  
14 Mr. Ford, with my question is, I just don't  
15 recall recreational uses being discussed in  
16 detail in this testimony. So if it's about  
17 aquatic life uses, we have no objection.

18 MR. FORD: Well, I think you talked  
19 about recreational uses in the conditions in  
20 the ship canal so --

21 MS. WILLIAMS: It's up to the  
22 hearing officer, I guess.

23 HEARING OFFICER TIPSORD: Why don't  
24 you go ahead and ask them.

1 MR. FORD: Thank you. I have extra  
2 copies of Exhibit 29 if anybody needs them.

3 HEARING OFFICER TIPSORD: Can we  
4 have one up here? I'd like the Agency to  
5 have one.

6 MR. FORD: Mr. Huff, I ask you to  
7 look at what was previously marked as  
8 Exhibit 29. It's a document entitled "UAA  
9 Factor Applications Of The Lower Des Plaines  
10 River and CAWS." Do you have that document  
11 before you?

12 MR. HUFF: Yes, sir.

13 MR. FORD: And I'd like to direct  
14 your attention to the second page of that  
15 document. I believe that the bottom row  
16 which is entitled "Lower CSSC," do you have  
17 that in front of you?

18 MR. HUFF: Yes, I do.

19 MR. FORD: And is it your  
20 understanding that this is the segment of  
21 the ship canal on which the Citco refinery  
22 is located?

23 MR. HUFF: Yes.

24 MR. FORD: I think the prior



1 testimony was that this was a summary table  
2 prepared by the Agency to indicate simply  
3 and quickly for the parties and the Board  
4 their views of the different uses.

5 Mr. Huff, I'd like to direct  
6 your attention to the recreational use  
7 category and the columns there, and in  
8 particular, the category called  
9 "nonrecreational." Do you see that?

10 MR. HUFF: Yes, I do.

11 MR. FORD: What is your  
12 understanding of what the Agency is  
13 indicating by that entry?

14 MR. HUFF: Well, that portion of the  
15 ship canal is not suitable for recreational  
16 type activities.

17 MR. FORD: And the UAA factor listed  
18 there is number three?

19 MR. HUFF: Correct.

20 MR. FORD: And have you read what  
21 factor number three is according to this  
22 Exhibit?

23 MR. HUFF: Yes, I have.

24 MR. FORD: Do you agree or disagree

1 with the Agency's conclusions with respect  
2 to the attainable use for recreational use?

3 MR. HUFF: I agree.

4 MR. FORD: You agree with their  
5 conclusion?

6 MR. HUFF: Yes.

7 MR. FORD: Do you agree with their  
8 indication that UA factor 3 as being the  
9 relevant factor?

10 MR. HUFF: Well, I would also add  
11 factor 5 into that as well, the physical  
12 conditions.

13 MR. FORD: And that's based upon  
14 your personal experience and understanding  
15 of this segment?

16 MR. HUFF: Right.

17 MR. FORD: Drawing your attention to  
18 the UAA, aquatic life use, do you see that  
19 column?

20 MR. HUFF: Yes, I do.

21 MR. FORD: And do you agree with the  
22 Agency's inclusion of UAA factors 3, 4 and  
23 5?

24 MR. HUFF: Yes, I do.

1 MR. FORD: And you've reviewed what  
2 those factors are, right?

3 MR. HUFF: Yes.

4 MR. FORD: With respect to the  
5 attainable use category, do you agree with  
6 that determination?

7 MR. HUFF: Oh, in this last column  
8 here?

9 MR. FORD: Yes.

10 MR. HUFF: No, I don't.

11 MR. FORD: Are there any other  
12 reasons that you would disagree with that  
13 other than what we've put and marked as your  
14 testimony today?

15 MR. HUFF: No, sir.

16 MR. FORD: So in summary, you would  
17 agree with the recreational use  
18 determination by the Agency, you agree with  
19 their UAA factors on both recreation and  
20 aquatic; you disagree with the attainable  
21 uses for the lower Chicago Sanitary and Ship  
22 Canal?

23 MR. HUFF: That's correct.

24 MR. FORD: Thank you.

1 HEARING OFFICER TIPSORD: Go ahead.

2 MR. ETTINGER: I didn't catch it.

3 You have two clients here today. Mr. Huff  
4 is testifying on behalf of?

5 MR. FORD: For the record, Mr. Huff  
6 is appearing here today on behalf of Citco.  
7 You will recall that he's also submitted  
8 testimony on behalf of Corn Products, and we  
9 were asking as to questions for Corn  
10 Products, that be reserved to the next  
11 hearing, which I believe is May 20th, at  
12 which the Corn Products representatives are  
13 scheduled to testify including Mr. Huff.  
14 Counsel, did I say that correctly?

15 MR. READ: That's correct. We also  
16 understand there will be overlap, and we  
17 will address that later, but as far as  
18 specific Corn Product questions, we have a  
19 separate day.

20 HEARING OFFICER TIPSORD: Could you  
21 please identify yourself for the record?

22 MR. READ: Sorry. Matthew Read on  
23 behalf of Corn Products.

24 HEARING OFFICER TIPSORD: Okay. I

1 think we're ready for the Agency.

2 MS. DIERS: I have a follow-up based  
3 on what Mr. Ford asked. How would you apply  
4 factor 5 to recreational use?

5 MR. HUFF: Well, I was referring to  
6 the top part of that, the physical  
7 conditions related to the natural features.  
8 The steep banks that you have with lack of  
9 access is what I was referring to.

10 MS. DIERS: Do you have factor five  
11 in front of you?

12 MR. HUFF: Yes, I do.

13 MS. DIERS: Can you read the whole  
14 description of factor five?

15 MR. HUFF: "Physical conditions  
16 related to the natural features of the water  
17 body, such as lack of proper substrate,  
18 cover, flow, depth, pool, ripples and the  
19 like unrelated to water quality preclude  
20 attainment to water life protection uses."

21 MS. DIERS: Would you agree that it  
22 only pertains to aquatic life?

23 MR. HUFF: Yes, the last part of  
24 that. I guess I was just trying to point

1 out that there are physical conditions that  
2 impede recreational uses as well.

3 HEARING OFFICER TIPSORD: For the  
4 record, the factors we are discussing are  
5 the factors found at 40 CFR 131.10G.

6 MS. DIERS: I also want to state  
7 that my questions have changed quite a bit  
8 from what was pre-filed based on page  
9 numbers changing more information, so this  
10 really isn't applicable anymore.

11 HEARING OFFICER TIPSORD: All right.  
12 We understood that would be the case.

13 MS. DIERS: Okay. My first  
14 question, on page 2 of your pre-filed  
15 testimony you state that you have reviewed  
16 many reports submitted into the record.  
17 Could you please state what reports you are  
18 referring to.

19 MR. HUFF: I've reviewed the  
20 Agency's statement of reason, and the  
21 pre-filed testimony of the Agency's  
22 witnesses. I have reviewed the Use of  
23 Attainability Analysis on the Chicago  
24 Waterways by Camp Dresser & McKee. I

1 reviewed Mr. Yoder's thermal report. The  
2 District's witnesses, I have reviewed some  
3 of the pre-filed ones for the District, the  
4 lower Des Plaines UAA by Aqua Nova, and the  
5 report description of the CAWS by the  
6 Illinois EPA and the Metropolitan Water  
7 Reclamation District that was an attachment  
8 to the Agency's petition, and then Rankin's  
9 Analysis of the Physical Habitat, Quality  
10 and Limitations on the Waterways in the  
11 Chicago Area, which was the Agency's  
12 attachment R.

13 MS. DIERS: On page 2 of the  
14 pre-filed testimony you state with the  
15 exception of Lake Calumet channels, all of  
16 the waterways in this group are natural  
17 waterways. Plea define how you are using  
18 "natural waterways."

19 MR. HUFF: They follow a natural  
20 drainage pattern.

21 MS. DIERS: Can you clarify what you  
22 mean by that? -

23 MR. HUFF: Well, they are not  
24 manmade. There was a waterway that existed

1 in that general vicinity prior to the  
2 modification that had been completed since  
3 the development.

4 MS. DIERS: On page 2 and 3 of your  
5 pre-filed testimony you state, "With the  
6 potential exception of the Cal Sag channel  
7 as described later in my testimony, there is  
8 no other water body in the CAWS which has  
9 unique physical features, commercial  
10 shipping, discharge loadings and lack of  
11 appropriate habitat for aquatic life as the  
12 ship canal." It appears you are now adding  
13 the Cal Sag channel to your testimony. What  
14 has caused you to add Cal Sag into your  
15 analysis?

16 MR. HUFF: When we completed a  
17 attachment 6 on trying to compare the fish  
18 and thermal regimes between the two  
19 waterbodies, I wanted to look at was the Cal  
20 Sag similar, and there are characteristics  
21 such as the deep draft manmade channels that  
22 are similar to the ship canal.

23 MS. DIERS: From an aquatic life  
24 standpoint, how does the Chicago Sanitary



1 and Ship Canal differ from the Upper Calumet  
2 River?

3 MR. HUFF: I'm sorry, could you  
4 repeat that again?

5 MS. DIERS: From an aquatic life  
6 standpoint, how does the Chicago Sanitary  
7 Ship Canal differ from the Upper Calumet  
8 River?

9 MR. FORD: I guess, are you asking  
10 for entire canal or a segment? I guess that  
11 would go to both rivers since your Exhibit  
12 29 has maybe six different regions for each  
13 one.

14 MS. DIERS: Well, I have other  
15 questions for the other regions. I was just  
16 breaking it down because I wanted to know  
17 about the low north branch of the Chicago  
18 River, et cetera. I was going to break it  
19 up for you.

20 MEMBER JOHNSON: Number nine in the  
21 pre-filed questions.

22 MR. HUFF: It has a lower QHEI  
23 score.

24 MS. WILLIAMS: What does?

1 MR. HUFF: The ship canal.

2 MS. DIERS: What QHEI data are you  
3 referring to?

4 MR. HUFF: From the UAA report  
5 prepared by Camp Dresser & McKee.

6 HEARING OFFICER TIPSORD: Just,  
7 also for the record, the UAA report on lower  
8 Des Plaines was attachment A, and UAA was  
9 attachment B.

10 MS. DIERS: From an aquatic life  
11 standpoint how does the Chicago Sanitary &  
12 Ship Canal differ from the lower north  
13 branch of the Chicago River?

14 MR. HUFF: I'm not sure I can  
15 answer that question. I was trying to look  
16 and the UAA for the lower north branch of  
17 the Chicago River and it's probably got a  
18 different naming convention.

19 MS. DIERS: How about with reference  
20 to the Chicago River?

21 MR. HUFF: Well, in the loop area,  
22 that has lower QHEI score than the stations  
23 on the sanitary and ship canal.

24 MS. DIERS: So Chicago River is

1 lower QHEI than the Chicago Sanitary & Ship  
2 Canal?

3 MR. HUFF: Just in the loop area,  
4 not in the harbor. The inner harbor would  
5 be similar.

6 MS. DIERS: Again, are you using  
7 QHEI information from the UAA?

8 MR. HUFF: Correct.

9 MS. DIERS: From an aquatic life  
10 standpoint, how would it differ from the  
11 upper south branch of the Chicago River?

12 MR. HUFF: Again, it would be  
13 similar to the ship canal. Maybe slightly  
14 lower on the QHEI on the south branch.

15 MS. DIERS: Finally, what about the  
16 south fork of the south branch of the  
17 Chicago River?

18 MR. HUFF: I'm not sure I can find  
19 that on this Camp Dresser. It's got  
20 probably a different abbreviation.

21 MS. DIERS: Are the waters that I  
22 just reference in my previous question, are  
23 they deep draft shipping channels with  
24 limited habitat in your opinion?

1 MR. HUFF: Well, the Cal Sag  
2 channel is, and then the Chicago River in  
3 the loop area is also.

4 MS. DIERS: On page 3 of your  
5 testimony, the first sentence under the  
6 heading, "Uniqueness Of The Sanitary Ship  
7 Canal quote The Illinois EPA's statement of  
8 reason on page 17," are you aware that this  
9 quote does not refer to the Chicago Sanitary  
10 & Ship Canal?

11 MR. HUFF: I believe that quote was  
12 referencing the lower Des Plaines water  
13 system reference and, yes, that's in the  
14 parentheses there.

15 MS. DIERS: In that same paragraph  
16 in referring to the CAWS in the lower  
17 Des Plaines river you state, "Many of the  
18 same challenges and limitations that the  
19 Board recognized in the early 1970's remain  
20 valid today." Do you believe that the  
21 biological condition of the CAWS and the  
22 lower Des Plaines river has not changed  
23 since the 1970?

24 MR. HUFF: I'm sorry, the

1 biological what --

2 MS. DIERS: Condition of the CAWS  
3 and the lower Des Plaines River has not  
4 changed since the 1970's.

5 MR. HUFF: Oh, I believe it's  
6 improved.

7 MS. DIERS: And in your opinion what  
8 improvements have you seen in improved  
9 waters?

10 MR. HUFF: Well, you've seen  
11 improved water quality. The ammonia levels  
12 are lower. The suspended solids are lower.  
13 The dissolved oxygen levels are higher.

14 MS. DIERS: On page 4 of your  
15 pre-filed testimony you state, "The aquatic  
16 habitat of the ship canal is rated as poor  
17 to very poor, in quotes 'IEPA 2006.'  
18 Overall stream use is designated as  
19 nonsupport for fish consumption and aquatic  
20 life." Does this IEPA 2006 citation refer  
21 to the Illinois Integrated Water Quality  
22 report in Section 303D list in 2006?

23 MR. HUFF: I believe so, yes.

24 MS. DIERS: Are you aware that

1 habitat is not specifically rated in that  
2 report?

3 MR. HUFF: No, I'm not.

4 MS. DIERS: On page 5 of your  
5 pre-filed testimony you state, "When barges  
6 pass, the physical design of the canal  
7 functions as a dangerous wave machine that  
8 amplifies the waves and creates very large  
9 waves when the barge's wake bounce off the  
10 vertical walls." In this regard, how does  
11 the Chicago Sanitary Ship Canal differ from  
12 the Calumet River?

13 MR. HUFF: The Calumet river or the  
14 Cal Sag channel? In the case of the ship  
15 canal you have vertical walls in sections of  
16 those that I was referring to as the wave  
17 machine, and to my knowledge none of other  
18 waterbodies have similar vertical walls on  
19 both sides.

20 MR. FORD: For the record, Madam  
21 Hearing Officer, for the record I think this  
22 is one of those page discrepancies. It's  
23 page 4 on the printed version, and maybe  
24 page 5 on the downloaded version.

1 HEARING OFFICER TIPSORD: Actually  
2 we have both up here. Anand has the  
3 electronic copy, and I have the hard copy.  
4 It's what you said, page 4.

5 MS. DIERS: I'm sorry, were you  
6 saying they didn't have vertical walls? I  
7 don't know if I heard you correctly.

8 MR. FORD: I think where you were,  
9 the way you asked the question, he said I'm  
10 not sure that refers to that body of water  
11 in the Calumet River system or refers to the  
12 Cal Sag River in the channel so --

13 MR. HUFF: The ship canal has  
14 vertical walls on both sides of stretches of  
15 the canal. I don't believe that situation  
16 exists on any of the other Chicago area  
17 waterways.

18 MS. DIERS: What about the Chicago  
19 River?

20 MR. HUFF: Oh, yes, sure through  
21 downtown you would have the same thing.

22 MS. DIERS: What about the south  
23 branch of the Chicago River?

24 MR. HUFF: I'm not familiar with

1           that one.

2                   MS. DIERS:    What about the upper  
3           Calumet River?

4                   MR. HUFF:     I'm not aware of any  
5           stretches where they have the vertical  
6           walls.  That's certainly possible.

7                   MS. DIERS:    Are you aware of the  
8           existence of the Western Avenue and Summit  
9           boat launches which allows hand powered  
10          boats access to the Chicago Sanitary & Ship  
11          Canal?

12                   MR. HUFF:     I know they go through.

13                   MS. DIERS:    In various parts of  
14          your pre-filed testimony you discuss the  
15          fish barrier.  Would you agree that the  
16          upper Chicago Sanitary & Ship Canal upstream  
17          of the electrical fish barrier would  
18          constitute a water link between the Chicago  
19          and Calumet River systems?

20                   MR. HUFF:     Yes.

21                   MS. DIERS:    And wouldn't this link  
22          provide for aquatic life movement between  
23          the two systems?

24                   MR. HUFF:     Yes.



1 MS. DIERS: Can you explain how the  
2 fish barrier interferes with fish migration  
3 between the Chicago River and the Calumet  
4 River System?

5 MR. HUFF: It would not between  
6 those two waterways.

7 MS. DIERS: And do you know what  
8 percentage of the ship canal is occupied by  
9 the fish barrier?

10 MR. HUFF: What percentage of  
11 the --

12 MS. DIERS: I guess, how big is the  
13 fish barrier?

14 MR. HUFF: Approximately six tenths  
15 of a mile in length.

16 MS. DIERS: Is the second one up in  
17 the water yet?

18 MR. HUFF: I believe it was  
19 activated last month.

20 MS. DIERS: On page 4 of your  
21 pre-filed testimony you quote Colonel  
22 Dorevich. I'm not sure how you say it. The  
23 quote was, "The safest thing is to keep  
24 people out of the water entirely." Do you

1 know if the U.S. Army Corps of Engineers  
2 prohibit recreation in and around the  
3 electric barrier?

4 MR. HUFF: My understanding is they  
5 do.

6 MS. DIERS: This question I'm  
7 getting ready to ask is in reference to  
8 information on page 6 of your pre-filed  
9 testimony. Can you please quantify how or  
10 in what way the ship canal is truly unique  
11 from the other CAWS waterbodies with respect  
12 to some additional features you mentioned on  
13 page 6 of your pre-filed testimony, and I'm  
14 going to begin with, "Vital to the economic  
15 well-being of the region."

16 MR. FORD: I'm sorry, you are  
17 asking him to take each one as opposed to  
18 the combination of all 15 or so factors?

19 MS. DIERS: I broke them down in ten  
20 that I wanted to ask.

21 MR. HUFF: The ship canal is home  
22 to the three coal fire electric plants. It  
23 also has more barge shipment on it than any  
24 of the other waterbody.

1 MS. DIERS: How about with respect  
2 to effluent load from combined sewer  
3 overflows?

4 MR. HUFF: Well, I would be  
5 speculating, but my speculation is that it  
6 has more of the combined sewer overflows  
7 tributary to the ship canal than any of the  
8 other waterbodies just based on the Stickney  
9 Plant being located there.

10 MS. DIERS: Storm water run-off?

11 MR. HUFF: Same answer because the  
12 Stickney Plant is the largest one. I would  
13 anticipate that it serves the largest  
14 drainage basin and would have the largest  
15 storm water component.

16 HEARING OFFICER TIPSORD:

17 Mr. Ettinger has a follow-up.

18 MR. ETTINGER: I'm sorry, a  
19 clarification. I think we agree the  
20 Stickney Plant has the largest discharge,  
21 but you don't consider the discharge from  
22 the Stickney Plant to be the largest storm  
23 water run-off, do you?

24 MR. HUFF: No, but it's serving the

1 largest run-off from the major plants. If  
2 it's serving the largest area, it stands to  
3 reason that it's taking in the highest  
4 amount of storm water and same with combined  
5 sewer overflows.

6 MR. FORD: Counsel, you can do your  
7 own calculations on surface area run-off if  
8 you wish, but he's answered the question.

9 MR. ETTINGER: That's why I didn't  
10 follow-up.

11 MS. DIERS: Limited shallow areas  
12 along the shore line.

13 MR. HUFF: Again, if you go back  
14 and look at the Cal Sag channel, when that  
15 was constructed, there are some shallow  
16 areas that are along the shore line there  
17 that's very different with respect to the  
18 ship canal. You'd have the same thing  
19 through in the downtown loop area as well.

20 MS. DIERS: Silty substrate?

21 MR. HUFF: They all would likely  
22 have silty substrate.

23 MS. DIERS: Little instream cover?

24 MR. HUFF: Well, given its width,

1 then lack of canopy cover, it would be true  
2 also on the Cal Sag Channel, but it's  
3 probably the most on the wider ship canal  
4 such as the Sanitary Ship Canal.

5 MS. DIERS: Channelization?

6 MR. HUFF: Again, the manmade ones,  
7 there is owe only four bends on the ship  
8 canal. It is pretty straight without a lot  
9 of bends.

10 MS. DIERS: Sinuosity?

11 MR. HUFF: Same answer. It's  
12 heavily channelized, and there are no bends  
13 in that river of significance.

14 MS. DIERS: Dredging?

15 MR. HUFF: Well, maintain the  
16 proper shipping, which would be true  
17 anywhere where you have the barge traffic,  
18 you would be dredging the areas that needed  
19 to be dredged on a necessary basis.

20 MS. DIERS: And finally slope?

21 MR. HUFF: Again, it has a very low  
22 slope, which is probably also true on the  
23 Cal Sag Channel.

24 MS. DIERS: On page 5 of your

1 pre-filed testimony you mentioned that three  
2 coal fire power plants exist along the  
3 Chicago Sanitary & Ship Canal, and these  
4 plants provide low cost electricity. What  
5 information did you use to reach this  
6 conclusion?

7 MR. HUFF: If you look at the  
8 current price of fuel, coal right now is  
9 sold for approximately one-third of the  
10 price of natural gas and one-fourth of the  
11 price of fuel oil, and so the major cost in  
12 a utility is the fuel cost, and the fuel  
13 cost for coal is dramatically less than  
14 natural gas or heating oil.

15 MS. DIERS: So your conclusion was  
16 only looking at coal?

17 MR. HUFF: No, looking at the cost  
18 of the fuel sources.

19 MS. DIERS: Did you look at nuclear?

20 MR. HUFF: No, I did not.

21 MS. DIERS: At page 7, bullet point  
22 at the top of the page you state, "There are  
23 limited shallow areas along the shore line.  
24 Pre-filed testimony of F.D. Magee, page 10."

1 Do you agree with Rankin that in the Chicago  
2 Sanitary & Ship Canal these are less common  
3 and isolated compared to the Calumet Sag  
4 Channel?

5 MR. HUFF: Yes, Ma'am.

6 MS. DIERS: On page 8 of your  
7 pre-filed testimony you state in  
8 paragraphs 2 and 3 that the economic impact  
9 of the proposed changes will be significant  
10 and the re-designation of the Ship Canal  
11 will have an economic effect on the  
12 residents. What economic costs or impact  
13 analysis have you performed on the Chicago  
14 Sanitary Ship Canal or any other portions of  
15 the CAWS?

16 MR. HUFF: What I was referring to  
17 there was if these regulations were adopted,  
18 you would have three coal fire powered  
19 plants too that are on the older side, that  
20 you may see either those plants close or  
21 some attempt at cost of installing some kind  
22 of cooling equipment, cooling towers,  
23 assuming there's space available. The  
24 adoption of these regulations will also lead

1 to the elimination of mixing zones for  
2 chlorides as well as thermal, which will  
3 have severe economic impact on anyone that's  
4 adding any heat to their discharge or adding  
5 any chlorides to their effluent, which would  
6 force those facilities to shut down certain  
7 times of the year.

8 MR. ETTINGER: Maybe this is a good  
9 time for me to ask this. Did you look at  
10 the rules pertaining to Mercury and their  
11 potential effect on the Fisk and Crawford  
12 plants in analyzing their cost or efficiency  
13 or how long those plants will stay open?

14 MR. HUFF: You are talking about air  
15 pollution regulations associated with  
16 Mercury or the water quality proposed rule  
17 change?

18 MR. ETTINGER: I'm talking about the  
19 Mercury provisions that were passed by this  
20 Board a couple years ago that require caps  
21 on Mercury, I believe, in 2015 on the Fisk  
22 and Crawford plants.

23 MR. HUFF: Again, same question, you  
24 are talking air pollution?



1 HEARING OFFICER TIPSORD: Yes.

2 MR. ETTINGER: I believe they are  
3 technically air pollution.

4 MR. HUFF: No, I did not look at  
5 that.

6 MR. ETTINGER: You did not take into  
7 your account on anything here the impact of  
8 that board order on the potential operation  
9 or cost of operating the Fisk and Crawford  
10 plants.

11 MR. HUFF: I did not.

12 MS. DIERS: On page 8 of your  
13 pre-filed testimony you state, "There is no  
14 data to suggest Lake Michigan fish are  
15 taking up residence in the ship canal."  
16 What are Lake Michigan fish?

17 MR. HUFF: Fish that reside in Lake  
18 Michigan, such as perch.

19 MS. DIERS: Perch is the only one?

20 MR. HUFF: Whatever fish are in  
21 there. If you go to attachment six to my  
22 pre-filed testimony, there's a list of fish  
23 that have been collected in the ship canal,  
24 and there are some that undoubtedly came

1 through the lochs.

2 MS. WILLIAMS: Can you point us to  
3 the page you are looking at or the table you  
4 are looking at in your testimony?

5 MR. HUFF: If you go to the MWRDGC  
6 report, June 1998.

7 MS. WILLIAMS: How do I find that?

8 HEARING OFFICER TIPSORD: It's  
9 attachment six.

10 MR. HUFF: It's in the appendeces.

11 MS. WILLIAMS: It's not reported in  
12 Attachment 6. The report is attached to  
13 attachment 6, along with a lot of other  
14 documents that are attached to Attachment 6  
15 that are not numbered or lettered. Can you  
16 find it?

17 HEARING OFFICER TIPSORD: Well,  
18 it's just the same one saying what he was  
19 saying, Ms. Williams.

20 MR. ETTINGER: Is this table 2-2  
21 and 2-3?

22 MR. HUFF: No, table A1-17. If you  
23 go to A17, that's fish collected at Damen  
24 Avenue basically near the beginning of the

1 ship canal, and you see they have  
2 collected alewife, that would likely come  
3 from Lake Michigan, white perch and possibly  
4 the yellow perch.

5 MS. DIERS: How many species do you  
6 believe exist in the CAWS and Lake Michigan?

7 MR. HUFF: I'm sorry, can you  
8 repeat that?

9 MS. DIERS: How many species do you  
10 believe exist in both the CAWS and Lake  
11 Michigan?

12 MR. FORD: You mean species that  
13 occur in both?

14 MS. DIERS: Yes.

15 MR. HUFF: I don't know. I have  
16 not looked at them.

17 MS. WILLIAMS: Can we -- I mean, I  
18 think it would be helpful to me if we walked  
19 through this table we are looking at now.  
20 So the first -- this is from MWRD report  
21 9810, is that what you said?

22 MR. HUFF: Yes.

23 MS. WILLIAMS: Then what pages of  
24 that?

1 MR. HUFF: Well, they go to table  
2 A1-7.

3 MS. WILLIAMS: So my copy started  
4 with A1-17. Should a different page come  
5 first?

6 MR. HUFF: I think mine also has 17  
7 first and then they go backwards.

8 MS. WILLIAMS: So first is 17 then  
9 16 and then 11?

10 MR. HUFF: Right.

11 MS. WILLIAMS: And then 10, then 9,  
12 then 8, then 7, and 6 --

13 MR. HUFF: Go one more page after  
14 that, and that has perhaps a nicer summary  
15 of the fish by species. You can see the  
16 trout in there. Periodically they collected  
17 the trout.

18 MR. FORD: Excuse me, he is looking  
19 at the document called Table 1, and it  
20 appears to have page 10 on the bottom of  
21 that page.

22 MS. WILLIAMS: So we go from page  
23 A-7 and then we go to page 10?

24 MR. HUFF: Right.

1 MS. WILLIAMS: And this is still  
2 from the same MWRD document?

3 MR. HUFF: Yes.

4 MS. WILLIAMS: And then we have 10  
5 through 14 of that document?

6 MR. HUFF: Yes.

7 MS. WILLIAMS: And that's it?

8 MR. HUFF: Yes.

9 MS. WILLIAMS: Thank you.

10 MS. DIERS: In footnote two on  
11 page 10 of your pre-filed testimony, please  
12 explain why you state, "No net increase in  
13 sulfate would be allowed when chlorides are  
14 greater than 500 milligrams per liter?"

15 MR. HUFF: My understanding is the  
16 general use standard on sulfate only goes up  
17 to concentrations of chlorides of  
18 500 milligrams per liter. So the way the  
19 regulation is written now, there are no  
20 sulfate water quality standards when the  
21 chlorides were above 500, which would then  
22 say that you can't add any sulfates when the  
23 chlorides are above 500 milligrams per  
24 liter.

1 MR. ETTINGER: I'm sorry, you read  
2 that rule to say that if chloride is over  
3 500, there can be zero discharge of sulfate?

4 MR. HUFF: Yes, sir, I do.

5 MS. WILLIAMS: What do you base that  
6 on?

7 MR. HUFF: Based on the proceedings  
8 for the general use on PBS and the variance  
9 for Citco and the adjusted standard for  
10 ExXon Mobile.

11 MS. WILLIAMS: Was there testimony  
12 from the Agency that you looked at?

13 MR. HUFF: Yes.

14 MS. WILLIAMS: And can you tell us  
15 who that testimony was BY?

16 MR. HUFF: Well, Mr. Twait behind  
17 you was one. Mr. Mammoser was the other.  
18 And what they testified to was they could  
19 not set a sulfate standard when the  
20 chlorides were above 500 milligrams per  
21 liter.

22 MR. FORD: Let me just say,  
23 Counsel, if we've misread the regulation,  
24 then obviously clarification would be

1 helpful. But Mr. Huff --

2 MS. WILLIAMS: I think there was  
3 clarification in the Agency's testimony in  
4 this proceeding already, but that's fine.  
5 We can certainly do that after in the  
6 comment period.

7 MS. DIERS: Please explain your  
8 statement on page 10 of your pre-filed  
9 testimony where you state, "Every discharge  
10 on the ship canal will be negatively  
11 impacted by the loss of mixing zone with  
12 significant economic implications."

13 MR. HUFF: I'm sorry, what was the  
14 question?

15 MS. DIERS: I'm asking you to please  
16 explain your statement on page 10 where you  
17 state "every discharger on the ship canal  
18 will be negatively impacted by this loss of  
19 mixing zone with significant economic  
20 implications."

21 MR. HUFF: Take them pollutant by  
22 pollutant. Let's start with chlorides. If  
23 you adopt a 500 milligram per mililiter  
24 chloride quality water standard, then anyone

1           who is adding chlorides, which potentially  
2           would include de-icing chemicals in the  
3           parking lot, would be limited in the periods  
4           when the ship canal is above 500 milligrams  
5           per liter to 500 milligrams per liter. If  
6           you have cooling water, once-through cooling  
7           water, it's standard practice to disinfect  
8           that once-through cooling water. The  
9           standard chemical is chlorine or sodium  
10          hypochloride. So they would be adding  
11          chlorine. And if the river is already above  
12          500 milligrams per liter, and they couldn't  
13          add any chlorine to the river and you are  
14          not allowed a mixing zone, then the river  
15          exceeds the water quality standard. You'd  
16          have the exact same scenario with a thermal  
17          whenever the river was at or above the water  
18          quality standards, there would be no mixing  
19          zone allowed so the water quality standards  
20          would come to effluent limits. You'd have  
21          water quality that has Mercury above the  
22          water quality standards right now, so that  
23          who say there would be, you would be limited  
24          to the water quality standard that's being



1 proposed for Mercury, the 12 nanograms per  
2 liter whenever you are above the harmonic  
3 beat.

4 MR. FORD: Excuse me, just for  
5 clarification, Mr. Huff, in that prior  
6 answer when you are talking about water  
7 quality standards, you are speaking of the  
8 proposed water quality standards?

9 MR. HUFF: Yes, sir.

10 MS. DIERS: In your pre-filed  
11 testimony are you suggesting that conveyance  
12 of salt laden and snow run-off is an  
13 existing use which should be protected?

14 MR. HUFF: It should be recognized  
15 as part of the proposed rule change. You  
16 have a safety issue to the northeast  
17 Illinois.

18 MS. DIERS: How would you recommend  
19 the Board recognize that issue?

20 MR. HUFF: I think the appropriate  
21 way would be to say that the chloride water  
22 quality standards could not apply during  
23 periods of snow run-off, if you will, during  
24 periods of highway de-icing. And then I

1 would require as part of MPDS permits, not  
2 only at all the point sources, but on the  
3 community storm water permits, that there be  
4 specifically a requirement for best  
5 management practices with respect to the use  
6 of sodium chloride.

7 MS. DIERS: Can you please explain  
8 how you would go about developing a best  
9 management practice for sodium?

10 MR. HUFF: By definition the best  
11 management practice is site specific, much  
12 like what is used for storm water pollution  
13 prevention where there are hosts of best  
14 management practice ideas and dischargers  
15 pick the ones that are appropriate in their  
16 case. With respect to highway de-icing,  
17 you've got liquid applicators. You've got  
18 pre-wetting activities. You have  
19 alternatives such as CMA that does not have  
20 chloride in there. Sand, mixtures of sand  
21 and chlorides. In the case of some  
22 industrial facilities they could have larger  
23 retention, the deciding run-off from the  
24 parking lots, and then probably most

1 important is calibration and just awareness  
2 of trying to minimize the application of  
3 sodium chloride would go a long way toward  
4 reducing chloride levels.

5 MS. DIERS: On page 11 of your  
6 pre-filed testimony you state, "MWRDGC would  
7 also not be able to discharge during periods  
8 its effluent exceeded 500 milligrams per  
9 liter chloride, which would occur when the  
10 ship canal is also over 500 milligrams per  
11 liter." Have you concluded that MWRDGC  
12 effluents exceed 500 milligrams per liter  
13 and based on what?

14 MR. HUFF: Just based on my  
15 professional judgment that's the case during  
16 highway de-icing run-off because of the  
17 preponderance of combined sewers, all that  
18 salt is going to go through the waste water  
19 treatment plants, and exceeds the 500  
20 milligrams per liter in their effluent.

21 MS. DIERS: But you don't have any  
22 data that you looked at?

23 MR. HUFF: Not for the MWRDGC.

24 MS. DIERS: On page 13 of your

1 pre-filed testimony you state that there are  
2 two methods for setting thermal water  
3 quality standards. Do you have a citation  
4 for this statement?

5 MR. FORD: Which page are you  
6 talking about?

7 MS. DIERS: I have it down as  
8 page 13.

9 MR. HUFF: If you go to attachment  
10 5 in my pre-filed testimony, the letter from  
11 Dr. Content, he refers to the preferability  
12 of the actual stream data as opposed to  
13 laboratory data.

14 MS. DIERS: So what you are saying,  
15 you meant to say there are two types of data  
16 that can be used, not methods. Are we using  
17 the terms the same?

18 MR. HUFF: I was using them  
19 interchangeably.

20 MS. DIERS: Okay. How would fuel  
21 data be used to set water quality standards?

22 MR. HUFF: I think you would look at  
23 the existing aquatic community that's  
24 present now. You could do what we did as in

1 attachment 6 and try to compare that to  
2 another stream that's not under the same  
3 kind of thermal regime.

4 MS. DIERS: On page 146 of your  
5 pre-filed testimony, you state, "In essence  
6 the Agency discounted Mr. Yoder's analysis  
7 and set the nonsummer temperatures so that  
8 the MWRDGC would not have to install cooling  
9 towers." Wouldn't you agree that the source  
10 of water -- just strike that.

11 Shouldn't the source of water be  
12 the background temperature?

13 MR. HUFF: I'm not sure that, one,  
14 the background temperature should be used  
15 for setting any kind of limits, but, two,  
16 the source of the water that you are  
17 referring to makes up only 70 percent of the  
18 total flow at the Chicago area water. So  
19 you are ignoring 30 percent of the sources.

20 MS. WILLIAMS: Isn't it true,  
21 Mr. Huff, that 70 percent is the average?

22 MR. HUFF: 70 percent is the  
23 average? No, Ma'am.

24 MS. WILLIAMS: During dry weather

1 do you know what percent of the flow MWRD's  
2 effluent makeup of the system?

3 MR. HUFF: No, I don't. Could I  
4 just expand on that a little? To the extent  
5 you have once-through cooling water that's  
6 being used in there, are you factoring that  
7 in?

8 MS. WILLIAMS: Are you asking me a  
9 question?

10 MR. HUFF: I think when you are  
11 trying to say it's the average, your average  
12 ignores the once-through cooling water that  
13 is being used that's quite significant on  
14 the ship canal.

15 MR. FORD: Can I follow-up? So  
16 Mr. Huff, you are saying that while somebody  
17 may say the average of the total flow at a  
18 certain point on the ship canal is  
19 70 percent based upon this Metropolitan  
20 Water Reclamation District discharge and  
21 flow, that that doesn't take into account  
22 the fact that some water has been taken out  
23 and used once-through cooling and put back  
24 in, that appears to be zero even though it

1 is being permitted and regulated?

2 MR. HUFF: That's correct.

3 MS. WILLIAMS: That's not  
4 necessarily 30 percent, right? That could  
5 be up to 100 percent?

6 MR. HUFF: How much is being  
7 recirculated?

8 MS. WILLIAMS: You made it sound  
9 like it was 30 percent of the flow, and it's  
10 not, right?

11 MR. HUFF: No, it's 30 percent of  
12 the remaining flow that in your background  
13 question you are ignoring.

14 MS. WILLIAMS: Would you agree,  
15 Mr. Huff, I think you may have answered, I  
16 don't know, but I'm going to try -- would  
17 you agree that during dry weather the  
18 District's effluent makes up closer to  
19 100 percent of the flow of the CAWS?

20 MR. HUFF: I just as soon not  
21 comment. I don't know. Just maybe I could  
22 add a little more to it, that when you are  
23 looking strictly at the flow you are not  
24 looking at the thermal load. So it goes

1 back to the same comment that where you have  
2 once-through cooling water, you've got an  
3 additional thermal load that doesn't seem to  
4 be factored in. If you are that I'm taking  
5 the MWRDGC discharge as the background, you  
6 are ignoring the other thermal loads and a  
7 portion of the heat that they are putting  
8 in.

9 MS. WILLIAMS: Mr. Huff, isn't that  
10 the whole point of setting the background  
11 temperature?

12 MR. HUFF: I didn't realize that the  
13 effort here was to set background  
14 temperatures. I thought the objective here  
15 was to set thermal temperatures that would  
16 be protective of the aquatic use.

17 MS. WILLIAMS: But in your testimony  
18 you talk about, you say about how the Agency  
19 discounted Mr. Yoder's analysis. Do you  
20 disagree that a key component of Mr. Yoder's  
21 analysis is utilizing background  
22 temperatures for the nonsummer months; do  
23 you agree or disagree?

24 MR. HUFF: I guess I didn't pick



1 that up in reading his testimony.

2 MR. ETTINGER: May I just ask a  
3 question here. What is your understanding  
4 of why we should even worry about the  
5 temperature in nonsummer months?

6 MR. HUFF: I believe Mr. Yoder  
7 testified that he thought having cooler  
8 periods in the other months was important to  
9 the life cycle of the fish.

10 MR. ETTINGER: So you don't, other  
11 than what Mr. Yoder said, you don't know  
12 about any bad thing that could happen if you  
13 have hot water temperatures in nonsummer  
14 months?

15 MR. HUFF: Hotter water temperature  
16 than background, I do not.

17 MR. ETTINGER: Thank you.

18 MS. DIERS: On page 14 you state,  
19 with regard to the Agency's use of MWRDGC  
20 effluent data in establishing background  
21 temperatures for the nonsummer months, you  
22 state, implicit in this decision that  
23 cooling towers could not be justified, what  
24 is the statement based on?

1 MR. HUFF: Well, had you adopted the  
2 numbers that Mr. Yoder had in his report,  
3 MWRDGC's effluent temperatures would have  
4 exceeded that which means MWRDGC would have  
5 had to install cooling towers.

6 MS. DIERS: Do you recall, did the  
7 Agency ever mention cost in this proceeding?

8 MR. HUFF: Not that I'm aware of.

9 HEARING OFFICER TIPSORD: Did you  
10 say cost?

11 MS. DIERS: Cost, yes, I'm sorry.

12 HEARING OFFICER TIPSORD: And,  
13 Ms. Diers, your question was did the Agency  
14 ever mention cost in this proceeding. I  
15 think you want to clarify cost as to cooling  
16 towers. You don't mean cost overall. I  
17 think that's a pretty broad straight  
18 statement.

19 MS. WILLIAMS: I think she means  
20 cost to the Water Reclamation District of  
21 Chicago of installing cooling towers.

22 HEARING OFFICER TIPSORD: I'm sorry.

23 MR. FORD: We would also agree with  
24 that, but also include the other dischargers

1 as well besides the MWRD but --

2 HEARING OFFICER TIPSORD: Actually,  
3 if you are done with follow-up on that  
4 question, let's go ahead and take a lunch  
5 break. Do you still think, Ms. Diers, that  
6 you have couple hours of questions?

7 MS. DIERS: Yes.

8 HEARING OFFICER TIPSORD: In that  
9 case, we'll have a new court reporter this  
10 afternoon.

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I, DENISE A. ANDRAS, being a Certified Shorthand Reporter doing business in the City of Des Plaines, Illinois, County of Cook, certify that I reported in shorthand the proceedings had at the foregoing hearing of the above-entitled cause. And I certify that the foregoing is a true and correct transcript of all my shorthand notes so taken as aforesaid and contains all the proceedings had at the said meeting of the above-entitled cause.

Denise Andras  
DENISE A. ANDRAS, CSR  
CSR NO. 084-0003437

A				
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