

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

OCT 01 2010

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

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

R08-09
(Rulemaking-Water)

NOTICE

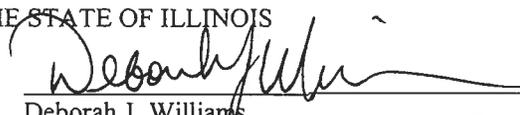
John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

Marie Tipsord, Hearing Officer
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois EPA's Pre-Filed Questions for the Metropolitan Water Reclamation District of Greater Chicago Witnesses Samuel Dorevitch and Thomas Granato on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By:



Deborah J. Williams
Assistant Counsel
Division of Legal Counsel

DATE: 9/29/10
Illinois Environmental
Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

OCT 11 1909

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
OCT 01 2010
STATE OF ILLINOIS
Pollution Control Board

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

Illinois EPA's Pre-Filed Questions for the Metropolitan Water Reclamation District of Greater Chicago Witnesses Samuel Dorevitch and Thomas Granato

The Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, hereby submits its Pre-Filed Questions for the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") witnesses for the October 19 and 20, 2010 hearings in the above-captioned matter. Illinois EPA reserves the right to ask additional follow-up questions as necessary.

1. Dr. Dorevitch states the following on page 7 of his pre-filed testimony:

"The CHEERS Study also contains information concerning development of a relationship between microbial water quality parameters and the incidence of illness for recreational uses proposed for the CAWS, which will eventually be needed to develop scientifically-based bacterial water quality standards for the CAWS. As was noted above, a supplemental report reflecting completed analysis of the water-quality-illness relationship will be submitted to the Board by December 6, 2010."

- a. When was it determined that this Supplemental Report would be necessary?
- b. Who made that determination?

RECEIVED
CLERK'S OFFICE
STATE OF ILLINOIS
Public Control Board

2. Who are the authors of the Supplemental Report?

STATE OF ILLINOIS
Public Control Board

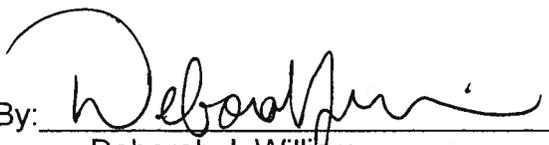
- a. Identify any variation in authorship from the CHEERS Final Report submitted to the Board on August 31, 2010 and the Supplemental Report to be submitted by December 6, 2010.
 - b. Identify any variation in funding between the CHEERS Final Report submitted to the Board on August 31, 2010 and the Supplemental Report to be submitted by December 6, 2010.
3. Will the Supplemental Report undergo peer review? If so, describe that process.
 4. Can the Supplemental Report be completed any sooner than December 6, 2010?
 5. Will the Supplemental Report recommend an indicator organism on which to base ambient water quality standards to protect recreational uses in the CAWS and Lower Des Plaines River?
 - a. Will that indicator organism be a species or type of bacteria?
 - b. What will the indicator organism be?
 6. Will the Supplemental Report identify an acceptable number of illnesses attributable to incidental contact recreational activities per 1,000 users?
 7. Does the CHEERS Final Report submitted to the Board on August 31, 2010 determine the total rate of illness for CAWS recreators?

- a. Does the 12-13 in 1,000 risk of gastrointestinal illness need to be added to the 15-16 in 1,000 risk of eye infections to obtain the risk of getting either a gastrointestinal illness or eye infection?
 - b. Would inclusion of respiratory illness, skin infections or ear infections impact this total risk of illness per 1,000 recreators figure?
8. Does the CHEERS Final Report assume that the general use recreators are recreating in waters that attain the General Use or Lake Michigan Basin water quality standards?
 - a. Did the water quality in the General Use and Lake Michigan Basin waters studied attain the water quality standards applicable to each waterbody?
 - b. Are any of the waters studied in the general use waters category listed on the Illinois 303(d) list as impaired for primary contact recreational uses?
9. On page 6 of his pre-filed testimony, Dr. Granato asks the Board to “direct IEPA to use the results of the CHEERS Study, including the supplemental report that will be filed shortly concerning the statistical link between microbe concentration in the CAWS and actual illness rates, to establish appropriate, science-based criteria to support recreational uses.”
Explain what specific actions you are asking the Board to direct the Agency to undertake.

10. At the bottom of page 4 of his pre-filed testimony Dr. Granato states, "There was no suggestion that water recreation, CAWS use, or water ingestion was associated with gastrointestinal illness." Didn't the CHEERS study actually find that the odds of developing acute gastrointestinal illness were 41% higher in the CAWS group as compared to the unexposed group?
11. On page 2 of his pre-filed testimony, Dr. Granato states "The District funded the CHEERS Study in part at the request of IEPA."
 - a. Who at the IEPA asked MWRDGC to fund the CHEERS study?
 - b. When?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Deborah J. Williams
Assistant Counsel

Dated: September 29, 2010

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Response of the Illinois Environmental Protection Agency to Pre-Filed Questions for the Metropolitan Water Reclamation District of Greater Chicago Witnesses Samuel Dorevitch and Thomas Granato of the Illinois Environmental Protection Agency of Attorney, to whom they are directed, by placing a copy of each in an envelope addressed to:

John Therriault, Assistant Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

Marie Tipsord, Hearing Officer
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste 11-500
Chicago, Illinois 60601

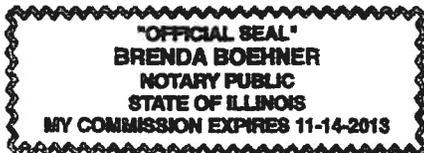
See Attached Service List

and mailing them (First Class Mail) from Springfield, Illinois on _____, with sufficient postage affixed as indicated above.

Meredith Kelly

SUBSCRIBED AND SWORN TO BEFORE ME
This 29th day of September, 2010

B. W. Boehmer
Notary Public



Service List for R08-09

Elizabeth Schenkier
Keith Harley
Chicago Legal Clinic, Inc.
205 W. Monroe, 4th Floor
Chicago, IL 60606

Susan M. Franzetti
Nijman Franzetti LLP
10 South LaSalle St.
Ste. 3600
Chicago, IL 60603

Katherine D. Hodge
Monica Rios
Matthew C. Read
Hodge Dwyer Zeman
3150 Roland Ave.
P.O. Box 5776
Springfield, IL 62702

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Ste 11-500
Chicago, IL 60601

Elizabeth Wallace
Andrew Armstrong
Office of the Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, IL 60602

Jeffrey C. Fort
Ariel J. Teshar
Sonnenschein Nath & Rosenthal LLP
7800 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6404

Ann Alexander
Senior Attorney, Midwest Program
Natural Resources Defense Council
2 Riverside Plaza, Floor 22
Chicago, IL 60606

Fredrick M. Feldman
Ronald M. Hill
Margaret T. Conway
Metropolitan Water Reclamation District
of Greater Chicago
111 East Erie Street
Chicago, IL 60611

Mitchell Cohen, General Counsel
Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62705-5776

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Ste 11-500
Chicago, IL 60601

Albert Ettinger, Senior Staff Attorney
Jessica Dexter
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1300
Chicago, IL 60601

Thomas W. Dimond
Susan Charles
Ice Miller LLP
200 West Madison Street
Suite 3500
Chicago, IL 60606-3417

Service List for R08-09 Continued

Fredric P. Andes
Carolyn S. Hesse
David T. Ballard
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606

Stacy Meyers-Glen
Openlands
25 E. Washington, Ste. 1650
Chicago, IL 60602

Kristy A.N. Bulleit
Hunton & Williams LLC
1900 K Street, NW
Washington, DC 20006

Jack Darin
Cindy Skrukrud
Sierra Club, Illinois Chapter
70 East Lake Street, Ste 1500
Chicago, IL 60601

Cathy Hudzik
City of Chicago, Mayor's
Office of Intergovernmental Affairs
121 North LaSalle Street
City Hall Room 406
Chicago, Illinois 60602

Lyman C. Welch
Alliance for the Great Lakes
17 North State Street, Suite 1390
Chicago, Illinois 60602

Kevin Desharnais
Thomas W. Dimond
Thomas V. Skinner
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606-4637

Lisa Frede
Chemical Industry Council of Illinois
1400 E. Touhy Ave.
Des Plaines, IL 60019