

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-9
CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 ILL..) (Subdocket B)
ADM. CODE PARTS 301, 302, 303 and 304)

NOTICE OF FILING

To:

John Therriault, Assistant Clerk
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Persons on the attached service list

Please take notice that on the 25th Day of October, 2010, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Environmental Groups' Response to Motion by the People of the State of Illinois to Bar Metropolitan Water Reclamation District of Greater Chicago from Filing Further Report Related to the UIC CHEERS Study**, a copy of which is hereby served upon you.



By: _____
Ann Alexander, Natural Resources Defense Council

Dated: October 25th, 2010

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CERTIFICATE OF SERVICE

I, Ann Alexander, the undersigned attorney, hereby certify that I have served the attached **Environmental Groups' Response to Motion by the People of the State of Illinois to Bar Metropolitan Water Reclamation District of Greater Chicago from Filing Further Report Related to the UIC CHEERS Study** on all parties of record (Service List attached), by depositing said documents in the United States Mail, postage prepaid, from 227 W. Monroe, Chicago, IL 60606, before the hour of 5:00 p.m., on this 25th Day of October, 2010.



Ann Alexander, Natural Resources Defense Council

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Sep. 21, 2010

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WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	R08-9
CHICAGO AREA WATERWAY SYSTEM)	(Rulemaking – Water)
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Adm. Code Parts 301, 302, 303, and 304)	

**ENVIRONMENTAL GROUPS' RESPONSE TO MOTION BY
THE PEOPLE OF THE STATE OF ILLINOIS TO BAR METROPOLITAN
WATER RECLAMATION DISTRICT OF GREATER CHICAGO FROM
FILING FURTHER REPORT RELATED TO THE UIC CHEERS STUDY**

Natural Resources Defense Council, Openlands, Sierra Club – Illinois Chapter, Environmental Law and Policy Center, Friends of the Chicago River, Southesast Environmental Task Force, and Alliance for the Great Lakes (collectively, “Environmental Groups”) respectfully submit this memorandum in response to the motion by the People of the State of Illinois to bar Metropolitan Water Reclamation District of Greater Chicago (“District”) from filing a further report related to the UIC CHEERS study.

The Environmental Groups support the motion by the People. In particular, we note that the study objective at in question, concerning which the District proposes to file the additional report, is not specifically pertinent to the issue pending in Subdocket B: i.e., whether the technology-based disinfection standard proposed by Illinois Environmental Protection Agency (“IEPA”) is necessary to support the uses proposed by the Board in Subdocket A. Study objective #2, concerning which the District proposes to submit its supplemental report by December 6, is, “To characterize the relationship between concentrations of microbes in the CAWS and rates of illness among recreators.” This objective is potentially relevant only to determining CAWS instream water quality criteria – an issue not currently pending in Subdocket B.

That said, we are cognizant of the proposal made orally by the District's counsel at hearings held last week. Specifically, counsel raised the possibility of resolving the issues raised in the People's motion by separating out issues concerning establishment of instream criteria into a new subdocket, and filing the supplemental report concerning study objective #2 in that subdocket. We will await a written filing by the District concerning that proposal before determining whether we believe it to be an appropriate resolution.

Dated: October 25, 2010

Respectfully submitted,

NATURAL RESOURCES DEFENSE COUNCIL

SOUTHEAST ENVIRONMENTAL TASK
FORCE

SIERRA CLUB-ILLINOIS CHAPTER

OPENLANDS

ENVIRONMENTAL LAW & POLICY CENTER

FRIENDS OF THE CHICAGO RIVER

ALLIANCE FOR THE GREAT LAKES



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Authorized to represent the parties listed above for
purposes of this motion