

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 25 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 PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code Parts 301, 302, 303 and 304)

R08-09
(Rulemaking – Water)
Subdocket ~~B~~
C

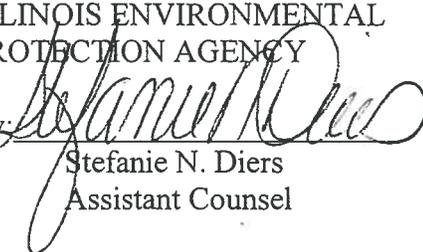
NOTICE OF FILING

To: John Therriault, Clerk
Marie Tipsord, Hearing Officer
James R. Thompson Center
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution
Control Board ILLINOIS EPA'S MOTION TO STRIKE THE PRE-FILED
TESTIMONY OF JAMES HUFF a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Stefanie N. Diers
Assistant Counsel

Dated: October 22, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
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IN THE MATTER OF :)
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WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE)
CHICAGO WATERWAY SYSTEM) R08-9
AND THE LOWER DES PLAINES RIVER:) (Rulemaking-Water)
Adm. Code Parts 301, 302, 303 and 304.) Subdocket C and D

ILLINOIS EPA'S MOTION TO STRIKE THE PRE-FILED TESTIMONY OF
JAMES HUFF

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its Motion to Strike the Pre-filed Testimony of James Huff. In support of its Motion, Illinois EPA states as follows:

1. On October 8, 2010, CITGO filed the Pre-filed testimony of James Huff with the Illinois Pollution Control Board with respect to the hearings in November 2010 that will address Asian Carp. (See Hearing Officer Order September 10, 2010).

2. The pre-filed testimony of James Huff is clearly not on point with the topic set for hearing in November. Instead, Mr. Huff's testimony is about chloride and sulfate water quality standards proposed for the Lower Ship canal. (See. P. 2 of Huff Pre-filed testimony).

3. In fact, Mr. Huff even admits in his pre-filed testimony that his testimony is not on point with the topic of November hearings. On Page 2 of his pre-filed testimony he states, "others will address the uses of the Lower Ship Canal for stopping the spread of invasive species such as Asian Carp from the Illinois River system toward Lake Michigan". (See P. 2 of Huff Pre-filed testimony).

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4. Mr. Huff's pre-filed testimony is more appropriate for issues that will be later addressed in Sub-docket D.

STATE OF ILLINOIS
Environmental Control Board
5. Since this testimony is not relevant to the November hearings, it should be stricken with respect to the Asian Carp hearings and Illinois EPA should not be required to file pre-filed questions of this witness at this time.

WHEREFORE, the Illinois EPA respectfully requests that the Pre-filed testimony be stricken for the November 2010 hearings and Illinois EPA not be required to file pre-filed questions for this witness at this time.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

DATED: October 22, 2010

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STATE OF ILLINOIS
COUNTY OF SANGAMON

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SS

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S MOTION TO STRIKE THE PRE-FILED TESTIMONY OF JAMES HUFF upon the person to whom it is directed by placing it in an envelope addressed to:

John Therriault, Clerk
Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

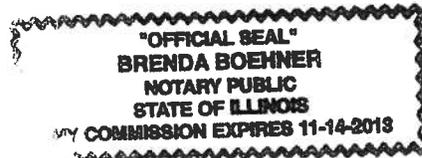
and mailing it First Class Mail from Springfield, Illinois on October 22, 2010, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

This 22 day of October 2010


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

