

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

To:

John Therriault, Assistant Clerk
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Chicago, IL 60601-7447

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Chicago, IL 60601-7447

Persons on the attached service list

Please take notice that on the 6th Day of June, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Environmental Groups' Comments Concerning the Board's Rationale for Proposed Second Notice**, a copy of which is hereby served upon you.



By: _____
Ann Alexander, Natural Resources Defense Council

Dated: June 6th, 2011

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CERTIFICATE OF SERVICE

I, Ann Alexander, the undersigned attorney, hereby certify that I have served the attached **Environmental Groups' Comments Concerning the Board's Rationale for Proposed Second Notice** 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 6th Day of June, 2011.

A handwritten signature in blue ink that reads "Ann Alexander". The signature is written in a cursive style.

Ann Alexander, Natural Resources Defense Council

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**ENVIRONMENTAL GROUPS' COMMENTS CONCERNING
THE BOARD'S RATIONALE FOR PROPOSED SECOND NOTICE**

Natural Resources Defense Council, Environmental Law & Policy Center, Friends of the Chicago River, Openlands, Prairie Rivers Network, Southeast Environmental Task Force, Alliance for the Great Lakes, and Sierra Club-Illinois Chapter ("Environmental Groups") submit the following comments concerning the Board's Rationale for Proposed Second Notice filed June 2, 2011.

The Environmental Groups fully support the substance of the proposed second notice, and encourage the Board to proceed expeditiously to issue it as a final opinion and order. The proposal appropriately addresses and incorporates USEPA's May 11, 2011 determination concerning recreational use designations. In light of the Board's proposal, we do not believe a stay is appropriate, and it is our understanding that Illinois EPA concurs in that view and will withdraw its motion for a stay.

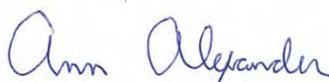
It is therefore not necessary for us to address the question of the impact of a stay on Subdocket B. We note, in this regard, that in Subdocket B it will be necessary to address a number of questions with regard to the impact of the Subdocket A decision on waters designated

incidental contact. These questions include, *inter alia*, (i) whether disinfection at the Stickney wastewater treatment plant should occur on a different timetable from disinfection at the North Side and Calumet plants, and (ii) whether the incidental contact waters require different ambient criteria than the primary contact waters, and, if so, how and when those incidental contact criteria should be derived.

Dated: June 6, 2011

Respectfully submitted,

NATURAL RESOURCES DEFENSE COUNCIL
SIERRA CLUB-ILLINOIS CHAPTER
OPENLANDS
SOUTHEAST ENVIRONMENTAL TASK
FORCE
PRAIRIE RIVERS NETWORK
ENVIRONMENTAL LAW & POLICY CENTER
ALLIANCE FOR THE GREAT LAKES
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Authorized to represent the parties listed above for purposes of this motion