

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
 WATER QUALITY STANDARDS AND )  
 EFFLUENT LIMITATIONS FOR THE ) R08-09B  
 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 )  
 (Recreational Use Designations) )

**NOTICE OF FILING**

To:

John Therriault, Assistant Clerk  
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 Chicago, IL 60601-7447

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Persons on the attached service list

Please take notice that on the 10<sup>th</sup> Day of November, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Joint Statement of Illinois EPA, Metropolitan Water Reclamation District, and Environmental Groups Concerning Proposed Effluent Bacteria Standards**, a copy of which is hereby served upon you.



By: \_\_\_\_\_  
 Ann Alexander, Natural Resources Defense Council

Dated: November 10<sup>th</sup>, 2011

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**CERTIFICATE OF SERVICE**

I, Ann Alexander, the undersigned attorney, hereby certify that I have served the attached **Joint Statement of Illinois EPA, Metropolitan Water Reclamation District, and Environmental Groups Concerning Proposed Effluent Bacteria Standards** 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 10<sup>th</sup> Day of November, 2011.



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Ann Alexander, Natural Resources Defense Council

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IN THE MATTER OF:	)	
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WATER QUALITY STANDARDS AND	)	
EFFLUENT LIMITATIONS FOR THE	)	R08-09B
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)	)	

**JOINT STATEMENT OF ILLINOIS EPA, METROPOLITAN WATER RECLAMATION DISTRICT, AND ENVIRONMENTAL GROUPS CONCERNING PROPOSED EFFLUENT BACTERIA STANDARDS**

The Illinois Environmental Protection Agency (“Illinois EPA”), Metropolitan Water Reclamation District (“MWRD”), Natural Resources Defense Council (“NRDC”), Environmental Law & Policy Center, Friends of the Chicago River, Openlands, Alliance for the Great Lakes, Southeast Environmental Task Force, Prairie Rivers Network, and Sierra Club-Illinois Chapter (collectively, “Environmental Groups”) submit the following joint statement reflecting their agreement concerning a set of issues pertinent to the Board’s decision on first notice in Subdocket B dated July 7, 2011 (“First Notice Decision”).

Illinois EPA, MWRD, and the Environmental Groups (collectively, “Participants”) are grateful to the Board for the years of work reflected in the First Notice Decision. The Participants, recognizing their mutual interest in avoiding the need for further hearings or appeals, met on October 21, 2011, and reached the agreement reflected below concerning the matters on which the Board requested comment in the First Notice Decision. The Participants further agreed that they may separately submit comments explaining their individual bases or

perspectives on the Participants' agreement, and/or addressing matters outside the scope of the agreement.

Specifically, the Participants have agreed as follows:

1. *Criteria for primary contact waters.* In waters designated Primary Contact, based on a minimum of five samples taken over not more than a 30 day period, fecal coliform (STORET number 31616) shall not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml (per 35 Ill. Adm. Code 302.209). Illinois EPA intends to review this standard following issuance of new recreational use guidelines being developed by the United States Environmental Protection Agency.
2. *Technology-based effluent limitation for disinfection.* The technology-based effluent standard for disinfection should be as follows: If less than 10 samples are taken in a month, the standard should be 400 cfu/100 ml. If 10 or more samples are taken in a month, the standard should require compliance with a 30-day geometric mean not to exceed 200 cfu/100 ml fecal coliform, with no more than 10% of samples exceeding 400 cfu/100 ml in any 30-day period. This standard for facilities sampling 10 or more times per month, applicable at two of MWRD's three suburban water reclamation plants (WRPs), is intended to address occasional outlier effluent samples. The permits for the North Side and Calumet WRPs should require fecal coliform sampling 5 times per week.
3. *Schedule for commencement of disinfection.* The rule should require commencement of disinfection no later than the beginning of the 2016 recreational season, unless delay is made necessary by circumstances beyond the discharger's reasonable control, including but not limited to (i) Acts of God, (ii) wars or insurrections, or (iii) failure of the discharger's

suppliers, subcontractors, or carriers to meet contractual performance obligations. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay, and the discharger shall take all reasonable steps to minimize the length of the delay. In the event of such delay, the discharger shall promptly notify Illinois EPA and the Environmental Groups of the reason(s) for the delay, and shall specify a revised completion date. These requirements should be included in the permits for the North Side and Calumet WRPs.

4. *Stickney WRP*. Effluent disinfection need not be required at the present time at the Stickney WRP; nor does the Board need to establish numeric recreational use criteria at the present time for the waters covered by this rulemaking that are not designated as Primary Contact. Illinois EPA intends to revisit the need for disinfection at the Stickney WRP and the need for numeric criteria for the non-Primary Contact waters on a periodic basis, reviewing in particular any changes that may take place in recreational use patterns and potential increases in the use of hand-powered watercraft in those waters.

November 10, 2011

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:

\_\_\_\_\_  
/s

Deborah Williams  
Stefanie N. Diers  
Division of Legal Counsel

METROPOLITAN WATER  
RECLAMATION DISTRICT

By:

\_\_\_\_\_/s\_\_\_\_\_

Frederic P. Andes  
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NATURAL RESOURCES DEFENSE  
COUNCIL

ENVIRONMENTAL LAW AND POLICY  
CENTER

OPENLANDS

SIERRA CLUB—ILLINOIS CHAPTER

PRAIRIE RIVERS NETWORK

FRIENDS OF THE CHICAGO RIVER

ALLIANCE FOR THE GREAT LAKES

By:



\_\_\_\_\_  
NRDC Senior Attorney and authorized to  
represent all of the above parties with regard  
to this document