

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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3 IN RE:

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5 NPDES PERMIT RENEWAL

6 HEARING-CITY OF CHICAGO

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9 TUESDAY, JUNE 30, 2015

10 3:00 P.M.

11

12 The public hearing of the NPDES Permit
13 Renewal Hearing-City of Chicago was held at
14 100 West Randolph Street, Assembly Hall, Lower
15 Level, Chicago, Illinois.

16

17 BOARD MEMBERS PRESENT:

18 HEARING OFFICER DEAN STUDER

19 MS. AMY DRAGOVICH

20 MS. SARA TERRANOVA

21 MR. KAUSHAL DESAI

22 MR. JAY PATEL

23

24

1 HEARING OFFICER STUDER: Good afternoon. My
2 name is Dean Studer, and I am the hearing officer
3 for the Illinois Environmental Protection Agency.
4 On behalf of Director Lisa Bonnett and Bureau of
5 Water Chief Marcia Willhite, I welcome you to this
6 hearing.

7 My purpose here is to ensure that this
8 proceeding runs properly and according to rules.
9 To that end, I will not be responding to technical
10 issues, but may assist those making comments to
11 ensure that we stay with issues under the purview
12 of Illinois EPA, Bureau of Water, and the issues
13 are appropriate for this hearing.

14 Can everyone hear me?

15 Okay. This is an informational hearing
16 before the Illinois EPA in the matter of a
17 reissued National Pollutant Discharge Elimination
18 System, usually referred to as NPDES, permit for
19 the City of Chicago Combined Sewer Overflows,
20 usually referred to as CSOs. The permit
21 authorizes 184 different discharge points. The
22 Illinois EPA Des Plaines office is planning to
23 visit these discharge points. While it is
24 unlikely that each of these discharge locations

1 will be visited this year, these visits are being
2 prioritized based on accessibility, estimated
3 volume and frequency of discharge, and the nature
4 of the receiving stream, as well as other factors.

5 Illinois EPA believes that the public
6 hearings that we hold are a crucial part of the
7 permit review process. Issues relevant to this
8 hearing include compliance with the requirements
9 of the federal Clean Water Act and the rules set
10 forth in 35 Illinois Administrative Code, Subtitle
11 C. Other relevant issues include the potential
12 impacts to receiving waters from the discharge,
13 and water quality in these receiving waters. The
14 Illinois EPA has made a preliminary determination
15 that the applicant has met the requirements for
16 obtaining a permit and has prepared a draft
17 reissued permit for review.

18 The Illinois EPA is holding this hearing
19 for the purpose of accepting comments from the
20 public on the draft permit. This public hearing
21 is being held under the provisions of the Illinois
22 EPA's procedures for permit and closure plan
23 hearings, which can be found in 35 Illinois
24 administrative Code, Part 166, Subpart A, and

1 under 35 Illinois Administrative Code Part 309.
2 Copies of these regulations are available at the
3 Illinois Pollution Control Board website at
4 www.ipcb.state.il.us, or, if you do not have easy
5 access to the web, you may contact me and I can
6 get a copy for you.

7 An informational public hearing means
8 exactly that. This is strictly an informational
9 hearing. It is an opportunity for you to provide
10 information to the Illinois EPA concerning this
11 permitting action. This is not a contested case
12 hearing.

13 I would like to explain how today's
14 hearing is going to proceed. First, I will have
15 the Illinois EPA panel introduce themselves and
16 provide a sentence or two regarding their
17 involvement in this permit process. Then, Kaushal
18 Desai, sitting here on my right, a permit engineer
19 in Permit Section of the Water Pollution Control,
20 will give a brief overview of the draft NPDES
21 permit. This will be followed by more specific
22 instructions on how comments will be made at this
23 hearing and on appropriate comments for this
24 hearing. Following this, I will begin taking

1 comments from the public.

2 If you have not signed a registration
3 card at this point, please see Barb Lieberoff at
4 the registration table and she can provide you
5 with a card. You may indicate on this card that
6 you would like to make oral comments. Everyone
7 legibly completing a registration card or
8 submitting written comments during the comment
9 period will be notified when the Illinois EPA
10 reaches a final decision in this matter. A
11 responsiveness summary will be made available at
12 that time.

13 In the responsiveness summary, the
14 Illinois EPA will answer all relevant and
15 significant questions that are raised at this
16 hearing or submitted to me prior to the close of
17 the comment period. The responsiveness summary
18 will also be posted on the Illinois EPA website in
19 the same place where the hearing notice and the
20 draft permit have been posted. I will also
21 arrange for the transcript of this hearing to also
22 be posted at that web page. That should be in
23 approximately three weeks, but it will depend
24 largely on when I get the transcript back from the

1 court reporter.

2 The written record in this matter is
3 scheduled to close on July 31st, 2015. Those
4 submitting comment by mail will need to mail them
5 so that they arrive at Illinois EPA headquarters
6 in Springfield no later than July 31st, 2015.

7 E-mail comments will also be accepted
8 providing the following three conditions are all
9 met:

10 First, they are to be sent to
11 epa.publichearingcom@illinois.gov, and they are to
12 be sent to that address unless other arrangements
13 have been made with me;

14 They are received by the close of the
15 record in this matter, again that record closes on
16 July 31st, 2015;

17 And the subject line of the e-mail should
18 contain either the words "Chicago CSO NPDES" or
19 the permit number, which is IL0045012, in it.

20 Note that I will not be accepting e-mails
21 originating on third-party systems or servers
22 intended for submittal of multiple e-mails of the
23 same or nearly the same comment -- content without
24 my prior approval. This information is also

1 provided in the public notice for this hearing.

2 The Illinois EPA is committed to
3 resolving outstanding issues and reaching a final
4 decision in this matter in an expeditious manner.
5 However, the actual decision date will depend upon
6 a number of factors, including the number of
7 comments received, the substantive content of
8 those comments, as well as other factors.

9 During the hearing and comment period,
10 relevant comments, documents, and data will be
11 placed into the hearing record as exhibits.
12 Please send all written documents or data,
13 including comments, to my attention at Dean
14 Studer, Hearing Officer, regarding Chicago CSO
15 NPDES, Illinois EPA, 1021 North Grand Avenue East,
16 PO Box 19276, Springfield, Illinois 62794. And
17 again, this address is also listed on the public
18 notice for the hearing today.

19 Again, I please ask that you indicate
20 either "Chicago CSO NPDES" or the permit number
21 which is "IL0045012" on your comments, and that
22 will help ensure that those comments become part
23 of this hearing record.

24 I will now ask the Illinois EPA panel to

1 introduce themselves. This will be followed by
2 Kaushal Desai giving a brief overview of the
3 permit.

4 MR. PATEL: I am Jay Patel with the Operation
5 Office, nine county areas, including Cook County.

6 MS. TERRANOVA: Hi. I am Sara Terranova with
7 the Division of Legal Counsel.

8 MS. DRAGOVICH: Amy Dragovich, and I am the
9 manager of the Northern Municipal District Permits
10 Section.

11 MR. DESAI: Good afternoon. My name is
12 Kaushal Desai, and I am an environmental
13 protection engineer with the Illinois EPA. I
14 would like to thank everyone for attending today's
15 public hearing.

16 The City of Chicago Combined Sewer
17 Overflow NPDES permit is for discharges from CSOs
18 within the combined sewer collection system for
19 the City of Chicago. This permit authorizes
20 discharge from 184 Combined Sewer Overflows. The
21 flow from these discharges varies.

22 The receiving streams are the North Shore
23 Channel, North and South Branch of the Chicago
24 River, Chicago River, Sanitary and Ship Canal,

1 Calumet River, Des Plaines River, North Branch
2 Canal, Collateral Canal, South Fork of the South
3 Branch Chicago River, Little Calumet River, and
4 Calumet and Sag Channel.

5 I also wanted to mention that The Tunnel
6 and Reservoir Plan is a long-term control plan for
7 the Chicago Metropolitan area and that all dry
8 weather flows, the first flush of the storm flows,
9 and additional flows, but not less than ten times
10 the average dry weather flow for the design year,
11 shall be conveyed to the tributary MWRDGC Water
12 Reclamation plant for treatment. Overflows during
13 dry weather are prohibited.

14 Some of the other requirements will have
15 the permittee comply with the nine minimum
16 controls contained in the National CSO Control
17 Policy and update their Pollution Prevention Plan
18 to reflect system modifications.

19 The permittee shall evaluate sensitive
20 areas and update their Operational and Maintenance
21 Plan as well as sewer use ordinances.

22 There are also conditions for a public
23 notification program in accordance with the
24 federal CSO policy and monitoring requirements.

1 The effluent, alone or in combination
2 with other sources, is prohibited from causing or
3 contributing to a violation of any applicable
4 water quality standard.

5 HEARING OFFICER STUDER: Thank you, Kaushal.

6 I will now go over the process for making
7 comments during this hearing. I have also added
8 a few comments regarding and describing what
9 comments Illinois EPA considers when making the
10 final decision in this matter.

11 As hearing officer, I intend to treat
12 everyone here this afternoon and this evening with
13 respect and in a professional manner. I ask that
14 the same respect be shown to the hearing panel and
15 members of the audience. You may disagree with or
16 object to some of the statements and comments
17 made, but this is a public hearing and everyone
18 has a right to express their comments on this
19 draft permit and the issues related to it.
20 Arguing or prolonged dialogue with others will not
21 be permitted during this hearing.

22 I will remind everyone that we have a
23 court reporter here making a verbatim record of
24 this hearing. For her sake and in the interest of

1 obtaining an accurate transcript of this hearing,
2 I ask that the noise level in the room be kept to
3 a minimum. Consequently, applause, booing,
4 hissing, or other sounds will not be allowed
5 during this hearing. If you have a cell phone or
6 pager, please silence them at this time if you
7 have not already done so.

8 Written comments may be submitted to the
9 Illinois EPA at anytime within the public comment
10 period, and that ends on July 31st, 2015.

11 Comments must be received by the Illinois EPA no
12 later than that date. This hearing is the only
13 time that the Illinois EPA will accept oral
14 comments.

15 If you have lengthy oral comments, it
16 will be helpful to submit them to me in writing
17 before the close of the comment period and I will
18 ensure that they are included in the hearing
19 record as exhibits.

20 Please keep your comments relevant to the
21 issues involved with this permit. If your
22 comments fall outside the scope of this hearing, I
23 may ask you to proceed to your next relevant
24 issue.

1 I will allow those making comments,
2 initially I will allow them to have five minutes
3 to make comments. After everyone who has
4 registered to speak has had an opportunity to
5 speak, if time still permits, I may allow those
6 who initially did not desire to speak to do so.
7 If time still permits, I may then return to those
8 who ran out of time initially.

9 Because we must be out of this building
10 no later than 6:00 p.m., I cannot guarantee that
11 those arriving later will all have an opportunity
12 to provide oral comments. However, I will accept
13 written comments from everyone, provided that I
14 have them by the end of the close of the comment
15 period, and again that's July 31st, 2015.

16 We want to avoid repetition. If anyone
17 before you has already presented a statement or
18 comments that is contained in your comments,
19 please skip over those issues when you speak. If
20 someone has already said what you intended to say,
21 you may pass when I call your name to come
22 forward. Once a point is made, it makes no
23 difference if that point is made 99 times, it will
24 be considered on its merit and will be addressed

1 only once in the responsiveness summary. The
2 decision of the Illinois EPA will not be based on
3 the number of people that desire a certain
4 outcome, but rather will be based on whether or
5 not a permit can lawfully be issued under existing
6 laws and regulations.

7 The issues that are relevant in the
8 Illinois EPA final decision are those that
9 directly relate to the content of the permit and
10 the regulations governing the issuance of that
11 permit. Simply stating opposition or support for
12 this permit will not impact the Illinois EPA
13 decision in this matter. The Illinois EPA has
14 only the power given to it by the Illinois
15 Environmental Protection Act and to a certain
16 extent also by federal regulations as administered
17 by U.S. EPA. Illinois EPA's decision-making is
18 limited to those items associated with
19 environmental issues and other items as determined
20 by state and federal law. In this case, relevant
21 issues must again relate to the water discharge
22 permit in some way. Please keep this in mind when
23 speaking this afternoon and also when filing
24 written comments.

1 When it is your turn to speak, I will
2 call your name. Please come forward to the
3 podium. I will then call a second name and that
4 person should be prepared to give their comments
5 once the current speaker has finished. The second
6 person should take a seat, when their name is
7 called, in the front row, and this way we hope to
8 minimize the amount of down time between speakers.

9 When I call your name, if you do not
10 desire to speak, or someone has already said what
11 you were prepared to say, you may pass and I will
12 announce another name. When the person speaking
13 has completed their comments, I will announce the
14 name of the person to give comments, and then the
15 name of the person to provide comments when the
16 current commenter is completed.

17 When giving comments, please speak
18 clearly and project your voice into the microphone
19 so that all can hear. State your name and, if
20 applicable, any governmental body, organization,
21 or association that you represent. If you are not
22 representing a governmental body, an organization,
23 or an association, you may simply indicate that
24 you are a concerned citizen or a member of the

1 public.

2 For the benefit of the court reporter, I
3 ask that you spell your last name. If there are
4 alternate spellings of your first name, you may
5 also spell that if you desire.

6 Comments are to be directed to members of
7 the hearing panel. This will help to ensure that
8 an accurate transcription of your comments is
9 made. Again, prolonged dialogue with the hearing
10 panel or with others in attendance will not be
11 allowed.

12 Are there any questions regarding the
13 procedures that we'll be using to conduct this
14 hearing?

15 Let the record indicate that no one
16 raised their hand.

17 The first person to speak this afternoon
18 will be Joe Byrd. If you would come forward to
19 the podium. The second person after Mr. Byrd is
20 David Rigg, and if he would come forward and take
21 a seat in the front row, I would appreciate that.

22 MR. BYRD: My name is Joe Byrd, B-Y-R-D, and I
23 am with Chicago Training Center --

24 HEARING OFFICER STUDER: You are going to have

1 to speak into the mic. I can hear you, but I
2 don't know about anybody in the back.

3 MR. BYRD: Is this better?

4 HEARING OFFICER STUDER: Yes, that's good.

5 MR. BYRD: My name is Joe Byrd. B-Y-R-D. I
6 am with Chicago Training Center, and I am the
7 board chairman of the organization. We are a free
8 rowing program for sixth to twelfth grade. We row
9 on Bubbly Creek. Bubbly Creek is the most
10 repulsive body of water that I've experienced
11 personally, and I've been coaching them for five
12 years, after CSO events.

13 In addition to its normal water quality,
14 it is teeming with used condoms and sanitary
15 napkins. I fail to see how that is not
16 detrimental to the water quality of Bubbly creek.

17 That's the extent of my comment.

18 HEARING OFFICER STUDER: Thank you, Mr. Byrd.

19 David Rigg, and he will be followed by
20 Joel Scata.

21 MR. RIGG: Good afternoon. My name is David
22 Rigg. R-I-G-G. I've been paddling with the
23 volunteer canoe program with Friends of the
24 Chicago River which is in about its 20th year now.

1 So in the course of 20 years, I have seen the
2 experience of the river change dramatically. When
3 we started, there was obstacles such as barbed
4 wire. When putting your canoe in, you had to
5 throw it over the fence.

6 What's happening in the course of time is
7 now we have canoe launches throughout the city, we
8 have places to park, places to store your boat.
9 Thousands and thousands of people now utilize this
10 river every summer and throughout the year. Our
11 program alone has taken thousands and thousands of
12 people out in the past 20 years down the Chicago
13 River, North Branch, South Branch, and Downtown.
14 This includes families, families with children.

15 The environment after a CSO is not only
16 disgusting, but it's unsafe. We don't know that
17 until we get there, quite frequently, and it's --
18 quite frankly, it's embarrassing to explain to
19 these people, who are having their first
20 experience with the Chicago River, what we
21 lovingly call Chicago River white fish and Chicago
22 River jelly fish are all about and where they come
23 from.

24 That's the extent of my comment.

1 HEARING OFFICER STUDER: Thank you.

2 Mr. Scata will be followed by Tom Judge.

3 MR. SCATA: Good afternoon. My name is Joel
4 Scata, S-C-A-T-A, and I am with the National
5 Resources Defense Council.

6 NRDC is an international nonprofit
7 environmental organization with more than 2.4
8 million members and online activists. Our staff --

9 THE COURT REPORTER: I'm not hearing him.

10 HEARING OFFICER STUDER: You are going to have
11 to speak a little more into the mic.

12 MR. SCATA: Our staff works in partnership
13 with a range of organizations, including many who
14 are here today, to improve the health of the
15 Chicago River and Lake Michigan.

16 The Chicago River is an essential part of
17 Chicago's identity. In the last few years, we've
18 seen a revival taking place along its banks. The
19 \$22 million riverwalk extension project is the
20 culmination of a long-term, multigenerational
21 commitment to turn the river into another
22 beautiful amenity for Chicagoans. Not
23 surprisingly, development along the river in both
24 the central business district and in the

1 neighborhoods has increased dramatically. In
2 recent decades the use of the river for a range of
3 recreational activities, including canoeing,
4 kayaking, and sightseeing has exploded. Chicago
5 Green Stormwater Infrastructure Strategy and Great
6 Rivers Chicago highlight the important role the
7 river will play in the future of the city.

8 This investment in the river is exactly
9 why this draft permit must be revised to ensure
10 that it's fully protective of water quality and
11 human health. The dumping of untreated sewage and
12 other pollutants resulting from CSOs into the
13 Chicago River contributes to pollution problems in
14 Chicago, downstream, and, as we've seen too often
15 in recent years, Lake Michigan. Raw sewage and
16 other pollution entering the combined system
17 contains bacteria, viruses, and other pathogens
18 that pose a significant health risk to the people
19 and animals that make use of the waterways
20 receiving Chicago's CSOs.

21 NRDC and our partners have identified a
22 number of flaws in the draft permit. To address
23 those flaws, NRDC urges the Illinois Environmental
24 Protection Agency, IEPA, to ensure that the

1 following questions are addressed in the final
2 permit:

3 One, Is the City's Operational and
4 Maintenance Plan current and reflective of system
5 modifications? Why was this plan last revised in
6 2006 but not approved by IEPA until 2013? How
7 will IEPA ensure that future delays do not occur?
8 What is the process required for the city to
9 revise or make changes to this plan?

10 Two, In the past, the city has made
11 changes to the plan without notifying or receiving
12 approval from IEPA and without notifying or
13 involving the public. How will the requirements
14 in this permit prevent this from happening in the
15 future?

16 Three, Why did this permit allow central
17 Clean Water Act requirements to be addressed
18 post-permit, following future monitoring and
19 analysis? This includes the requirements for
20 sensitive area analysis, the development of
21 permittee's Pollution Prevention Plan, and its CSO
22 Operation and Maintenance Plan, with the latter to
23 embody all nine minimum controls requirements. If
24 the permit requires a subsequent plan, how can the

1 public effectively comment on it, as the plan will
2 not be implemented until well after the comment
3 period? The nine minimum controls are required to
4 be implemented through use of the Agency's best
5 professional judgment, and it is essential that
6 the public be afforded the opportunity to weigh in
7 on that judgment. It is equally important that
8 those plans then be clearly incorporated to the
9 permit.

10 Four, Does the state consider TARP to be
11 the long-term control plan for the City of Chicago
12 CSOs? If so, what evidence does the state have
13 that TARP will solve the city's CSOs? It would
14 seem especially critical to identify whether or
15 not TARP is the LTCP for the city, given
16 unequivocal statement by U.S. EPA and IEPA that
17 the requirements in the consent decree associated
18 with TARP implementation apply only to MWRD's
19 outfalls, not the city's. How can the state
20 consider TARP to be the city's long-term control
21 plan when it has expressly taken the position that
22 MWRD has no responsibility to correct CSOs it does
23 not own, including the city's?

24 Thank you for the opportunity to testify

1 on this important matter today.

2 HEARING OFFICER STUDER: Thank you. Thank
3 you, Mr. Scata.

4 Tom Judge, and you will be followed by
5 Dale Bryson.

6 MR. JUDGE: Good afternoon. My name is Tom
7 Judge, spelled like a judge in a courtroom. I am
8 representing myself. I am also a volunteer with
9 the Chicago River Canoe Program, but I am not
10 representing Friends of the River today.

11 HEARING OFFICER STUDER: Can everyone hear?
12 Okay.

13 MR. JUDGE: I want to talk about the
14 increasing numbers of people that are coming out
15 on the river. In our Friends programs, you have
16 new boathouses that have been built along the
17 river, you have a riverwalk, and many stretches of
18 the riverwalk don't have any railings, they are
19 designed for people to literally get in touch with
20 the river, although it's been a little cold, you
21 are going to see people sitting, kicking their
22 feet in the water on hot days. When you have the
23 CSOs, you have all this solid matter and it's
24 disgusting.

1 The second thing is, this past Sunday I
2 was on a friend's trip. Actually, it was the
3 Chicago Park District trip. Approximately 40
4 people got on the river, many for the very first
5 time. We were very lucky, we saw several black
6 ground herring, green herring, blue herring, we
7 saw a snapping turtle almost as big as that
8 tabletop. And I can see all these people,
9 probably like me, you get off the river and you
10 think all of this stuff is going to be dumped in
11 there on top of all these animals, it's
12 disgusting.

13 Finally, from personal history, almost 50
14 years ago I was a U.S. Marine sliding through some
15 rice paddies in South Viet Nam (inaudible), but
16 that was a third world country. How can Chicago
17 consider itself a world class city if it's going
18 to dump this stuff right in the waterways that so
19 many people are using every day?

20 Thank you.

21 HEARING OFFICER STUDER: Thank you.

22 Dale Bryson is coming to the podium. He
23 will be followed by Chris Parson.

24 MR. BRYSON: Good afternoon. My name is Dale

1 Bryson. B-R-Y-S-O-N. I am here speaking as a
2 concerned citizen, and in the interest of full
3 disclosure, I am a member of the Alliance for the
4 Great Lakes and was Chairman of their Board of
5 Directors for several years. In a former life I
6 was a senior (inaudible).

7 Illinois EPA is well aware of the
8 increased uses that are being made on the Chicago
9 area waterway system. You've done a marvelous job
10 of upgrading the standards, which is wonderful,
11 which means that we are going in the right
12 direction.

13 My comment deals with the Clean Water Act
14 and the national CSO policy and what it requires.
15 The major water pollution problem in Chicago is
16 the Chicago waterway system, is CSOs from the
17 district as well as from Chicago. Probably the
18 largest number of CSOs in the country. The CSOs
19 need to be regulated through the NPDES permit. It
20 is absolutely vital that this permit be a good
21 permit that does that, that really controls those
22 CSOs. Otherwise, you are going to wait another
23 decade before the next permit is issued, and
24 that's just too long to wait to make an effort for

1 the problems that are occurring now.

2 The national CSO policy was issued with a
3 lot of flexibility in it in order to give cities
4 the opportunity to address CSOs in any phase,
5 fashion that looked at finances that they have and
6 so on. But the point is, the policy is critical
7 in terms that it be followed in writing this
8 permit. The policy was incorporated in the Clean
9 Water Act by Congress, which was a very important
10 step. That means that if the policy is violated,
11 the Clean Water Act is violated.

12 Under the CSO policy, the first critical
13 element is the technology-based requirement that
14 communities do nine minimum controls. The nine
15 minimum controls are really, really important
16 because they are -- they don't require a lot of
17 engineering studies, they require just doing best
18 management practices that every discharger should
19 be doing. The nine minimum controls are not a
20 temporary process, a temporary measure. They are
21 an ongoing effort that must occur constantly and
22 they must be improved. The nine minimum controls
23 have not been reviewed and upgraded by Chicago for
24 many, many years. It's critical that this permit

1 require a very detailed review and assessment of
2 those nine minimum controls to upgrade them the
3 way they should be.

4 Another fundamental aspect of the CSO
5 policy was the fact that CSO communities must
6 really identify where their CSOs are, how much
7 they discharge, what is the frequency of
8 discharge, and the impacts those discharges have
9 on the receiving streams.

10 Based upon the U.S. EPA of 2004 report,
11 that report says that Chicago does not know where
12 all of their discharges are, and whether they do
13 discharge, and the quantity that they discharge.
14 That is a major, major, major violation of the
15 Clean Water Act. This new permit really must
16 address that issue requiring Chicago to identify
17 those discharges and have a program to know when
18 they discharge, how much, and the impact in the
19 receiving stream.

20 Chicago combined sewers can be discharged
21 to the TARP system. Unfortunately, TARP has many
22 serious operational problems. Those operational
23 problems came to light in documents submitted by
24 the District to Illinois EPA and U.S. EPA as part

1 of the lawsuit against -- the two environmental
2 agencies against the District.

3 Because of those key words, known
4 operational problems, on many occasions TARP shuts
5 down its tunnels. That means Chicago CSOs are
6 discharged raw into the rivers. That issue really
7 needs to be addressed in this new permit. It is
8 critical if there's ever going to be a handle on
9 Chicago CSO districts.

10 Another critical element that a couple of
11 other speakers have mentioned is the long-term
12 control plan. The plan is supposed to delineate
13 how a city will ever completely control its CSO to
14 provide attainment of water quality standard. The
15 CSO policy has been in practice -- has been in
16 place since 1994. We are now in 2015. Chicago
17 does not have a long-term -- an approved long-term
18 control program. That's a major violation of the
19 Clean Water Act. That is something that clearly
20 must be addressed in this permit. TARP was
21 scheduled to be completed in 2029. We should not
22 have to wait until 2029 to find out what Chicago
23 is going to do to control its ongoing combined
24 sewer overflows.

1 The draft CSO permit contains a great
2 deal of very vague and general language. As such,
3 it is extremely difficult for the permittee and
4 the general public to understand what is truly
5 required of the permittee. That makes it almost
6 impossible to assess compliance with many
7 conditions in the permit.

8 That lack of transparency must be
9 addressed in any reissued NPDES permit. We ought
10 to be able to look at that permit and assess
11 whether Chicago is doing what it should be doing.
12 Right now if you read that draft permit, there's
13 no way you can determine that.

14 U.S. EPA working with the states and a
15 number of other agencies developed a series of
16 guidance documents for use by state agencies in
17 writing permits. There's a guidance document, one
18 entitled Combined Sewer Overflows Guidance for
19 Permit Writers. Another one, Guidance for Nine
20 Minimum Controls. Another one, Guidance for the
21 Long-Term Control Plans. I really urge Illinois
22 EPA to pay attention to those guidance documents
23 when you do that final permit. There's a large
24 number of things in the draft permit that are left

1 out from what the guidance requires.

2 In conclusion, there is intense interest
3 in the Chicago area for the improvement of the
4 Chicago area waterway system. Just last week,
5 Mayor Rahm Emanuel stood on the banks of the river
6 at the dedication of the new portion of the
7 riverwalk and said that the city really needs
8 clean water.

9 Chicago's Visionary Stormwater Strategy
10 Report says, and I will quote, "Chicagoans before
11 us asked us to preserve our fresh water essence.
12 Now it is our turn to build upon that effort to
13 improve stormwater management and enhance our
14 waterways." That strategy report also says,
15 quote, "Dealing with stormwater management
16 challenge is critical for the future of the city."

17 I couldn't agree more. Any reissued
18 NPDES permit should further Chicago's -- Chicago's
19 stated objective of improving that river.

20 I thank the Illinois EPA for this hearing
21 and for all you've been doing on improving the
22 Chicago area waterway system. Thank you.

23 HEARING OFFICER STUDER: Thank you,
24 Mr. Bryson.

1 And Chris Parson I see coming to the
2 podium. He will be followed by Albert Ettinger.

3 MR. PARSON: Thank you very much. My name is
4 Chris Parson. P, as in Peter, A-R-S-O-N. I am
5 representing myself, although I am a canoe guy for
6 the Friends of the Chicago River.

7 Like two other previous speakers, I will
8 try not to be redundant. My most serious concern
9 is about the perception of the river that's left
10 when we have a significant number of CSOs that we
11 suffer today. Thousands of people are using the
12 river every day, rowers, you are going to hear
13 from them later, paddlers, we have four or five
14 vendors who are renting canoes to people. There's
15 no way for those people or those vendors to warn
16 their customers as to the condition of the river.

17 I get a notice from the MWRD on a text
18 sometimes in the middle of the night, much to my
19 wife's chagrin, that there has been a CSO
20 discharge, and it tells me generally what part of
21 the river has been impacted by that, but if I am
22 on the river, if I am planning to go to the river,
23 and I don't have myself signed up for that
24 morning, how would I know whether there's any risk

1 involved or not?

2 In my view, the MWRD has spent a
3 tremendous amount of resources and money
4 predicting the weather. They know when
5 significant rain events are going to come. They
6 know they can create an algorithm that will tell
7 them if we are predicted to have two inches of
8 rain, that there's going to be a CSO. They can
9 provide a warning system that way to us, which we
10 have to sign up for. But imagine who would sign
11 up for it? Chicago Canoe and Kayak, Chicago
12 Kayak, water riders, Urban Kayak. All of those
13 vendors would want to know when the water is going
14 to be unsafe for their customers.

15 In addition and in conclusion, I would
16 say that I don't know anything about the permit
17 like the previous speaker, who I respect greatly
18 for having read the draft proposal, I have not,
19 but I can't imagine that we would issue a permit
20 that's good for 10 years without establishing some
21 goal for reduction of CSOs. My understanding is
22 that that's not in the permit currently. There
23 should be some goal that the city should have to
24 meet. There should be some penalty if they fail

1 to meet that goal. Obviously, we can't control
2 the weather. Obviously, the reality is that
3 sometimes the weather causes CSOs, we all
4 understand that, but there has to be some
5 consequence, there has to be something to work
6 toward.

7 I want to thank the Illinois EPA for
8 holding these hearings and providing me an
9 opportunity to speak. Thank you very much.

10 HEARING OFFICER STUDER: Thank you.

11 Mr. Ettinger is coming to the podium. He
12 will be followed by Cindy Skrukrud.

13 MR. ETTINGER: Hello. I am Albert Ettinger.
14 I am the general counsel of the Illinois Chapter
15 of the Sierra Club, I am also a member of the
16 Sierra Club. I am also a resident of the City of
17 Chicago and I have paddled in just about all of
18 Chicago area waters here in a canoe.

19 THE COURT: Spell your last name for the
20 record.

21 MR. ETTINGER: E-T-T-I-N-G-E-R.

22 HEARING OFFICER STUDER: Thank you.

23 MR. ETTINGER: I would just like to start off
24 by saying that I think, although the permit is

1 somewhat waffling on this, the basic view of the
2 permit is fundamentally misguided. It's based on
3 false premise that the Metropolitan Water
4 Reclamation District is going to take care of
5 Chicago's CSOs. It will not. It has said in
6 federal court it will not. It is not taking
7 responsibility.

8 The City of Chicago has been thrown under
9 the bus on this point by the Metropolitan Water
10 Reclamation District, and the permit should
11 reflect that. The permit has got to stand on its
12 own two feet. All of the monitoring, all of the
13 restrictions, all of the plans have to be written
14 clearly and legally in this permit so that it's
15 enforceable against this discharger. It cannot
16 lean on the Metropolitan Water Reclamation
17 District.

18 Secondly, the reliance on TARP is totally
19 unjustified in the record. There have been no
20 recent studies of TARP. Ask the IEPA to consider
21 whether it will take steps to whether it believes
22 that TARP will solve these problems. Our Water
23 Reclamation District is not even claiming to cover
24 the (inaudible), including the analysis in other

1 proceedings that TARP will even fix the CSOs from
2 the Metropolitan Water Reclamation District, let
3 alone the City of Chicago.

4 There is a theory that's been proposed,
5 or, I guess, an unwritten decision by the
6 Metropolitan Water Reclamation District, the
7 Illinois Environmental Protection Agency, even,
8 perhaps, the U.S. Environmental Protection Agency,
9 and, perhaps, the City of Chicago, that will just
10 kick the ball down the road until 2029 and see
11 what TARP brings us then. That's going to prorate
12 for a number of reasons.

13 First of all, with all due respect to
14 Mr. Bryson, who I respect a great deal, the
15 Metropolitan Water Reclamation District has not
16 even promised to finish TARP in 2029. It promised
17 to finish TARP as soon as the rock is taken out of
18 the quarry by Vulcan Materials, and they are not
19 doing anything hastily.

20 So in between now and then, what is going
21 to happen? Well, we don't know. What we are
22 doing is just saying we are going to put off
23 addressing this problem for those many years when
24 we could be acting now to reduce the problem and

1 must act now to reduce the problem.

2 I would like to just mention a couple of
3 other problems.

4 One, it's been alluded to before, this
5 permit must be very specific. It's got to spell
6 out everything that should be done. The idea of
7 putting things off and developing a long-term
8 control plan and presenting them to the public
9 without the public having an opportunity to appeal
10 or to review what is in that long-term control
11 plan has already been rejected by the United
12 States Federal Court. It is not legal to write an
13 IOU in your NPDES permit and say six months from
14 now or a year from now we will come up with a plan
15 that will address this. We don't accept the dog
16 ate my homework as part of that. You've got to
17 put it up front so that the public can see it and
18 comment on it and see whether it will work.

19 I guess the last point I just would make,
20 these are relatively small points, is the
21 monitoring. It's unclear who is going to do it.
22 It's unclear who's legally responsible to do it.
23 Some of the monitoring that's been suspended
24 without EPA's permission is clearly critical.

1 In particular, continuous (inaudible)
2 oxygen monitoring. It should be done in the area
3 of the North Shore Channel, north of the O'Brien
4 plan and in the Little Calumet to the east of the
5 Calumet plan. These are both areas which the
6 Water Reclamation District has said are actually
7 receiving Water Reclamation District waste water,
8 but they are certainly also receiving numerous
9 CSOs. These are all areas, particularly the
10 Little Calumet area, are areas which includes
11 foreign environmental justice considerations.

12 Thank you.

13 HEARING OFFICER STUDER: Thank you.

14 Cindy Skrukud is coming to the podium,
15 and she will be followed by Katrina Phillips.

16 MS. SKRUKRUD: Good afternoon. My name is
17 Cindy Skrukud. My last name is spelled
18 S-K-R-U-K-R-U-D. I am the clean water advocate
19 for the Illinois Sierra Club and I am also a
20 Sierra Club member.

21 Sierra Club's two thousand members who
22 live in the City of Chicago enjoy being outdoors
23 and recreating along the city's rivers. They
24 boat, paddle, hike, bike, dine along, and just

1 enjoy the aesthetics of the city's second
2 waterfront, and they want the water in the rivers
3 to be clean not only for their own personal health
4 and safety when they are on the water, but also to
5 provide a better home for the fish, birds, otters,
6 and other creatures that rely on the rivers.

7 Sierrans are excited about the
8 improvements of the water quality in Chicago
9 rivers and they will result in increased water
10 quality that we've seen in recent years, and wish
11 to see that trend continue. We are anxious that
12 the permit for Chicago CSOs fosters that trend.

13 So I want to thank the Illinois EPA for
14 holding this public hearing today and I have some
15 questions about the draft permit.

16 So this permit looks, and you've heard
17 this a bit from other speakers, this permit looks
18 a bit unusual to me, as there are so many places
19 where MWRD is referenced. I understand that the
20 city's sewers convey flow, MWRD interceptive
21 sewers, making this a more complicated system that
22 we see in many other CSO communities. But can the
23 distinct responsibilities for the City of Chicago
24 and MWRD be better delineated in the permit so

1 that it is clear what agency is required to do
2 what?

3 For example, if you look on Page 6 of the
4 draft permit, that Special Condition 3 and Item 3
5 under Treatment Requirements, the last sentence in
6 this part says, "This program shall be coordinated
7 with MWRDGC."

8 So my question to you is, should I read
9 all the requirements in this permit condition,
10 which deals with permitting, accumulation of
11 sludge deposits, flooding (inaudible), solids,
12 should I read that requirement to be the
13 responsibility of the City of Chicago?

14 MS. DRAGOVICH: Yes. The City is responsible
15 for the conditions of the permit. The City is
16 responsible for the conditions of the permit.

17 MS. SKRUKRUD: So maybe you can elaborate on
18 what you mean when you include in that section,
19 "This program shall be coordinated with MWRD."

20 MS. DRAGOVICH: MWRD does have boats and some
21 other resources that they use to help the city.
22 So there are some resources that the MWRD has that
23 the city might not as they coordinate.

24 MS. SKRUKRUD: So you can see how this is for

1 us, reading this permit, it's really difficult for
2 us to understand, you know, what specifically is
3 IEPA asking of the city in that permit condition.
4 So that's an example of the kinds of things that
5 we would like to see better delineated in the
6 program.

7 MS. TERRANOVA: Can you specify other examples
8 that you have, maybe not right now but in writing,
9 so that we can see what specifically you are
10 saying so we can clarify it?

11 MS. SKRUKRUD: Yes, and I know that we have
12 other speakers that are going to point out other
13 instances in the draft permit. So we will make
14 sure that either we state it today or in writing.

15 MS. TERRANOVA: Okay, thanks.

16 MS. SKRUKRUD: My second question is, how is
17 the City of Chicago supposed to know when CSOs
18 occur? Is there a system required for MWRD to
19 communicate to the city when the TARP tunnel will
20 be closed? We aren't aware of such a system being
21 in place.

22 MR. PATEL: They are supposed to put it on the
23 website. If it's not done, we will ask them to do
24 it.

1 MS. SKRUKRUD: Yes. I know other folks that
2 are here to comment have some more questions about
3 that public notification system regarding letting
4 people know via website when there are CSO
5 overflows. So I will leave that to them to
6 question.

7 But I just wonder, does the IEPA require
8 MWRD to notify the City of Chicago so that the
9 City of Chicago knows when its CSOs are not going
10 to be going into TARP and they will -- when its
11 combined sewers are not going into TARP and there
12 will be CSOs from the City of Chicago south walls?

13 My next question is, I read the letter
14 that the City of Chicago sent in April 2014 to
15 IEPA commenting on their draft permit. In it, the
16 city objects to Special Condition 7 that required
17 a (inaudible) management operations and
18 maintenance plan that included requirements for
19 evaluating and assessing basement backups. So the
20 city objected to this, but in that same letter
21 they also said they are addressing basement
22 backups, one area where the city says it's making
23 massive investments.

24 Now, I don't see Special Condition 7 in

1 the draft permit you put on public notice. So I
2 want to know why did you remove it and is there
3 some other mechanism now in the permit that I am
4 missing by which IEPA is requiring the city to
5 assess its progress on reducing basement backups?

6 MS. DRAGOVICH: I believe the condition was
7 taken out because the city does not have a
8 separate sanitary sewers system, and the CMOM
9 program is for a separate sewer system.

10 MS. SKRUKRUD: So I understand that you
11 couldn't necessarily -- that you decided that a
12 capacity management operation maintenance plan was
13 appropriate for city's separate sewers. But does
14 that mean that IEPA -- it seemed like you at one
15 point were thinking that a good way to be tracking
16 improvements by the city would be for them to
17 evaluate and assess basement backups. Is that
18 something that you've now decided is no longer
19 appropriate to include as a condition in this
20 permit?

21 MS. DRAGOVICH: I think it's covered by other
22 conditions in the permit, like the OEM, and the
23 (inaudible) prevention, sewer ordinance.

24 MS. SKRUKRUD: Okay. So those, again, are the

1 ones where it's troubling to us that it's not in
2 the permit, that it's in something that the public
3 doesn't necessarily easily get to see.

4 I have more questions, Dean. Do you want
5 me to keep going?

6 HEARING OFFICER STUDER: How many more do you
7 have, Cindy?

8 MS. SKRUKRUD: Oh, I have about five more. I
9 can come back later.

10 HEARING OFFICER STUDER: I can't guarantee we
11 will come back to you.

12 MS. SKRUKRUD: Let me ask my next one. You
13 just cut me off when you need to.

14 So I've reviewed Appendix A of the
15 Combined Sewers Overflow Guidance for Permit
16 Writers, and in that appendix, that appendix gives
17 example of CSO permit conditions. One example
18 included an implementation schedule for CSO
19 controls. So it was suggesting in the permit, you
20 can list activities that were going to be
21 completed and their completion dates.

22 Couldn't something like that be included
23 in this permit to reflect the specifics of the
24 city's aggressive capital improvement plan which

1 goes through 2022 to replace and reline sewers?
2 That's something the city says it's doing, as well
3 as their \$50 million -- billion stormwater
4 infrastructure plan, which is scheduled to be
5 implemented over five years through 2019?

6 I am suggesting that, you know, we need
7 more specifics in the -- within the permit itself.
8 This could be, also, where you would list
9 implementing the progress in addressing basement
10 backups and other activities associated with
11 reducing the city's CSOs.

12 I have a question about --

13 MS. TERRANOVA: Hold on, Cindy. You reference
14 the city capital improvement plan. Is that what
15 you said?

16 MS. SKRUKRUD: The city's aggressive capital
17 improvement plan.

18 MR. DESAI: That was mentioned, I believe, in
19 the comments section. And once you mentioned
20 that, we will look into it. I haven't gotten a
21 chance to look at it completely, but, you know,
22 it's something that we need to consider when we go
23 back to take a look at that closely.

24 MS. SKRUKRUD: Great. Thank you.

1 So then I had a question about Special
2 Condition 6 which is, again, quite vague. Why
3 doesn't the IEPA in this permit just require the
4 city to straight out evaluate and detail its
5 efforts to control infiltration and inflow into
6 its sewer system on an annual basis? Special
7 Condition 6 just says, well, you may modify the
8 permit to include requirements. I just don't
9 understand why you are not doing it right now.

10 MS. TERRANOVA: Can you repeat your question,
11 though? I am sorry, we were flipping our pages.

12 MS. SKRUKRUD: So that Special Condition is
13 quite vague. And so my question was, why doesn't
14 the IEPA in this permit just straight out require
15 the city to evaluate in details its efforts to
16 control infiltration and inflow to its sewer
17 system on an annual basis? Why does this Special
18 Condition say the permit may be modified to
19 include requirements to continually evaluate
20 controls of infiltration and inflow? It seems
21 very wishy-washy.

22 MS. DRAGOVICH: There are requirements in the
23 permit for them to be evaluated on Page 9.

24 MS. SKRUKRUD: So what does Special Condition

1 6 give you in addition to that?

2 MS. DRAGOVICH: It has been noted we may
3 modify our permit. I think that's all in the
4 note.

5 MS. SKRUKRUD: Okay. So I looked at both the
6 city's existing permit and the draft new permit.
7 If you look under the -- on Page 3 of the -- Page
8 3 of both the existing permit and the draft
9 permit, in that first paragraph under
10 Authorization of Combined Sewer and Treatment Plan
11 Discharges, there's a sentence that's in the
12 existing permit, but it's no longer in the draft
13 permit, and I wanted to know why you took it out.
14 It says -- the sentence says, this permit contains
15 provisions implementing the federal Combined Sewer
16 Overflow policy and recognizes the Tunnel and
17 Reservoir Plan, TARP, now in the construction by
18 MWRDGC as a long-term control plan for the Chicago
19 Metropolitan area.

20 Now, I noted that, Dean, in your intro,
21 you also said TARP is a long-term control plan for
22 the Chicago metropolitan area, but I also had
23 noted that you had taken it out of the draft
24 permit.

1 HEARING OFFICER STUDER: Actually, I think
2 it's in Kaushal's opening.

3 MS. SKRUKRUD: I am sorry.

4 THE COURT: That's okay.

5 MR. DESAI: That TARP was the long-term
6 control plan for that sentence that was in the
7 previous permit and then it's not in this draft.
8 I will go back and look, make sure and see if it
9 was -- why it was taken out. At this time I don't
10 have this information in front of me, but I will
11 look into it and get back to you.

12 MS. SKRUKRUD: Yes, other speakers have
13 already stated it, we don't believe that you
14 should be relying on TARP as the long-term control
15 plan.

16 MR. DESAI: It is -- I mean, it is long-term
17 control plan, TARP is. As I said, I will have to
18 go back real quick and look at my notes. If it
19 was inadvertently taken out with the new permit, I
20 have different drafts of it, it might have been an
21 accident.

22 MS. SKRUKRUD: I hope it wasn't an accident.
23 I thought it was a good move.

24 Those are all my questions for now.

1 Thank you.

2 HEARING OFFICER STUDER: Thank you.

3 Katrina Phillips, and she will be
4 followed by Anthony, it looks like, Cefali.

5 MS. PHILLIPS: Hi. I am Katrina Phillips,
6 P-H-I-L-L-I-P-S, and I am a clean water organizer
7 for the Illinois Chapter of the Sierra Club.

8 Our organization has many members who use
9 Chicago waterway for recreational activity and
10 need to be notified when CSOs occur.

11 Our members also care about clean water
12 and want transparency in the efforts to reduce
13 CSOs and minimize their impact. Therefore, the
14 public notification (inaudible) of this permit are
15 important to us and we would like to see more
16 specific details in the permit as to what is
17 required by the City of Chicago to ensure that the
18 public is informed and involved in this process.

19 I have a few questions regarding these
20 requirements, which may help inform us better on
21 this matter. So the public notification program,
22 it says that it may be coordinated with MWRD. And
23 so my first question is, how does the City of
24 Chicago notify IEPA and the general public when

1 there are CSOs from discharge points, and how are
2 the responsibilities of the city and of MWRD
3 dealing in regards to public notification?

4 MR. DESAI: Jay just mentioned that they do
5 get notifications from MWRD, but they do not get
6 it from the City of Chicago. Illinois EPA does
7 not get it from the City of Chicago. They get it
8 from MWRD.

9 MS. PHILLIPS: And then as far as the public
10 notification requirement with the permit, that
11 does still specifically apply to the City of
12 Chicago?

13 MR. DESAI: That public notification in the
14 permit apply to the city.

15 MS. PHILLIPS: And then there are requirements
16 in the permit that the city provides a link on
17 their website to the MWRD locations where public
18 notification of CSO hearings are posted, and also
19 that the city provide public opportunity
20 (inaudible).

21 And so, my question for you is, how long
22 will the city be given to combine these
23 requirements?

24 MS. DRAGOVICH: I don't think there's a time

1 frame in the permit. So once the permit is
2 effective, they should be complied with that.

3 MS. PHILLIPS: And then the one question I
4 had, there have been comments made to public
5 notification that we do not currently see being
6 fulfilled by the city. For example, the current
7 operation and maintenance plan states that they
8 have a map of each CSO location on their website.
9 However, we were unable to find this. And so how
10 does IEPA ensure that the city's website and other
11 methods of public information and notification
12 that it describes in the plan?

13 MR. PATEL: I think the new permit will
14 address all those issues as such because the old
15 permit didn't have all those specifics. I don't
16 know all of the requirements. So the new permit
17 will, in fact, make sure that the publication
18 requirements are fulfilled by the City of Chicago.

19 MS. PHILLIPS: So will there be additional
20 requirement added to the draft permit as it is or
21 are you saying those are already included?

22 MR. PATEL: I think as the permit stands,
23 those requirements should be met when we finalize
24 the permit.

1 MS. PHILLIPS: All right. If there are
2 measures in the operation maintenance plan, is
3 there a process where you go back and review those
4 and make sure that they are being complied with
5 after the initial approval of the plan?

6 MR. PATEL: I think we can do that.

7 MS. PHILLIPS: And then my final question is,
8 is the city required to maintain a log of CSO
9 recurrences and to publish notification plan?

10 MR. DESAI: That specific information is not
11 in the permit. It can be part of the plans that
12 are required by the City of Chicago to submit to
13 us as part of what they need to do and then they
14 would have to follow those, whatever they
15 submitted to us.

16 MS. PHILLIPS: Okay. Thank you. Thank you
17 for answering my questions.

18 HEARING OFFICER STUDER: Thank you,
19 Miss Phillips.

20 Anthony Cefali, he will be followed by
21 Timothy Schaefer.

22 MR. CEFALI: My name is Anthony Cefali.
23 That's C-E-F-A-L-I. I am the policy and planning
24 specialist on behalf of Friends of the Chicago

1 River.

2 On behalf of the Chicago River's board of
3 directors, staff, and six thousand members,
4 volunteers, and on-line advocates, I would like to
5 express our concerns for the Illinois
6 Environmental Protection Agency's stormwater
7 permit for the City of Chicago. The Chicago River
8 has experienced a great number of positive
9 developments over the past 30 years. We have seen
10 the expansion of river access as well as river
11 sensitive commercial, industrial, and residential
12 developments that have prompted the return of
13 native wildlife and plants. Maintaining strict
14 standards for stormwater management and clearly
15 outlining regulatory authority and responsibility
16 for combined sewer overflows will further our
17 organizational goal of making the Chicago River
18 one of the world's great metropolitan waterways.

19 Some members have commented already on
20 the personal experience with the Chicago River.
21 Friends would like to raise some organizational
22 concerns as well.

23 Friends would like a much higher degree
24 of specificity as to the specific roles and

1 responsibilities of the City of Chicago and the
2 MWRD as it relates to monitoring at city-owned CSO
3 outfalls, and implementation of a long-term
4 control plan that is specific to the city's
5 outfalls.

6 In addition, we request that a public
7 review and comment period should be included to
8 review the operations and maintenance plan, and
9 the pollution prevention plan that are part of
10 this permit. Also, the city should be required to
11 provide a public review and comment process if
12 changes are made to these plans during the life of
13 the permit that affect the conditions of the
14 permit. No permittee should be allowed to make
15 unilateral, substantive changes to O&M or
16 pollution prevention plans that are part of a
17 permit without public comment.

18 Sewer overflows remain the greatest
19 threat to water quality in the Chicago River, and
20 their impact stands to worsen in the face of
21 climate change. Cooperation between MWRD, the
22 City of Chicago, IEPA, and EPA has brought about
23 tremendous positive improvements. However, the
24 work is not done. We ask that IEPA consider our

1 requests for the City of Chicago's new stormwater
2 permit.

3 Thank you.

4 HEARING OFFICER STUDER: Thank you,
5 Mr. Cefali.

6 Mr. Tim Schaefer is coming to the podium.
7 He will be followed by David Martin.

8 MR. SCHAFER: Hello. My name is Tim Schaefer.
9 That's S-C-H-A-E-F-E-R. I am the Dale Bryson
10 Water Quality Affiliate with the Alliance for the
11 Great Lakes. The Alliance has been protecting the
12 Great Lakes for more than 40 years. With a
13 volunteer base, that number is in the thousands.

14 I'd like to thank the Illinois EPA for
15 giving Chicago citizens like myself a chance to be
16 heard today.

17 I grew up in Glendale, Wisconsin, about a
18 15-minute walk from Lake Michigan, and I remember
19 swimming in the lake for hours as a kid, in
20 Evanston, too, where I spent a couple of summers
21 as a teenager. It never occurred to me that
22 Milwaukee and Chicago discharge millions of
23 gallons of waste into our waterways. If I had
24 known, swimming in the lake might have been a very

1 different and much more troubled experience.

2 We do trust that Chicago shares the
3 Alliance's goal to protect the people of Chicago
4 and their water. But while completion of TARP
5 will help to reduce the impact of CSOs on Chicago,
6 TARP only captures 85 percent of CSO pollution,
7 that's according to MWRD. Consequently, Chicago's
8 NPDES permit must clearly explain what Chicago
9 will specifically do to reduce the CSOs and take
10 pressure off of TARP.

11 I want to talk a bit about the U.S. EPA
12 2004 compliance investigation. It identified
13 numerous ways that Chicago failed to comply with
14 its CSO permit, and in the intervening decade it
15 is not clear what Chicago has done to bring the
16 city into compliance. We at the Alliance believe
17 that the public is entitled to know what Chicago
18 has done to address the U.S. EPA's mandatory nine
19 implementation controls, and exactly what IEPA
20 will require Chicago to do under this permit. The
21 permit as is, simply lists the controls without
22 providing Chicago a clear route to meet the
23 controls.

24 I'm going to focus on a few specific

1 areas of the permit that my colleagues have not
2 yet covered.

3 The permit prohibits all dry weather
4 overflows, but the EPA's 2004 report determined
5 that Chicago had not fully implemented the minimum
6 control for the prevention of dry weather
7 overflows.

8 Does the IEPA know if Chicago currently
9 has a program identifying dry weather overflows?

10 MR. PATEL: Well, I am not sure about the
11 process as such, but when the overflow occurs,
12 they are supposed to notify Illinois EPA, but most
13 of the City of Chicago sewer systems are in
14 combined sewer systems, so we haven't seen any so
15 far, but there might be rare occasions on
16 buildings or some private sewers as such. But as
17 far as the City of Chicago sewer system, we have
18 not documented any CSOs so far.

19 MR. SCHAEFER: So they have not recorded any
20 overflows?

21 MR. PATEL: Well, most of these are private,
22 and every now and then get some links.

23 MR. SCHAEFER: Thank you.

24 So I want to go back to the monitoring

1 question. The 2004 Compliance Specification found
2 that there were three, now two, outfalls selected
3 by the IEPA for monitoring of CSO discharges, and
4 that these are not representative of CSOs
5 throughout the Chicago sewer system. This was a
6 U.S. EPA finding, to be clear.

7 What, if anything, has been done to
8 correct this?

9 MR. DESAI: We actually haven't seen the 2004
10 report. It was never sent to us. After it was
11 mentioned in the comments, we started asking
12 around and seeing if it was given to the Illinois
13 EPA. We've gone out to the Feds, in talking to
14 the city, sent us some e-mails asking for that.
15 We haven't heard back from anyone yet if they have
16 it. If you guys have a copy, I mean you are more
17 than welcome -- you can send it to us and we will
18 take a look at that and see those specific
19 recommendations that were in 2004 and consider
20 that.

21 MR. SCHAEFER: Okay. I have a couple more
22 questions. So this is another question about what
23 the City is doing right now.

24 What are you doing right now to treat the

1 CSO discharge? There was a riverboat skimmer that
2 was part of the O&M plan at one point. We believe
3 that was removed in 2006.

4 Here's the report.

5 So again, what are they doing right now?
6 If nothing, what are you planning on doing?

7 MR. DESAI: We don't have the specifics with
8 us right now, but we can, when we go back, pull
9 those reports, pull the plans up, and make mention
10 to them in our response.

11 MR. SCHAEFER: Okay. But there's no plan to
12 sort of setting a level of what they have to do in
13 the treatment of the CSOs, or requirement, just
14 treat it?

15 MR. DESAI: Yes.

16 MR. SCHAEFER: Okay. I think my last question
17 is to follow up on the notification question.

18 This might be an unfair question, but can
19 you provide an example of what will actually
20 constitute adequate information so the current map
21 system is sent to MWRD and that's their way of
22 letting everyone know. Is that enough? Are you
23 required of Chicago to do more of that? I mean,
24 would it be enough to just say this waterway may

1 be in the CSO, or do you have to say here's the
2 outfall, there's a CSO here?

3 MS. DRAGOVICH: The permit includes the
4 minimal requirements.

5 MR. SCHAEFER: Okay. What was that? What
6 would that be?

7 MS. DRAGOVICH: Minimum public modification of
8 CSO, and Internet notification and provisions to
9 include programs to (inaudible).

10 MR. SCHAEFER: Okay. I guess my question is,
11 notification of what? Notification that there is
12 a CSO hiding somewhere? Or that it's going to be
13 replaced? Maybe it's not really clear from the
14 permit.

15 MS. DRAGOVICH: The CSO occurrence?

16 MR. SCHAEFER: Yes. What does that mean?
17 Does that mean -- do you understand the question,
18 or no?

19 MS. DRAGOVICH: That they are having a CSO?

20 MR. SCHAEFER: Right.

21 MS. DRAGOVICH: So they are supposed to
22 notify.

23 MR. SCHAEFER: So just that there's a CSO
24 someplace?

1 MS. DRAGOVICH: It's just a discharge
2 notification.

3 MR. SCHAEFER: That's all I want to know.
4 Thank you.

5 HEARING OFFICER STUDER: David Martin,
6 followed by Lyman Welch.

7 MR. MARTIN: Thank you for letting me testify.
8 My name is David Martin. M-A-R-T-I-N. I am a
9 marketing consultant in contributing efforts of
10 the International Water Trade publication, and I
11 am a volunteer member of the Chicago Sierra Water
12 Club Team.

13 For more than 21 years I've been a jogger
14 who runs in Thatcher Woods along the east bank of
15 the longest region of the (inaudible), the
16 Des Plaines River. Kayaks are also present in
17 these environmentally-threatened waters.

18 I am concerned about CSO discharging
19 pollutants into the Des Plaines River, including
20 visually-disturbing photos, smelling raw sewage,
21 carrying viruses and other pathogens that risk the
22 health of myself and hundreds of thousands of
23 others, and concern for the aquatic life of the
24 river.

1 I join other Sierra Club members in
2 urging the Illinois EPA to not reissue a Chicago
3 CSO permit without the reassurance that the city
4 is doing all that it can to lower the health and
5 aesthetic risks from these water-borne
6 contaminants.

7 Thank you again for the opportunity to
8 testify.

9 HEARING OFFICER STUDER: Thank you.

10 Lyman Welch. He will be followed by Pete
11 Leki.

12 MR. WELCH: I am Lyman Welch, L-Y-M-A-N
13 W-E-L-C-H, Legal Director with the Alliance for
14 the Great Lakes.

15 We partner with thousands of citizens,
16 organizations, and businesses around the region to
17 develop and implement forward-thinking solutions
18 that protect our unique heritage, the Great Lakes.
19 Thank you very much for holding this public
20 hearing on Chicago's combined sewer overflows.

21 Sewage overflows are a problems shared
22 throughout the Great Lakes region in cities from
23 Buffalo and Cleveland to Detroit and Green Bay.
24 Sewage overflows contain bacteria viruses, and a

1 host of other pollutants that can make people sick
2 and cause harm to fish and wildlife. According to
3 Chicago's Green Stormwater Infrastructure
4 Strategy, a rain event of as little as two-thirds
5 of an inch in a 24-hour period can cause a sewage
6 overflow in the Chicago River.

7 We urge you to ensure Chicago's permit
8 fully complies with federal requirements,
9 including the nine minimum controls. There's a
10 comprehensive national framework for control of
11 combined sewage overflows which urges permitting
12 authorities to incorporate sewage overflow
13 conditions into permits like Chicago's. Chicago
14 must develop a control strategy for its CSOs,
15 which goes beyond the Tunnel and Reservoir Plan
16 that the Metropolitan Water Reclamation District
17 of Greater Chicago is working to complete. The
18 longer Chicago delays addressing its sewage
19 overflow issues, the harder it will be to solve
20 many other present threats.

21 Over the past few years, the Alliance and
22 other groups have been heavily engaged in federal
23 court in the government's Clean Water Act
24 enforcement proceedings against MWRD, resulting in

1 a consent decree. In that legal action, the
2 Alliance Club has argued that more must be done to
3 fully protect Chicago's waterways and
4 Lake Michigan from sewage overflows. The evidence
5 uncovered in that case showed that MWRD will not
6 be able to adequately handle all of the flows from
7 Chicago's CSOs even after TARP is fully completed.
8 Chicago and this permit must anticipate the
9 shortfalls of TARP by taking additional measures
10 to address its sewage overflow problems. This
11 permit must clearly explain the additional
12 measures the city will take to address this
13 threat.

14 The Alliance will be submitting formal
15 written comments by the close of the public
16 comment period in July.

17 I have some questions on five of the main
18 conditions in the permit that will help frame our
19 recommendations. My questions all relate to
20 Special Condition 3 in the permit, the draft
21 permit.

22 First, Special Condition 3, Requirement
23 Number 3, states that the CSO treatment shall be
24 coordinated with MWRDGC. What treatment

1 requirements are Chicago's responsibility under
2 this provision?

3 MR. DESAI: Were you asking for the condition
4 under the treatment requirement in the permit?

5 MR. WELCH: Yes, on Page 6, this is all
6 Special Condition Number 3, it's marked as
7 Paragraph Number 3.

8 MS. DRAGOVICH: The Chicago permit requires
9 them to prevent (inaudible) solids and prevent
10 depression of oxygen level below applicable water
11 quality standards. Those are the requirements of
12 Chicago.

13 MR. WELCH: Those requirements apply to the
14 City of Chicago?

15 MS. DRAGOVICH: Correct.

16 MR. WELCH: The next question I have, Special
17 Condition 3, Requirement Number 8, this is on
18 Page 7 of the draft permit, requires the city's
19 CSO O&M plan to be consistent with the MWRD CSO
20 O&M plan. My question, what O&M measures must the
21 city specifically undertake that go beyond the
22 MWRD's obligation in its O&M plan?

23 MS. DRAGOVICH: The city has never owned an
24 O&M plan. So it would be in addition to

1 (inaudible).

2 MR. WELCH: Are there any minimum requirements
3 that you are specifying for Chicago to include in
4 its O&M plan that goes beyond which is in MWRD's
5 O&M plan?

6 MS. DRAGOVICH: The requirements are outlined
7 in this permit that they are to have its O&M plan.

8 MR. WELCH: My next question relates to
9 Requirement Number 10, this is on Page 9. That
10 requirement requires the city to develop and
11 implement a plan to assess and abate impacts from
12 CSO discharges upon IEPA notification. My
13 question is, what indicators will be used by IEPA
14 to decide whether to trigger this requirement?

15 MS. DRAGOVICH: You are referring to Paragraph
16 10?

17 MR. WELCH: Yes.

18 MS. DRAGOVICH: So if the provider
19 (inaudible).

20 MR. WELCH: As I understand it, the
21 requirement is triggered by notification from
22 IEPA. So what indicator does IEPA use to decide
23 whether this requirement is triggered and the city
24 must then develop the plan to assess and abate

1 impacts from the CSO?

2 MS. DRAGOVICH: If the agency determines that
3 they are contributing to violations, the water
4 quality standard, then that would trigger that.

5 MR. WELCH: So a single violation, would that
6 trigger this requirement, in IEPA's view?

7 MS. DRAGOVICH: Well, we would have to
8 evaluate that, look at the data and see what's
9 going on.

10 MR. WELCH: What other factors would you
11 consider in deciding whether to provide
12 notification to trigger this requirement?

13 MS. DRAGOVICH: I really don't know. We have
14 to look at data and see whether or not they are
15 violating water quality. If they are, then that
16 could trigger this.

17 MR. WELCH: Okay. I will move on to my next
18 question on Requirement Number 17 in the draft
19 permit. This is on Page 9. Special Condition 3,
20 Requirement Number 17. So that provision allows
21 Chicago to monitor 72 of its CSO outfalls using
22 MWRD's representative monitoring plan dated
23 February 1st, 2013.

24 My question is, will Chicago monitor the

1 remaining CSO outfalls not covered by the
2 representative monitoring, or does Chicago intend
3 to rely on MWRD monitoring for those outfalls?

4 MS. DRAGOVICH: As far as I know, they are
5 relying on MWRD monitoring.

6 MR. WELCH: For all of the remaining outfalls
7 not covered by the representative monitoring plan?

8 MS. DRAGOVICH: MWRD is doing the monitoring
9 for the representative outfalls. So they are
10 representative of all the other outfalls.

11 MR. WELCH: As I read this permit requirement,
12 it speaks to monitoring 72 of Chicago's CSO
13 outfalls that are spelled out in the draft permit
14 using the MWRD representative monitoring plan.

15 MS. DRAGOVICH: Right.

16 MR. WELCH: How are the other CSO outfalls --
17 there are 184 Chicago CSOs in this permit. How
18 are the remaining outfalls being monitored that
19 are not covered under the 72 that are listed here?

20 MS. DRAGOVICH: The 72 that are monitored are
21 representative of the other outfalls. Only 72 are
22 being actually monitored.

23 MR. WELCH: So you are saying the 72 monitored
24 outfalls by MWRD are intended to represent all of

1 the 184 Chicago outfalls?

2 MS. DRAGOVICH: Right.

3 MR. WELCH: Does that mean, then, that Chicago
4 is not responsible for doing any monitoring beyond
5 the monitoring that MWRD is performing?

6 MS. DRAGOVICH: They are responsible for the
7 nine minimum controls, their operation pollution
8 plan prevention, other requirements of the permit.

9 MR. WELCH: I was asking regarding the
10 monitoring.

11 MS. DRAGOVICH: Monitoring is represented
12 by -- there are a couple of outfalls in the
13 beginning of the permit that are monitored. Other
14 than that, this is represented by monitoring.

15 MR. WELCH: You are saying there were outfalls
16 monitored by the City of Chicago? Can you explain
17 to me which outfalls that the City is required to
18 monitor?

19 MS. DRAGOVICH: 024 and 178 on Page 2 of the
20 permit.

21 MR. WELCH: So the 024 and 178 on Page 2 are
22 two outfalls that the City of Chicago is required
23 to monitor?

24 MS. DRAGOVICH: Right.

1 MR. WELCH: And all the other outfalls of 184
2 are being monitored by MWRD through their
3 representative monitoring that they are performing
4 with 72 outfalls?

5 MS. DRAGOVICH: Right.

6 MR. WELCH: My last question goes to Special
7 Condition 3, Requirement Number 18. This is on
8 Page 13 of the draft permit. We've had some
9 comments on this before. This provision requires
10 Chicago to develop a public notification program
11 that may be developed in conjunction with the
12 MWRD.

13 My question is, how will Chicago notify
14 the public of dangers from CSOs beyond the public
15 notification that is currently being done by MWRD?

16 MS. DRAGOVICH: They are supposed to include
17 mass media and Internet notification, and have a
18 link to the MWRD website.

19 MR. WELCH: Is that all?

20 MS. DRAGOVICH: Well, I mean, then whatever is
21 in their public notification plan that wouldn't be
22 specifically listed here.

23 MR. WELCH: The language here, it says mass
24 media and/or Internet notification. So that would

1 imply that one or the other is acceptable. Why
2 not require both, mass media and Internet
3 notification?

4 MS. DRAGOVICH: We can do that.

5 MR. WELCH: Thank you.

6 Protecting the Great Lakes by fixing
7 Chicago's sewer system is possible. We can fix
8 our broken sewers, create jobs, improve water
9 quality in the Great Lakes. With reasonable
10 improvement, this permit can help us make
11 significant strides towards this goal.

12 Thank you again for the opportunity to
13 speak today and for responding to my questions.

14 HEARING OFFICER STUDER: Thank you, Mr. Welch.

15 Pete Leki is coming to the podium.

16 Following him, we are going to take a 10-minute
17 break, and when we come back from the break,
18 Kathleen Behner will be the first one.

19 MR. LEKI: Good afternoon. Thank you for this
20 opportunity. My name is Pete Leki. L-E-K-I. I
21 am the Director of the Ecology Program at Waters
22 Elementary School, a local CPS school in the North
23 Central neighborhood. I am also the lead
24 organizer of River Bank Neighbors.

1 These two groups, Waters School and River
2 Bank Neighbors, over the last 20 years managed
3 four and-a-half block section of the river bank
4 south of Montrose on the east bank restoring
5 native plantings and trails and access points for
6 people taking walks, and canoers and kayakers.
7 It's also used for river studies for second and
8 sixth grades. I would say that many thousands of
9 our students have learned about river ecology at
10 our site.

11 On a normal day if you were to go there,
12 I think you would be just thrilled at how
13 beautiful it is with the plants and, you know, the
14 river flowing peacefully. But on those days when
15 CSOs happen, everything changes, and the CSO
16 itself is not even the worst. It's the days after
17 the CSO, after the water levels come back down,
18 and the entire bank is eight feet high, it's just
19 covered with a thick muck of everything you can
20 imagine that was in that flow. This muck coats
21 the ground and plants, plants have trouble
22 photosynthesizing and surviving that assault. The
23 plants are coated on the bottoms and the top, so
24 they are not able to photosynthesize. So either

1 they have to grow new chutes or else they simply
2 die.

3 We spent a lot of money, and so has the
4 District, you know, I would say, you know, to
5 restore these banks, and part of the reason is to
6 get access and to make a beautiful place for
7 people, but also to provide ground cover that
8 prevents the erosion of the river bank and
9 pollution of the river through facilitation and
10 such.

11 Opposite our land is the corner park
12 reservation going on right now, a many, many
13 multimillion dollars effort involving hundreds of
14 thousands of plant plugs being installed along
15 that edge of the river bank opposite us. Right
16 now they look great, but I'll tell you after the
17 first CSO they are going to have a really hard
18 time surviving.

19 So I just wanted to let you know that one
20 aspect, that a CSO effect continues well after.
21 We had crews pulling weeds along our bank two
22 weeks and three weeks after the last CSO. Every
23 time you pull a weed, this cloud of dust comes up,
24 and the dust is the dried-out remnants of the

1 slime that was conveyed by the CSO. You know, I
2 mean the whole idea of breathing that stuff in is
3 kind of horrifying.

4 And then you see kayakers, you know,
5 especially the inexperienced ones, crashing into
6 the overhanging branches of trees which are hung
7 with every unmentionable, you know, personal
8 hygiene product, you know, that ends up just
9 crashing and dusting up into the air around them.
10 All that stuff makes it -- is a real pity, you
11 know, because it doesn't have to be like that.

12 Finally, on a positive note, I recognize
13 the dilemma that the District and the city faces
14 with these CSOs. Our school, for example, has
15 removed three and-a-half acres of asphalt from its
16 ground, and now retains all this rainwater on
17 site, relieving the neighborhood of flood threats,
18 and also relieving the system, to some small
19 extent, of (inaudible) big rain.

20 In our neighborhood, too, many of our
21 neighbors have disconnected their rain spouts,
22 allowing some of the rainwater to enter the
23 depressions in the ground to sit there and slowly
24 percolate, rather than discharge the system.

1 I am wondering whether the Chicago permit
2 should not insist that, come up with a plan for
3 every time there's a routine tree planting in the
4 parkway, for example, by the City of Chicago,
5 should they not lower that parkway a couple of
6 feet and plant lower, and consider asking the
7 residents to disconnect their discharge from their
8 roof, allowing that water to go into those parkway
9 depressions. You know, if this was continued as
10 part of a general policy by the city, it might
11 make a difference, you know, accumulated
12 difference over many, many years.

13 So thank you for your time.

14 HEARING OFFICER STUDER: Thank you.

15 We are go to go ahead and take a
16 10-minute break. I have got quarter to 5:00. We
17 will reconvene at five minutes to 5:00. The first
18 speaker when we do that will be Kathleen Behner.
19 We are recessed for 10 minutes.

20 (A recess was had.)

21 HEARING OFFICER STUDER: We are going to
22 begin.

23 The first person who is going to speak is
24 Jennifer Gibbons, and she will be followed by

1 Jennifer Hensley, and then we will come back to
2 Kathleen. We tried to make some arrangements in
3 order to accommodate some people that has some
4 tight time schedules.

5 If you would go ahead, Jennifer.

6 MS. GIBBONS: Thank you. I enjoyed the
7 halftime show, it was great.

8 All right. My name is Jenn Gibbons and I
9 am the Executive Director of Recovery on Water, or
10 ROW for short, and we are a rowing program for
11 patients and survivors of breast cancer, and we
12 currently row on the South Branch of the Chicago
13 River near the Bubbly Creek entrance, the turning
14 base on the South Branch. We row on the South
15 Branch along with three other rowing teams,
16 Lincoln Park Boat Club, University of Chicago Crew
17 Training Center, and Ignatius Crew. I also sit on
18 the board for Ignatius Crew.

19 Our big concern, there's over 300
20 athletes that are on the river six to seven days a
21 week that come out of just our South Branch
22 location. So the designation for the water is
23 different on the north side than it is on the
24 south side. There will be a \$5.7 million

1 boathouse that will go under construction that we
2 have been working with the park district, and
3 ground breaking will begin September 1st.

4 So we have a big concern about the water
5 quality of the CSOs. We row on the South Branch
6 after the CSOs, and it's not a pleasant
7 experience. We are familiar with the Chicago
8 white fish and a few other nicknames that we've
9 given to the debris in the water.

10 I am sure that you are familiar with
11 exercise being great for everyone. However,
12 exercise is really important for survivors of
13 breast cancer. Our rowing team has about 60
14 athletes that regularly participate on the Chicago
15 River. Some of our participants are actually
16 still in treatment for breast cancer. Actually,
17 Crista is here today, she's actually came here
18 from chemotherapy treatment, and has a compromised
19 immune system, so you can imagine. I created this
20 organization to help the women become healthier,
21 not bring them to elements on the body of water
22 that might make them sick.

23 So we would really love your help in any
24 kind of way that you can make the water better for

1 them to be in and around.

2 If you are not familiar with the sport,
3 you do have interaction with the water. You are
4 low to the water. You are sitting near the water
5 when you are rowing. I would be happy to take you
6 guys out on the river anytime that you would like
7 to see the actual experience with the survivors
8 that we have.

9 It seems that the city has a significant
10 effort in getting people recreating on the river,
11 and putting \$10 million in boathouses on the
12 rivers, but it doesn't seem that they put the same
13 amount to making sure that it's clean.

14 Recently, the Army Corp had backed off on
15 their study involving (inaudible), which we were
16 really discouraged to see. So we are hopeful that
17 with this new permit, that we can begin to revise
18 some of the standards.

19 So we urge the Illinois EPA to review and
20 revise the permit, and to hold the city to a
21 higher standard so our women, and children, and
22 every one of the 300-plus athletes on the river
23 every single day can be safe.

24 HEARING OFFICER STUDER: For the record, that

1 was Jennifer Gibbons. G-I-B-B-O-N-S.

2 Jennifer Hensley, and she will be
3 followed by Kathleen Behner. Kathleen will be
4 followed by Stacy Meyers.

5 Go ahead, Jennifer.

6 MS. HENSLEY: Hi. My name is Jen Hensley.

7 First, thanks for being here tonight and
8 giving the public an opportunity to speak to you.

9 I am a resident of 2558 West Wilson
10 Avenue. I am a resident of the City of Chicago,
11 obviously. I'm also a member of the Sierra Club.
12 For reference, my home is a half block from the
13 river and I recreate around and near the river as
14 often as I can. I have a small park that I often
15 read in, and I also ride my bike along the river
16 at least once a week, if not more.

17 The one thing I do not see,
18 unfortunately, is kayaking on the river. It's
19 disappointing when you see syringes, garbage, and
20 human waste floating down the river. It's a
21 little bit different sitting on the side of the
22 river versus being in a small boat down the river.
23 So I don't make the most of the recreational
24 opportunities that should be available to me as

1 somebody that lives in the city.

2 The other place I use is actually
3 Montrose Beach. When those CSO events happen,
4 sometimes the beach is closed.

5 So just in quick conclusion, I really
6 hope that we keep moving forward when it comes to
7 the Chicago River. I feel like in the past few
8 years we made some progress. So I hope we take to
9 that next step and really look at the CSOs.

10 Thank you.

11 HEARING OFFICER STUDER: H-E-N-S-L-E-Y.

12 Kathleen Behner. She will be followed by
13 Stacy Meyers.

14 MS. BEHNER: Good afternoon. My name is
15 Kathleen Behner. B-E-H-N-E-R.

16 For the last six years, I've been a
17 member of Recovery on Water, a rowing club for
18 breast cancer survivors. Although many of us have
19 compromised immune systems, so this becomes very,
20 very important that we have clean water to row on.
21 Our home is near Bubbly Creek, which has its own
22 sordid history that spans back over a century.
23 But after CSO releases, it becomes very, very
24 difficult for us to row on water. I won't go into

1 the details, because we have already, about how
2 putrid the water really is and it truly is very
3 disgusting.

4 Many people who don't know about rowing
5 may think that if you are in a shell, that you are
6 protected from the water. No one in our team gets
7 off the water without being splashed in some way
8 by this putrid water. We can either be splashed
9 by another person in the boat, unintentionally, of
10 course, or you can accidentally fall into the
11 river, which has happened from the dock. Also, we
12 are at risk of motor boats when we are on the
13 river. Some motor boats haven't been very
14 courteous to us. Our boats are very low to the
15 water and we are easily waked. And then at the
16 end of the row session, we have to pick the boat
17 up with all the putrid water in it, or from being
18 waked, and dump it over our heads in order to
19 carry it out to the dock area.

20 Bubbly Creek has become very heavily used
21 for recreational use and should be designated
22 according to this use.

23 Please take whatever steps you can to
24 improve Chicago CSO discharges so that all rowing

1 teams and all people who use the waterways have
2 less encounter with raw sewage.

3 Thank you.

4 HEARING OFFICER STUDER: Thank you.

5 We have Stacy Meyers, and she will be
6 followed by Elizabeth Davis.

7 MS. MEYERS: Good afternoon. My name is Stacy
8 Meyers. I am the attorney with Openlands. Thank
9 you for allowing us to provide comment and answer
10 our questions here this evening.

11 HEARING OFFICER STUDER: Can you spell your
12 last name?

13 MS. MEYERS: Absolutely. M-E-Y-E-R-S. Stacy
14 is S-T-A-C-Y.

15 HEARING OFFICER STUDER: Thank you.

16 MS. MEYERS: Our organization unites the
17 people with resources of the Chicago Metropolitan
18 land and water protection, providing a healthy
19 environment to live and work. We care deeply
20 about the integrity of Chicago's waterways and
21 collaborate with agencies (inaudible) and to
22 connect people to a national heritage.

23 Over the last decade we've worked with
24 numerous organizations to improve the water

1 quality standards of Chicago Calumet River system
2 to reflect both its existing uses and its
3 potential promise to the people involved.

4 We have several concerns about the permit
5 of the City of Chicago. A lot of these I am going
6 to cut my comments a little bit.

7 The first is basically that the permit
8 doesn't have any clear terms and responsibilities
9 delineated between the MWRD and the City of
10 Chicago. It was recommended that the MWRD and the
11 City of Chicago (inaudible) so that it's clear
12 when changes (inaudible) each agency account for
13 how and when the city of Chicago is responsible
14 for monitoring inspections.

15 In addition, the current permit in this
16 draft form doesn't count for all of the measures
17 that the City is doing for CSO, such as the myriad
18 of (inaudible) as well as capital improvement
19 projects that you've heard of previously. I am
20 not going to go into that, but we do feel strongly
21 that they should get credit for what they are
22 doing and clearly delineate what they must do and
23 have with the working permits (inaudible).

24 What I would really like to touch on is

1 the area of consideration, and we have several
2 questions about how the draft permit protects us.
3 The vast majority of the City of Chicago is now
4 discharging receiving waters that are designated
5 as either general use or primary contact
6 recreation. Since these structures now qualify
7 (inaudible), how does the Illinois EPA expect the
8 City of Chicago to locate or treat discharges from
9 (inaudible)?

10 MS. TERRANOVA: Improvement, did you say?

11 MS. MEYERS: There are areas that have primary
12 contact recreation use which we can look at the
13 criteria for sensitive areas as one of the
14 criteria. And so we are wondering for those
15 areas, how would you expect the city (inaudible)
16 recreational use to relocate control or treat
17 discharges from (inaudible)?

18 MS. DRAGOVICH: It doesn't have to evaluate
19 all of the outfall in terms of what they can do.

20 MS. MEYERS: And actually, my next question
21 goes towards that. I noticed in the draft permit
22 that you grant the City of Chicago permission to
23 petition the agency to consider whether it must
24 protect certain areas, or areas that would qualify

1 for that status by showing that it is not possible
2 for primary contact recreational uses to occur,
3 and there are a number of possible factors listed,
4 and I believe there are three, such as
5 (inaudible).

6 It appears that the decision to modify
7 the city's current protection of these areas only
8 involve Illinois EPA and the City of Chicago. How
9 does the public know of post modification to --
10 basically, these areas do not protect the primary
11 contact recreational use, and how does the City of
12 Chicago involve the public in that modification
13 process?

14 HEARING OFFICER STUDER: While they are
15 debating, I am going to ask that you continue with
16 your next question, okay, that way we can save
17 time. We have to be out of here and I want to
18 make sure that we get everybody in today.

19 MS. MEYERS: My next question is, if the
20 city -- the Illinois EPA decides the city does not
21 need to treat (inaudible) how does the EPA permit
22 compliance (inaudible) with the Clean Water Act?

23 MR. DESAI: Sorry, could you repeat that one
24 more time?

1 MS. MEYERS: Sure. In the permit of the
2 special conditions regarding the sensitive areas
3 consideration, there are a number of factors,
4 three, I believe, that are given, such as
5 (inaudible) for consideration, basically not to
6 protect areas which would potentially qualify
7 primary contact use waters. There are, as we
8 know, many factors in the Clean Water Act. If
9 they are going to be monitored to recreational
10 water, basically, the fact that these discharges
11 aren't treated, how would that correlate with
12 evaluation under the EPA factors to comply with
13 the Clean Water Act?

14 MR. DESAI: We will have to consider that and
15 we will respond to that fully in our response, our
16 response in the summary.

17 MS. MEYERS: Thank you very much.

18 The last thing that I thought might be of
19 use to you is that comments that you receive in
20 2004 report, not comments from the United States
21 EPA. There are appendices which go with that
22 report. I am sure that the U.S. EPA will probably
23 provide those to you so that you have a complete
24 set to consider all of the information that is

1 important. If not, we would be happy to ensure
2 that you see that for your consideration.

3 Thank you very much for the opportunity
4 to speak and for your answers. I appreciate it.

5 HEARING OFFICER STUDER: Thank you,
6 Miss Meyers.

7 Elizabeth Davis. She will be followed by
8 Devlin Murdock, Crista Cannon, and the last
9 person, then, is Justin, it looks like Avellar.

10 MS. DAVIS: My name is Elizabeth Davis,
11 D-A-V-I-S, I am speaking on behalf of Recovery on
12 Water.

13 The main reason I came today is just to
14 discuss basically the state of Bubbly Creek and
15 how awful it is. I think this is a great
16 opportunity to make sure that both short and
17 long-term measures are put in place to ensure that
18 the water is actually cleaned up and not just
19 maintaining status quo.

20 Bubbly Creek is a great example as to why
21 things need to progress in the right direction,
22 because there isn't a lot of flow from Bubbly
23 Creek, although there is some into the other
24 waterways, like South Branch. You can really see

1 the cumulative effect of the CSOs.

2 You know, when I first started rowing,
3 this is my first year, one of my teammates
4 mentioned all the different things that would be
5 in the water, and I needed clarification. I was
6 actually shocked at how many condoms, feminine
7 needs, drug paraphernalia, including used needles,
8 are actually in Bubbly Creek. I would consider it
9 a biohazard. Not only are those items in the
10 water, the smell is pretty awful to just row down
11 there.

12 So, you know, I just wanted to talk about
13 that, but I did have some questions, given other
14 people's comments today.

15 The main question basically is, a
16 gentleman had mentioned that 72 of the 184
17 off-chutes are being monitored. I was just
18 wondering how those were chosen?

19 MR. DESAI: Those are the ones that we'll be
20 monitoring.

21 MS. DAVIS: Is one of them Bubbly Creek
22 itself, not South Branch but Bubbly Creek?

23 MR. DESAI: One of the 72 you mean?

24 MS. DAVIS: Uh-huh.

1 MR. DESAI: There are no CSOs on Bubbly Creek,
2 which are represented in the 72, even in the 184.

3 MS. DAVIS: Sorry. Are you saying there are
4 no CSOs on Bubbly Creek?

5 MR. DESAI: I believe so.

6 MS. DAVIS: Oh. My understanding was there
7 was eight.

8 HEARING OFFICER STUDER: Excuse me. You are
9 talking about South Branch of the South Fork of
10 the Chicago River? There are two, according to
11 the permit on Page 9.

12 MS. DAVIS: Being monitored?

13 HEARING OFFICER STUDER: Yes.

14 MS. DAVIS: Okay.

15 HEARING OFFICER STUDER: They are listed on
16 Page 17 -- excuse me, they are listed on Page 9
17 under Subparagraph 17, Special Condition 3. It
18 says South Fork of SBCR.

19 MS. DAVIS: Okay. Thank you.

20 And I guess, if individuals wanted to go
21 and test water individually, could those results
22 be used as a monitoring system for the MWRD, or
23 would that not be taken into consideration as the
24 effect of the CSOs?

1 HEARING OFFICER STUDER: That I can't answer.

2 MR. DESAI: If you were to do those tests, you
3 could send those test results to the Compliance
4 Department in the Illinois EPA, Bureau of Water.
5 They receive all the test results that MWRD does.

6 MS. DAVIS: Okay. Thank you very much.

7 And lastly, I just wanted to point out, I
8 think the gentleman from Water also pointed out,
9 there's a ripple effect beyond just cleaning up
10 the water in and of itself. I think that pride in
11 your neighborhood has a lot to do with the
12 surrounding area, and for those people that live
13 by and participate in Bubbly Creek, for example,
14 there are families that come out to fish off the
15 dock, it's not the right word, but sort of the
16 ledge out there. I can see that, you know, it
17 would have an effect on me if I lived down there
18 and I saw all these white fish and things in the
19 water. I think it's important for Chicagoans to
20 be proud of how we keep a city clean, and as for
21 as much emphasis as the city puts on itself as
22 being a great city, I think it's a great
23 opportunity to make sure that it's done correctly.

24 Thank you very much for this opportunity.

1 HEARING OFFICER STUDER: Thank you,
2 Miss Davis.

3 Devlin Murdock.

4 MR. MURDOCK: My name is Devlin Murdock.
5 M-U-R-D-O-C-K. I am the operations and programs
6 coordinator for Recovery on Water. I am also a
7 coach. I would like to speak to some safety
8 issues for our program and those of other programs
9 that share our rowing site, which is, as our
10 executive director said, where the North Branch,
11 the South Branch, and South Fork of the South
12 Branch of the Chicago River all meet.

13 This year alone, we've seen a 200 percent
14 increase in our novice rowers, so women who are
15 new to rowing from last year. So last year we had
16 six, this year we have 18. That is our program
17 alone. We share the site with four other rowing
18 programs, and with the building of this boathouse,
19 this almost \$6 million boathouse starting in
20 September, you can expect that that number will
21 probably grow for each of the programs.

22 As a coach, my number one priority is the
23 safety of my rowers. So when I bring new rowers,
24 or even experienced rowers, but especially our

1 novice rowers, down onto the South Branch, the
2 North Branch, which are industrial waterways, we
3 see plenty of (inaudible) traffic, not to mention
4 the boat traffic. That can be considered unsafe.
5 Rowing boats, if you know or don't know, are
6 man-powered boats, women-powered boats in our
7 case, and they are -- they are enumerated, we
8 don't have engines that help us steer or anything
9 like that, it's completely on the rowers in the
10 boat. Novice rowers who are inexperienced, who
11 might suggest that they don't have the skill set
12 or the composure, if they are put in a situation
13 where they need to avoid collision or something
14 along those lines, it's very difficult for me to
15 say that I am bringing them in a safe position if
16 I am bringing them out in the North Branch or
17 South Branch waterways, so what I am left with is
18 Bubbly Creek.

19 I don't think I need to speak anymore to
20 the condition of Bubbly Creek than anyone else
21 here. Needless to say, it is awful. It is,
22 though, a sheltered area of the river that I would
23 otherwise consider safe, using "safe" as a
24 relative term here, to take novice rowers, not

1 just from my program but any of the programs that
2 will be using this boathouse, onto Bubbly Creek.
3 That's an opportunity where I can take them out
4 and feel at ease about whether or not I am
5 bringing them in a safe situation or not.

6 The city is investing almost \$6 million
7 in this boathouse. It's invested several millions
8 in the north boathouse for obvious reasons.
9 That's a lot of money to invest in what is a city
10 owned and ultimately a public access point to the
11 waterways of Chicago.

12 If we don't invest the same money or
13 diligence in making that access point something to
14 entice people to get out there, or to make it an
15 acceptable waterway for them to be on, then that's
16 essentially money down the drain, that we will see
17 in Bubbly Creek anyway.

18 So I think that this the city has an
19 obligation by virtue of investing what's on land
20 to set the standards for the water that we are
21 trying to recreate on to be much higher than what
22 we are seeing, and we have an opportunity with
23 this permit to make sure that those standards get
24 set not only for Bubbly Creek but for the North

1 Branch, for the South Branch, for all the
2 thousands of miles of shoreline, that we have our
3 second shoreline, as it's called, and we can do it
4 very easily by setting the standards here and
5 making it clear to both the city, to the public
6 that will be using these waterways, that we are
7 investing not just what's on land, but also in the
8 water itself.

9 Thank you for this opportunity.

10 HEARING OFFICER STUDER: Thank you,
11 Mr. Murdock.

12 Crista Cannon.

13 MS. CANNON: My name is Crista Cannon.
14 C-A-N-N-O-N.

15 HEARING OFFICER STUDER: You are going to have
16 to lower the mic and try to project your voice
17 into it.

18 MS. CANNON: Surely. I came here from having
19 my chemotherapy treatment, and it's extremely
20 important to me, ROW has given me -- I am sorry, I
21 am getting emotional about this. I am fighting
22 breast cancer for the third time in two and-a-half
23 years. I joined ROW in January of this year, and
24 I never thought that I would be rowing down a

1 river. The first time we went to the river to row
2 was on April the 20th. I was appalled, nauseated,
3 and in an absolute state of shock at what I saw.
4 The waste, the human waste rowing down, flowing
5 down, the condoms, the empty water bottles, chairs
6 even, you know, branches, which are dangerous
7 actually when you row with a board and you hit the
8 branch, it could tilt the boat.

9 We are all inexperienced, and I am in row
10 one, we are inexperienced rowers. It's a
11 challenge, physical challenge for us, but the
12 challenge that I have faced, and I will
13 demonstrate this to you, because I cannot tell you
14 how thankful I am to ROW, with the help of ROW, I
15 am able to raise my right arm, which I was not
16 able to do because of all of the surgeries that I
17 have experienced. So before I could raise my arm
18 like this, after all the various surgeries, I
19 could raise it to about here, I am now able to put
20 it behind my back. Do you see the phenomenal of
21 this? And I thank ROW for that.

22 I would like all of us to be able to row,
23 people that don't have breast cancer, all of us be
24 able to row on a river that is clean, healthy, and

1 good for the environment. I mean, there are
2 people that fish from the, what do you call it,
3 the shore of the river. I shutter to think that
4 they eat the fish, because the fish, you know, the
5 fish are swimming around in this river and God
6 knows the pollution that's going into their body,
7 and if they eat from that, that will go into their
8 body, and you can have serious health issues that
9 will come, especially if they're children, and
10 hopefully they have a long life ahead of them.

11 I thank you for the opportunity. That's
12 basically all I have to say. I just hope that
13 this area can get cleaned up. Thank you.

14 HEARING OFFICER STUDER: Thank you.

15 Justin Avellar.

16 MR. AVELLAR: Good evening. My name is Justin
17 Avellar, that's A-V, as in Victor, E-L-L-A-R, and
18 I am a law student working in the University of
19 Chicago Abrams Environmental Law Clinic. We are a
20 not-for-profit legal clinic addressing
21 environmental issues in Illinois.

22 As a part of that work, we represent
23 Recovery on Water in efforts to improve the water
24 that they row on. As you heard, ROW regularly

1 uses Bubbly Creek in the South Branch of the
2 Chicago River, and frequently encounters poor
3 water quality conditions after CSO events. For
4 reference, these outfalls would be 190 through 198
5 on Pages 5 through 6 for the draft permit.

6 Additionally, before I go further, I
7 would like to make a statement about the
8 (inaudible) of the monitor CSO outfalls. If you
9 look at the Compliance Investigation report that
10 you just got this afternoon, it says U.S. EPA 5
11 had areas of concern, Area of Concern F on Page
12 41, and I quote, the outfalls monitored by the
13 MWRDGC and used by Chicago for frequently and
14 duration of monitoring may not be representative
15 of all the city's outfalls. I will just leave it
16 there for now.

17 Going back to my comment, our first point
18 relates to the sensitive area considerations
19 listed in the draft permit. U.S. EPA CSO control
20 policy of 1994 authorized local authorities to
21 (inaudible) sensitive area. If IEPA has evaluated
22 Chicago's CSO for sensitive areas, it appears
23 Chicago exclusively relied on recreational use
24 designations set by the Illinois Pollution Control

1 Board in 2011 to determine the sensitive areas.

2 We are troubled because the state has
3 conducted the tri-annular review using the
4 designation process only twice in the last 30
5 years. Relying on the 2011 designation ignores
6 many various (inaudible) and dangerous encounters.
7 This includes Bubbly Creek's users who regularly
8 come into contact with CSO pollution.

9 Our second point involves CSO
10 prioritization. According to the 1994 User
11 Guidance for Screening and Ranking, Bubbly Creek
12 should be assigned high ranking for two main
13 reasons.

14 First, the Guidance prioritizes
15 discharges creating, quote, significant risk to
16 public health, unquote, through direct contact
17 with pollutant CSOs. The breast cancer survivors
18 and minors who use this area face significant
19 public health risks. As ROW'S representative
20 explained earlier, the team must use Bubbly Creek
21 for practice, but some members' doctors prohibited
22 them from going on the water after CSOs because
23 the conditions are so poor.

24 Second, the 1994 Guidance awards higher

1 priority to CSO discharges into low area streams.
2 Bubbly Creek is a largely stagnant low area stream
3 because it lacks missing (inaudible) harmful
4 elements.

5 Taken together, the significant public
6 health risks from the CSO events and the waterway
7 status as a low energy stream mean Bubbly Creek
8 CSOs should be given higher priority.

9 Our third point focuses on the city's
10 pollution prevention plan. According to the
11 permit, the plan was last revised in 2003, but it
12 appears the city also submitted a plan in 2007.
13 The 2007 plan includes measures such as the CSO
14 Net Program, which called for temporary nets at
15 various discharge points to qualify and quantify
16 the floatables in past CSO events, with permanent
17 improvements made to those CSO outfalls warranty
18 for the treatment. This draft permit calls for
19 (inaudible), but shows no mechanism for holding
20 the city accountable to its pollution prevention
21 plan. The draft permit, likewise, fails to show
22 how the public can monitor the implementation of
23 the pollution prevention plan.

24 Our final point is more general. The

1 draft permit lists the nine minimum controls
2 required by the 1994 CSO policy, but fails to
3 specify how the City of Chicago will comply with
4 these controls. These requirements are not new.
5 The compliance with the nine minimum controls was
6 required under the 2002 permit. Thirteen years
7 later, the draft permit is still vague as to
8 Chicago's compliance with the nine minim controls
9 and makes no mention of public monitoring.

10 We have a question for each of our four
11 points, beginning with the question about
12 sensitive area consideration.

13 Have all of Chicago's CSOs been evaluated
14 for sensitive area consideration? And do I
15 understand correctly, that the sensitive area
16 consideration process allows us to show primary
17 contact recreation outside the Illinois Pollution
18 Control Board designation process?

19 MS. DRAGOVICH: The permit requires them to
20 evaluate the area for all of them, but additional
21 information shows that the primary contact is in
22 other areas, you know, that we thought were not
23 sensitive, and we will take that into
24 consideration.

1 MR. AVELLAR: And that wouldn't have to go
2 through the tri-annular review process through the
3 Illinois Pollution Control Board?

4 MS. DRAGOVICH: No.

5 MR. AVELLAR: Secondly, how has IEPA or the
6 City of Chicago implemented a screening and
7 ranking process for permitting CSOs? And how
8 would Bubbly Creek's unique (inaudible) in the
9 ranking process?

10 MR. PATEL: I think we can review the
11 operations plans submitted by the City of Chicago
12 on that issue as such. We will try to address and
13 mention.

14 MR. AVELLAR: But you currently know of no way
15 that the city ranks or the EPA works to rank CSOs?

16 MR. PATEL: Not really.

17 MR. AVELLAR: How will the public participate
18 in the prevention of a pollution plan? How will
19 the IEPA force the plan to the public input? And
20 how will the (inaudible) overall plan and
21 specific components such as the CSO events?

22 MR. DESAI: We will consider for the
23 Department of Permit looking into that public
24 participation that you just mentioned to kind of

1 modify it, you know, take into account the public.

2 MR. AVELLAR: How would Chicago comply with
3 the nine minimum controls as required in existing
4 permits and how will the public be able to monitor
5 Chicago's compliance with the nine minimum
6 controls going forward?

7 MR. DESAI: We currently don't have that plan
8 in front of us right now. It's something that we
9 can go back and look at and include it in that
10 response summary.

11 And for the second part, I think you
12 asked how the public could participate in those.
13 That's something, because we've got a lot of
14 comments on that, that's something that we are
15 going to consider in the draft permit.

16 MR. AVELLAR: Thank you for your time.

17 HEARING OFFICER STUDER: Thank you.

18 I would remind everyone that the record
19 in this is open until July 31st, and we will take
20 written comments through that time. If you are
21 submitting those by mail, I do ask that you mail
22 those in sufficient time so that they arrive
23 there.

24 Is there anyone here that has not spoken

1 that would like to make a comment on the record?

2 We have just a few minutes.

3 Let the record indicate that no one
4 raised their hand.

5 Are there people that have spoken that
6 have additional comments that they would like to
7 make on the record before I close the hearing
8 today? Okay, we've got one, two, three. You are
9 only going to have a couple of minutes, but if you
10 ask a question, because of the time, we will put
11 it on the record, and we will respond to it in the
12 responsive summary.

13 I have Mr. Bryson, Mr. Ettinger, and, I
14 am sorry, I can't remember the name.

15 Go ahead, Mr. Bryson.

16 MR. BRYSON: A couple of quick questions. Has
17 Chicago submitted a long-term control plan to
18 Illinois EPA, and have you reviewed and approved
19 it?

20 MR. DESAI: I believe the TARP plan was
21 considered the long-term control plan for the City
22 of Chicago.

23 MR. BRYSON: That was a district submission
24 and not a City of Chicago submission.

1 MR. DESAI: I am sorry?

2 MR. BRYSON: That was a district submission
3 and not a City of Chicago submission. And my
4 question is, did Chicago submit one?

5 MR. DESAI: Chicago did not submit a separate
6 one.

7 MR. BRYSON: Second question, does Chicago
8 have any discharges, any CSO outfalls that are not
9 connected to TARP, so therefore those discharges
10 go directly to the river and have no ability to go
11 into TARP?

12 MR. PATEL: Not that we are aware at this
13 time.

14 MR. BRYSON: Thank you.

15 HEARING OFFICER STUDER: Thank you.

16 MR. ETTINGER: Albert Ettinger.

17 E-T-T-I-N-G-E-R. I just wanted to mention two
18 things.

19 In addition to be concerned with the CSOs
20 like everybody else, as well as the outfalls, I,
21 too, am concerned, very personally, with getting
22 sewage in one's basement, and this can happen from
23 CSOs as well as SSOs, and I would urge the permit
24 writers to make sure that there's adequate

1 monitoring of water in the basements, also. I
2 would be willing to report when it gets in mine.

3 Thank you.

4 HEARING OFFICER STUDER: Go ahead.

5 MS. DAVIS: Thank you again.

6 HEARING OFFICER STUDER: State your name.

7 MS. DAVIS: Elizabeth Davis. I don't think I
8 said this before, but I think it's important in
9 the permit to put firm and measurable requirements
10 in there to make sure that things can be
11 monitored, tracked, and enforced. That's all I
12 wanted to say.

13 Thank you very much.

14 HEARING OFFICER STUDER: Thank you.

15 I also wanted to say that there's been a
16 lot of issues that have been raised today and
17 Illinois EPA would also ask if you have specific
18 ideas on issues that you would like in the permit,
19 that you submit so in writing in the post-hearing
20 comment period, and we will examine those and
21 visit those, also.

22 MS. TERRANOVA: Specific ideas and specific
23 language.

24 HEARING OFFICER STUDER: Go ahead.

1 MS. TERRANOVA: Specific ideas, but I also
2 want to suggest if you have specific language, we
3 are talking about, for example, conditions,
4 definitely you can give us that, we will consider
5 it from there.

6 HEARING OFFICER STUDER: I have about 10
7 minutes until 6:00. This building does close at
8 six o'clock. So we do need to be out of here by
9 six o'clock.

10 I want to thank everyone for your
11 attendance today and we appreciate your input.
12 Thank you.

13 This hearing is concluded.

14 (The hearing concluded at 5:50 p.m.)

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1 I, PAMELA S. MORGAN, Certified Shorthand
2 Reporter in the State of Illinois, do hereby
3 certify the above public hearing was recorded
4 stenographically by me and was reduced to
5 typewritten form by means of Computer-Aided
6 Transcription to the best of my ability.

7 I further certify that the foregoing
8 transcript is a true, correct and complete record
9 of the testimony given and of all proceedings had
10 before me to the best of my ability.

11 I further certify that I am not a
12 relative, employee, attorney or counsel of any of
13 the parties, nor financially interested directly
14 or indirectly in this action.

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PAMELA S. MORGAN, C.S.R. 084-001687

PUBLIC HEARING 6/30/2015

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