UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 11 2011

OFFICE OF WATER

Lisa Bonnett
Interim Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Dear Ms. Bonnett:

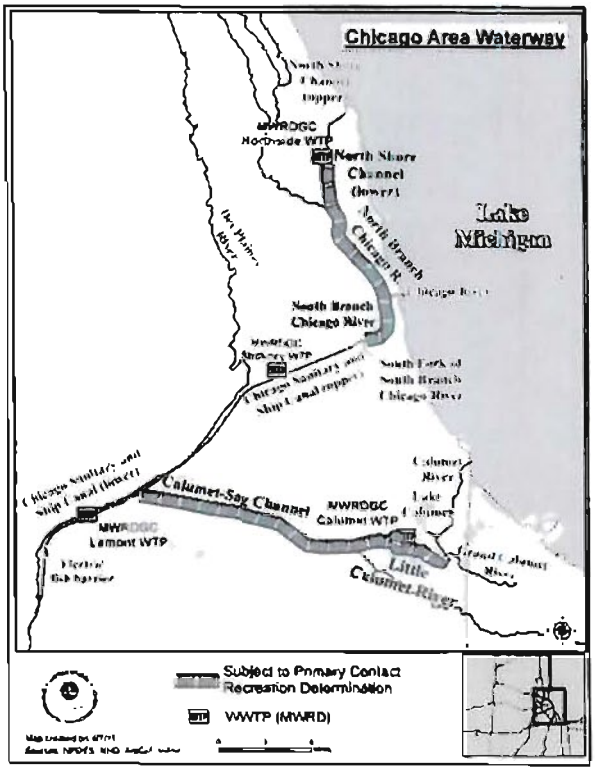
During the past 25 years, the Chicago Area Waterway System (CAWS) has been transformed into a valuable recreational asset that citizens increasingly use for boating, canoeing, kayaking, jet and water skiing, tubing and swimming. The State of Illinois is long overdue on updating its water quality standards to provide the Clean Water Act (CWA) protections that must accompany this transformation. Consequently, the U.S. Environmental Protection Agency has determined that new or revised water quality standards that protect recreation in and on the water are necessary for certain segments of the CAWS. EPA expects Illinois to expeditiously adopt new or revised water quality standards consistent with this determination. If Illinois fails to do so, EPA will promptly do so itself. In either event, to attain those standards, the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) would likely be required to disinfect discharges from its North Side and Calumet Water Reclamation Plants.

Specifically, EPA has determined that new or revised use designations that provide for recreation in and on the water are necessary for the following segments of the CAWS (hereafter, "the relevant CAWS segments") that are currently designated as Secondary Contact Waters under 35 Ill. Adm. Code 303.441:

- Calumet-Sag Channel;
- Little Calumet River from its junction with the Grand Calumet River to the Calumet-Sag Channel;
- South Branch of the Chicago River;
- North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch; and
- North Shore Channel, excluding the segment extending from the North Side Sewage Treatment Works to Lake Michigan.

These segments are shown below.

This determination is based on EPA's evaluation of new information that was not available in 1985 when Illinois last evaluated water quality standards for the CAWS. This includes information that was generated through (1) the use attainability analysis (UAA) performed from 2002 to 2007 by the Illinois Environmental Protection Agency (IEPA) for the CAWS; and (2) the extensive public hearing and public comment process conducted by the IPCB from 2007 to early 2011. As described more fully below, this information indicates that recreation in and on the water is attainable in the relevant CAWS segments. Consequently, in accordance with 40 CFR § 131.20(a), Illinois is required to revise its standards accordingly. EPA has also determined that, in accordance with 40 CFR § 131.11(b), water quality criteria to protect recreation in and on the water are necessary for the relevant CAWS segments.



EPA's authority to make a determination under section 303(c)(4)(B) of the CWA is discretionary. EPA is choosing to exercise this discretion at this time for these specific waters because Illinois failed to upgrade its standards in a timely manner, notwithstanding the compelling evidence described below that indicates that recreation in and on the water is attainable for these waters. EPA has not made any determination regarding the water quality standards for any other segment of the CAWS or Lower Des Plaines River (LDPR) not specifically addressed by today's determination. Nothing in this determination can or should be construed as expressing any opinion on the appropriateness of the current water quality standards applicable to waters not subject to today's determination. Moreover, nothing in this determination can or should be construed as expressing any opinion on the appropriateness of the proposed revisions to Illinois' water quality standards and regulations pertaining to those other waters that are currently being considered by IPCB; or upon what action EPA might take in response to any new or revised water quality standards that Illinois might adopt for those other waters.

I. Statutory and Regulatory Background

Section 303 of the CWA requires states and authorized tribes (hereafter, collectively referred to as "states") to adopt water quality standards for waters of the United States within their respective jurisdictions. Section 303(c) of the CWA requires, among other things, that state water quality standards include the designated use or uses to be made of the waters and the criteria necessary to protect those uses. Section 303(c)(2)(A) of the CWA requires that states submit new or revised water quality standards to EPA for review and approval or disapproval. Section 303(c)(1) of the CWA requires that, "from time to time (but at least once each three year period beginning with October 18, 1972)," states must "hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards." Section 303(c)(4)(B) of the CWA authorizes the Administrator to determine, even in the absence of a state submission, that a new or

revised standard is needed to meet the requirements of the CWA. The authority to make a determination under CWA section 303(c)(4)(B) is discretionary and resides exclusively with the Administrator, unless delegated by the Administrator. For the purposes of today's determination, the Administrator has delegated this authority to me, Nancy K. Stoner, EPA's Acting Assistant Administrator for Water.

Section 101(a)(2) of the CWA states the national interim goal of achieving by July 1, 1983, "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water" (hereafter collectively referred to as "the section 101(a)(2) uses") *wherever attainable*. Section 303(c)(2)(A) of the CWA requires water quality standards to "protect the public health and welfare, enhance the quality of water, and serve the purposes" of the CWA. EPA's regulations at 40 CFR Part 131 interpret and implement these provisions through a requirement that water quality standards protect section 101(a)(2) uses unless those uses have been shown to be unattainable based on one of the factors in section 131.10(g). Unless the state demonstrates that a section 101(a)(2) use is not attainable on a water body, the water body must be designated for the 101(a)(2) uses. *See* 40 CFR § 131.10(j)(1) and (k). Where a state adopts water quality standards that do not include the section 101(a)(2) uses for a particular water body segment, the state is required to re-examine the water body segment every three years to determine if any new information has become available. 40 CFR § 131.20(a). If such new information indicates that the uses specified in section 101(a)(2) of the CWA are attainable, the state must revise its standards accordingly. *Id.*

II. History of Illinois Water Quality Standards Subject to this Determination

A. Illinois' Adoption of a Secondary Contact Use Designation

Illinois first adopted the Secondary Contact use designation for the relevant CAWS segments in 1972. According to Illinois, "Secondary Contact" does not provide for recreation in the water. Instead,

> "Secondary Contact" means any recreational or other water use in which contact with the water is incidental or accidental and the probability of ingesting water is minimal. . . . Activities such as fishing, commercial and recreational boating and other shoreline activities where contact is minimal are considered secondary contacts.

IPCB First Notice Opinion and Order in R2008-009(A) at 9 (Aug. 5, 2010).

According to IPCB, when Illinois first adopted the Secondary Contact use designation in 1972, the waters designated as secondary contact had the following characteristics:

1) Routinely dredged and maintained channels, including steep-sided cross sections designed to accommodate barge traffic and optimize flow.
2) Significant sludge deposition, as a result of combined sewer overflows, industrial waste discharges and urban runoff. Sludge depth in the channel system can reach five feet or more despite dredging.
3) Flow reversal projects, such [as the one that occurred in the CAWS] place a premium on head differential. The entire system has minimum slope and, consequently, low velocity, stagnant flow conditions. Because of international agreements on the use of Lake Michigan water, diversion to maintain flow in the system is kept as low as possible.

4) Urban stress is significant within the entire drainage area. There was essentially no recreation potential with most adjacent property commercially owned and access limited.
5) Good physical habitat for aquatic communities in the main channel was non-existent due to the impact of commercial and recreational watercraft use of the system as well as sludge deposition. Watercraft lockage through the Chicago River Control Works averages 25,000 vessels annually; most activity occurs during the summer months.
6) In addition to the above human-made and irretrievable modifications, the CAWS also carries a massive wastewater load including combined sewer overflows during wet weather. During the summer periods, a small "discretionary diversion" of Lake Michigan water is permitted to minimize the combined effects of waste load from the municipal and industrial discharges to the system and poor assimilative capacity.

Id.

B. IEPA's 1984 Removal of Fecal Coliform Criteria for Secondary Contact Waters and 1985 Reevaluation of the Secondary Contact Use Designation for the CAWS

In 1984, EPA approved Illinois' revisions to its water quality standards to remove its then-existing fecal coliform criteria for the Secondary Contact use designation. Following that decision, IEPA reevaluated the Secondary Contact use designation for the CAWS and concluded:

> Primary contact activities are likewise inappropriate due to limited access and danger associated with heavy navigation as well as general aesthetic constraints. USEPA approval of elimination of bacterial indicator water quality standards for Secondary Contact waters supports the elimination of this use.

Attachment to March 4, 1985, letter IEPA to EPA, Region 5, at 8.

EPA approved Illinois' 1985 decision to retain the Secondary Contact use designation for the CAWS. As a result of the decisions removing fecal coliform criteria for the Secondary Contact use designation and retaining the Secondary Contact use designation for the CAWS, the MWRDGC stopped disinfecting discharges from the Calumet and North Side Water Reclamation Plants into relevant CAWS segments.

C. Illinois' 2002-2011 Reevaluation of the Secondary Contact Use Designation for the CAWS

As a result of a UAA IEPA performed from 2002-2007, IEPA proposed that IPCB adopt revised water quality standards for the CAWS, including revised recreational use designations. IEPA proposed replacing the current Secondary Contact use designation with three new use designations: "Incidental Contact Recreation waters," "Non-Contact Recreation water," and "Non-Recreation waters." None of the proposed new uses provide for recreation in the water. However, a related IEPA proposal would require the disinfection of wastewater from MWRDGC's three largest sewage treatment facilities. For a detailed summary of IEPA's disinfection proposal, *see* PC 567 (Post-Hearing Comments of the IEPA). Today's determination makes frequent reference to documents included in IPCB Docket Numbers R2008-009, R2008-009(A) and R2008-009(B). Specifically, documents referred to as "PC," "Exh.," "Initial Filing," and "Transcript" are documents from the IPCB docket. Many of these documents can be accessed via the IPCB website at http://www.ipcb.state.il.us/COOL/external/PendingRulemakings.aspx, or by contacting the IPCB Clerk's Office.

From 2007 through 2011, IPCB held 41 days of public hearings and received approximately 450 public comments expressing support for improving water quality and requiring disinfection to protect recreational uses of the waterways. *See* PC 568 at 13 and 25. Six entities, including MWRDGC, expressed concern about or opposed increased recreational use of the relevant CAWS segments and/or disinfection. *See* PC 295, PC 303, PC 305, and PC 499; 06/19/08 Transcript. On August 5, 2010, IPCB proposed rules for first notice that would result in the adoption of IEPA's proposed recreational use designations for the CAWS. IPCB has not proceeded to take the next steps required under Illinois law to finalize that proposal (*i.e.*, the IPCB has not proceeded to issue second and third notices on that proposal); and has not expressed any opinion on IEPA's effluent disinfection proposal.

III. Information Generated Subsequent to 1985 Indicates That Recreation In and On the Water is Attainable for the Relevant Segments of the CAWS

As described below, new information generated through the ongoing public process by IEPA and IPCB indicates that recreation in and on the water is now attainable for the relevant segments of the CAWS.

A. Information Indicates That There are Numerous Means for the Public to Access All Relevant Segments of the CAWS to Recreate In and On the Water

The first factor cited by IEPA in support of its 1985 decision to retain the Secondary Contact use designation was IEPA's conclusion that "[p]rimary contact activities are . . . inappropriate due to limited access." IEPA's conclusion was based on its belief at the time that "[t]here was essentially no recreation potential with most adjacent property commercially owned and access limited." Attachment to March 4, 1985, letter IEPA to EPA, Region 5, at 8.

Today, however, MWRDGC and the Forest Preserve District of Cook County own substantial portions of the land adjoining the North Shore Channel, North Branch of the Chicago River, Little Calumet River, and Calumet-Sag Channel, *see* http://www.mwrd.org/irj/portal/anonymous/realestateatlas and http://fpdcc.com/visit-us/maps/division-maps, and these governmental entities can provide public access to the waterways. Indeed, as demonstrated by information in IPCB's record, each of the waters subject to this determination already has at least one, and often several, constructed motor boat, canoe, kayak and/or row boat launches that provide access to the water. In addition, two or more areas of public lands, such as park district and forest preserve district lands that could provide direct, open public access to the waters' shoreline, are adjacent to each of the relevant CAWS segments. Lastly, a number of exhibits from the IPCB record make clear that there now are numerous marinas, docks, ladders, and/or gently sloping banks present at various points in the relevant CAWS segments by which individuals can directly enter the waterways to recreate in and on the water. *See* Att. L of Initial Filing (10/27/07), Exh. 346 and Exh. 353 (boat launches); Exh. 264 (docks); Exh. 350 (ladders); and Exh. 351 (gently sloping banks). The public can also access all segments of these water bodies to recreate in and on the water via recreational power boats, jet skis, canoes, kayaks and other watercraft.

Specific access points include the North Shore Channel, which is lined with public land and an associated walk/bike path (Att. B of Initial Filing at 3-8); the North Branch of the Chicago River, which is partially lined with public land (Att. B of Initial Filing at 4-44) and an associated walk/bike path, has 8 adjacent Chicago Park District Parks and 5 canoe launches (Att L. of Initial Filing), as well as serving as a training location for 3 crew teams (Exh. 269); the South Branch of the Chicago River, which has two Chicago Park District Parks and at least two other access points (a marina and dock; Exh. 346); the

Little Calumet River, which is home to at least 9 marinas and a public boat launch (Att. L of Initial Filing), as well as 2 adjacent forest preserves (Att. B of Initial Filing at 4-83); and, the Calumet-Sag Channel, which has approximately 5 miles of river with adjacent forest preserves (http://fpdcc.com/visit-us/maps/division-maps), at least 2 public boat launches (Att. L of Initial Filing), and has served as a site for crew events (Exh. 330 at 3). In addition, local government agencies are working together to improve public access to the CAWS via the implementation of the "Northeast Illinois Regional Water Trail Plan" *See* Exh. 345; *see also* Exhs. 358-363 documenting efforts to improve access in the Calumet area.

For the reasons described above, recreation in and on the water is no longer unattainable due to lack of public access to the relevant CAWS segments.

B. Information Indicates That Barge Traffic Does Not Render Recreation In and On the Water Unattainable in the Relevant CAWS Segments

The second factor cited by IEPA for its 1985 decision to retain the Secondary Contact use designation for the CAWS was IEPA's conclusion that "[p]rimary contact activities are likewise inappropriate due to . . . danger associated with heavy navigation." IEPA's conclusion was based upon IEPA's belief that:

> [t]he waterway was used almost exclusively for commercial barge transport of bulk commodities such as grain, coal, petroleum products and raw minerals; and this barge traffic rendered the waters unsafe for primary contact recreational use.

Attachment to March 4, 1985 Letter from IEPA to EPA, Region 5 at 4.

Today, however, the relevant segments of the CAWS are not used "almost exclusively" for commercial transport of bulk commodities. Instead, each of these segments is now also used for recreational purposes. Specifically, as described above, numerous motor boat, canoe, kayak and/or row boat launches have been constructed for the purposes of providing access for recreational use of the water in all segments; and there is in fact motor-boating, fishing, canoeing, kayaking, rowing, jet skiing, water skiing, tubing, swimming and/or wading occurring in all segments. *See* summaries provided in PC 296 at App. 1 and 2; PC 555 at Att. A; *see also* information provided below from the IPCB record related to swimming observations.

Moreover, in 2009, barge traffic accounted for less than 1% of the total number of vessels traveling through the Chicago lock, and commercial vessel traffic made up only about 10% of the vessels traveling through the O'Brien lock (*see* http://www.ndc.iwr.usace.army.mil/lpms/lock2009web.htm). Indeed, barge traffic is extremely rare in the northern part of the North Branch of the Chicago River and the entire North Shore Channel, as there are no federal navigation channels in the CAWS upstream of Addison Street (*see* http://www2.mvr.usace.army.mil/NIC2/Documents/chart130.pdf). Given the rarity or non-existence of barge traffic in the North Shore Channel and North Branch of the Chicago River, barge traffic in those segments does not render recreation in and on the water unattainable.

Finally, even in the segments of the CAWS where barge traffic is heavier (in the Calumet-Sag Channel, Little Calumet River, North Branch of the Chicago River downstream of Addison Street, and South Branch of Chicago River), there is evidence from the IPCB record that recreation in the water is occurring. *See* PC 478 at II-5 (Chicago Health, Environmental Exposure, and Recreation Study: 2 people diving or jumping at Clark Park on North Branch downstream of Addison Street, 1 person tubing and 3 people water skiing on Cal-Sag Channel); Exh. 63 (MWRD 2005-2007 recreational use surveys: 3

people swimming, diving or jumping in Little Calumet River, 4 people tubing or skiing in Cal-Sag Channel; Att. B of Initial Filing at 4-47, 4-84 and 4-85 (CAWS UAA: 1 person swimming and 6 people skiing or tubing in Little Calumet River, 1 person swimming and 7 people skiing or tubing in Cal-Sag Channel, and 5 people skiing or tubing in South Branch of Chicago River); Exh. 36 (7% and up to 52% of survey responses noted swimming and skiing/tubing, respectively, in participating South Branch of Chicago River and Little Calumet River marinas); Exh. 330 at 2 (Vic Crivello, a recreational boater who boats the southern portions of the CAWS three weekends a month from May to October, states that "hundreds of families recreate on the Calumet River system . . . power boating, waterskiing, jet skiing, tubing, kayaking, swimming, rowing and fishing. . . There can be as many as 100 boats on a given day [and] jet skiers and water-skiers are becoming more common."). The fact that recreation in the water is now occurring in these more-heavily-barged segments of the CAWS demonstrates that recreation in the water is in fact attainable for those segments of the CAWS, notwithstanding the fact that those segments are also used for commercial navigation.

The information described in this letter and today's determination indicates that new or revised water quality standards are necessary to protect recreation in and on the water. However, nothing in today's determination, the Clean Water Act or EPA's regulations dictate how Illinois must exercise its police and other powers, including its authorities and responsibilities under the Public Trust Doctrine, to manage use of its waters for the common good. For example, to protect safety and/or to accommodate commercial navigational interests, Illinois may choose to impose time, manner and place restrictions on recreational uses of its waterways, commercial navigational uses of its waterways, or both. *See* Water Quality Standards for Puerto Rico, 69 Fed Reg. 3514, 3519 (Jan. 26, 2004).

C. MWRDGC's Need to Occasionally "Draw Down" Water Levels in Anticipation of Storm Events to Prevent Flooding Does Not Render Recreation In and On the Water Unattainable in the Relevant Segments of the CAWS

There have been generalized assertions in the IPCB proceedings that the need to "draw down" the water levels in the LDPR and CAWS to allow storm water runoff to drain into those waterways for flood control purposes results in unsafe recreational conditions. However, it appears that the only specific evidence provided in support of those generalized assertions in the 10 years that Illinois has been evaluating these issues was testimony from a single MWRDGC employee about one incident that occurred in the vicinity of the Lockport Lock and Dam, at the point where MWRDGC opens the locks to begin the "draw down" process (09/08/08P Transcript at 79-80). There does not appear to be any evidence that these "draw downs" would impact recreation occurring in the relevant segments of the CAWS, all of which are at least 12 miles upstream from the Lockport Lock and Dam. Consequently, EPA does not agree that "draw down" conditions render recreation in and on the water unattainable in the relevant segments of the CAWS. Even assuming that unsafe conditions are in fact created when there is a need for MWRDGC to draw down the water levels, those conditions apparently only occur during infrequent, heavy storms, and not during dry (or even moderately wet) weather. To the extent that such conditions do occur in a manner that might threaten public safety, Illinois can exercise its police and other authorities to protect public safety; perhaps by working with MWRDGC to institute a warning system when MWRDGC anticipates the need to drawn down water.

D. There Has Been No Demonstration That Construction of Measures Necessary to Attain Recreation In and On the Water Will Result in Substantial and Widespread Social and Economic Impact

One factor states can use to demonstrate that section 101(a) uses are not attainable is that controls necessary to attain such uses "would result in substantial and widespread social and economic impact." 40 CFR § 131.10(g)(6). Illinois did not rely upon this factor when it submitted its justification in 1985 for retaining the Secondary Contact use designation. Similarly, although there is a great deal of evidence in the IPCB proceedings regarding the costs of disinfecting discharges from the North Side and Calumet Water Reclamation Plants and completing the Tunnel and Reservoir Plan (TARP), none of the participants in the IEPA and IPCB proceedings that have been occurring since 2002 have cited this factor as a basis for not adopting use designations that provide for recreation in and on the water. IEPA and IPCB also did not rely upon this factor to support the proposed recreational use designations that are currently pending before IPCB. Consequently, there is no basis to conclude that the cost of constructing measures necessary to attain recreation in and on the water "would result in substantial and widespread social and economic impact."

It is worth noting in this regard that MWRDGC has an enormous service population, greater than 5 million people (MWRDGC 2011 Budget in Brief at 3), and so MWRDGC is better able to absorb substantial construction and operation costs than if it had a smaller service population. Additionally, MWRDGC "'ranks as one of the lowest cost providers of wastewater treatment in the nation.'" MWRDGC Press Release of August 14, 2009 (quoting Fitch Rating Report). As a result, according to MWRDGC, a resident in MWRDGC's service area who owns a house worth $267,000 (the average value of a house in Cook County) pays $222 per year in property taxes for sewer services. *See* MWRDGC's "President's Annual Message 2010" (available at http://www.mwrd.org). This annual amount is well below the average annual sewer rates paid by residents of many other municipalities. *See* Summary of Annual Sewer Rates for Selected Cities (available from EPA); *see also* Ohio EPA 2009 Sewer and Water Rate Survey (the estimated average annual sewer bill paid by household in the State of Ohio in 2009 was $514).

EPA recognizes it will take MWRDGC time to construct disinfection facilities and complete construction of TARP. Because this would be the first time that a use designation providing for recreation in and on the water would be included in Illinois' water quality standards for the relevant segments of the CAWS, it may be permissible in accordance with 40 CFR §122.47 for the NPDES permits based on these new and revised water quality standards to include compliance schedules for construction of disinfection facilities and completion of TARP, provided that any such compliance schedules are "appropriate" and "require compliance as soon as possible," consistent with 40 CFR § 122.47(a)(1), and are authorized under Illinois' water quality standards.

E. Two Additional Factors Cited by IEPA in 1985 for Retaining the Secondary Contact Use Designation are No Longer Relevant

IEPA cited two additional factors in support of it its decision in 1985 to retain the Secondary Contact use designation for the CAWS: (1) recreation in the water was inappropriate due to general aesthetic constraints and (2) EPA's approval of Illinois' elimination of bacterial indicator water quality standards for the Secondary Contact use designation supported retaining the Secondary Contact use designation.

As an initial matter, neither of these factors is relevant in evaluating the attainability of recreation in and on the water. *See* 40 CFR § 131.10(g) (listing relevant attainability factors). In addition, concerted efforts and funding from numerous entities (including EPA, the State of Illinois, the City of Chicago and other local governments, MWRDGC and their service population, and numerous environmental and recreational organizations), have led to remarkable changes in the aesthetic condition of the CAWS over the past 25 years, such that these waterways are now an important local asset. According to testimony of the Director of the Friends of the Chicago River, (5/6/09 Transcript at 40), the City of Chicago and the Chicago Park District have spent approximately $100 million to improve public access to the waterways and to implement the Chicago River Agenda (Exh. 276). These efforts help to implement the City's vision, as outlined in the Chicago River Agenda for the CAWS to provide a "second shoreline" to the City. *See also* 10/20/2010 Transcript at 146-147 (explaining how the CAWS waters are "scenic in their own strange industrial and urban way").

Finally, in light of the new information summarized above indicating that recreation in and on the water is now attainable for the relevant segments of the CAWS, EPA's action twenty-seven years ago with respect to Illinois's deletion of its fecal coliform criteria for the Secondary Contact use designation is not relevant in evaluating whether new or revised water quality standards are necessary today.

IV. Determination

EPA's evaluation of new information as described above indicates that recreation in and on the water is attainable for the relevant segments of the CAWS. In light of this new information, 40 CFR § 131.20(a) requires that Illinois revise its water quality standards accordingly, which it has not done. EPA, therefore, hereby determines in accordance with section 303(c)(4)(B) of the CWA that new or revised designated uses that provide for recreation in and on the water, and the criteria necessary to protect such uses, are necessary to meet the requirements of the CWA for the relevant segments of the CAWS. In accordance with 40 CFR § 131.11(a), "[s]uch criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use." Such criteria should be based on EPA's 1986 Ambient Water Quality Criteria for Bacteria, which EPA developed in accordance with Section 304(a) of the CWA, the 304(a) guidance modified to reflect site-specific conditions, or other scientifically defensible methods. *See* 40 CFR § 131.11(b)(1)(i).

Today's determination is an important step toward ensuring that water quality standards are updated to provide protection to the increasing number of people who wish to recreate in and on the CAWS. EPA expects Illinois to adopt use designations and criteria consistent with this determination. Otherwise, EPA will promptly propose regulations setting forth new or revised use designations that provide for recreation in and on the water.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

cc: John Therriault, IPCB Clerk's Office (for inclusion in R2008-009(A) docket)
Marcia Willhite, IEPA
Susan Hedman, Regional Administrator, Region 5