

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF WATER

IMPAIRED WATERS OF ILLINOIS
DRAFT 2008 INTEGRATED REPORT

PUBLIC HEARING

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1 HEARING OFFICER RISTAU: Good
2 morning, everyone. We're going to go on the record
3 now and start the hearing.

4 My name is Scott Ristau, and
5 I'll be acting as the hearing officer for this
6 proceeding.

7 This is an informational
8 hearing held by the Illinois Environmental
9 Protection Agency, Bureau of Water. The purpose of
10 the hearing is to provide an opportunity for the
11 public to understand and comment on the proposed
12 Draft 2008 Integrated Report.

13 I'm going to give a brief
14 presentation, and after that, I'll ask Dean Studer
15 who is the acting manager of the Watershed
16 Management Section to introduce members of the
17 panel, and Dean will also explain the proposed Draft
18 2008 Integrated Report.

19 After the presentations are
20 concluded, people can ask questions or make comments
21 on the record. We've got a microphone that we'll be
22 using. If people want to just stand up where they
23 are and use that microphone rather than come up to
24 the podium, that's fine.

1 answer the significant and relevant questions raised
2 in this hearing or submitted to me prior to the
3 close of the comment period.

4 The responsiveness summary and
5 the hearing transcript will be posted on the
6 Illinois EPA's Web site. Should someone need a hard
7 copy of the responsiveness summary or the hearing
8 transcript, they can contact me.

9 Any person who wishes to make
10 oral comments today may do so as long as the
11 comments are relevant to the issues which are
12 addressed at this hearing. Please indicate that you
13 wish to make a comment on your registration card and
14 persons will be called forward to make comments in
15 the order in which they have completed the
16 registration card.

17 If you want to make oral
18 comments but have a time constraint, please let the
19 agency staff person at the registration table know
20 and I will try to call on you earlier or you can
21 give your written comments on one of the comment
22 forms provided to the registration staff and I will
23 include it as an exhibit in the hearing record.

24 If anyone has other exhibits

1 that they want to present into the record at this
2 time, you need to give me a copy and, if possible,
3 have a copy available for the court reporter.

4 Persons making comments or
5 asking questions will initially be limited to five
6 minutes until everyone who wishes to speak has had a
7 chance to do so.

8 If you have lengthy comments
9 to make, please submit them to me in writing before
10 the close of the comment period, and I will make
11 sure that they are included in the hearing record as
12 exhibits.

13 Persons making comments or
14 asking questions should first state their name and,
15 if applicable, identify any governmental body or
16 organization they represent. If you are
17 representing only yourself, you can state that you
18 are an interested citizen.

19 Questions asked of the
20 speakers must be framed as a question, relevant to
21 the subject presented, and not repetitious. Arguing
22 or prolonged dialogue with any speaker will not be
23 allowed, and because a verbatim record of this
24 hearing is being made, I ask that you keep

1 2008 draft report on the conditions of waters in
2 Illinois. We call it an integrated report because
3 it includes both the report on the condition of
4 Illinois lakes, rivers and streams as required by
5 Section 305(b) of the federal Clean Water Act and a
6 list of impaired waters as required by Section
7 303(d) of the federal Clean Water Act.

8 Among the responsibilities of
9 the Watershed Management Section are the publication
10 of Section 303(d) list and development of total
11 maximum daily loads, otherwise known as TMDLs.

12 This morning I will briefly
13 discuss the process we use to develop the integrated
14 report and the 303(d) list for 2008.

15 In order to comply with the
16 provisions of Section 303(d) of the federal Clean
17 Water Act, states must "identify those waters within
18 its boundaries for which the effluent limitations
19 required by Section 301(b) (1) (A) and Section
20 301(b) (1) (B) of the federal Clean Water Act are not
21 stringent enough to implement any water quality
22 standards applicable to such waters. The state
23 shall establish a priority ranking for such waters
24 taking into account the severity of the pollution

1 and the uses to be made of such waters."

2 States are to submit this list
3 of waters commonly referred to as the 303(d) list to
4 the administrator of USEPA for approval.

5 The purpose of this hearing is
6 to provide an opportunity for the public to comment
7 on the proposed list of impaired waters published in
8 the Draft 2008 Integrated Report.

9 In order to keep the public
10 apprised of the integrated report, we've distributed
11 approximately 550 notices of the public hearing and
12 placed a public notice and a copy of the report on
13 the agency's Web site at:

14 <http://www.epa.state.il.us/water/tmdl/303d-list.html>.

15 The agency also placed a
16 notice of today's hearing in the designated
17 newspaper for statewide notices, in this case the
18 Edwards Intelligencer, on three separate days --
19 March 24, 2008, March 31, 2008, and April 7, 2008.

20 The agency is most interested
21 in your comments on the Draft 2008 Integrated
22 Report. However, this hearing is not about
23 individual TMDLs that we have conducted or may be in
24 the process of conducting at this time.

1 The public meetings for
2 ongoing TMDLs and those we develop in the future
3 will continue apart from the hearing today and final
4 adoption of the 2008 Integrated Report.

5 Waters that we have assessed
6 as not achieving those standards are identified in
7 Appendix A of the Integrated Report.

8 Since water resource data take
9 time to gather and process, each assessment cycle
10 reflects up to a two-year data lag. Generally, the
11 2008 Integrated Report is based on new information
12 that became available since the 2006 Integrated
13 Report.

14 Surface water assessments in
15 this 2008 report are based primarily on biological,
16 water chemistry, sediment, physical habitat and fish
17 tissue information collected through 2005 with some
18 of the data collected in 2006 from our various
19 monitoring programs.

20 These programs include the
21 ambient water quality monitoring network, intensive
22 basin surveys, facility-related stream surveys, the
23 ambient lake monitoring program, the volunteer lake
24 monitoring program, and the lake Michigan monitoring

1 TMDLs will have addressed well over 500 segment
2 impairments.

3 Additional information is
4 available on our Web site for each TMDL conducted
5 and for those in development.

6 The most recent Section 303(d)
7 list was published by the Illinois EPA in early
8 2006, and following a public review of the draft
9 including a hearing and development of our response
10 to the public comments, the final version of the
11 list was approved by USEPA Region 5 in Chicago in
12 July of 2006.

13 The 2008 Integrated Report is
14 the second integrated report published by Illinois
15 EPA with the first one having been in 2006.

16 Prior to 2006, Illinois EPA
17 published the 303(d) list separate from the water
18 quality assessment report. That assessment report
19 is commonly referred to as the 305(b) report.

20 In Illinois EPA's continuing
21 refinement of our stream and lake assessment
22 protocols, we have revised the 2008 Integrated
23 Report as compared to the 2006 Integrated Report in
24 several ways. I will now highlight some of the

1 a pollutant to a non-pollutant may result in a few
2 waters being removed from the 303(d) list.

3 Each of these cases was
4 carefully reviewed to determine whether these
5 segments are impaired by pollutants or pollution.

6 No. 3. We have stopped using
7 total nitrogen, which appears as nitrogen total on
8 the 303(d) list, as a cause of impairment for
9 aquatic life use. We do not have a standard for
10 total nitrogen related to aquatic life. In streams,
11 we typically do not have total nitrogen data.

12 The methods, criteria, and the
13 manner in which nitrogen was reported as a cause of
14 impairment of aquatic life use have changed many
15 times over previous assessment cycles. These
16 criteria had never been shown to be related to
17 aquatic life use impairment and any scientific study
18 and had never been used or proposed as water quality
19 standards.

20 Illinois now believes that the
21 criteria by which it placed total nitrogen on
22 previous 303(d) lists were not scientifically valid.
23 Illinois does not believe that a scientifically
24 valid criterion currently exists for determining

1 when nitrogen is causing an impairment of aquatic
2 life use in this state.

3 While there is some scientific
4 debate over the contribution of nitrogen to nutrient
5 impacts, we believe that nutrient impacts can best
6 be assessed by using criteria for total phosphorus,
7 and total phosphorus data are more widely available
8 than nitrogen data.

9 Furthermore, total nitrogen
10 was not listed as a cause of impairment based on any
11 evidence of excessive plant or algal growth. Total
12 nitrogen was only listed as a cause of impairment
13 when biological or other data indicated that aquatic
14 life use was impaired.

15 At that point in the
16 assessment process, inappropriate criteria for total
17 nitrogen were used to infer that total nitrogen was
18 a potential cause of that aquatic life use
19 impairment.

20 Because Illinois now believes
21 that those previous listings of total nitrogen were
22 based on flaws in the listing methodology, we have
23 deleted and delisted total nitrogen as a cause of
24 impairment for all water bodies.

1 However, this delisting will
2 not affect the basis upon which these waters were
3 assessed as impaired and will not cause any waters
4 to be changed to an unimpaired status. Illinois has
5 not placed any water body on the 303(d) list solely
6 because of high levels of total nitrogen. Also, the
7 vast majority of water body segments where total
8 nitrogen was listed as a cause have remained on the
9 303(d) list even after this cause was deleted
10 because most of the time, there are other pollutant
11 causes listed as well.

12 In a few instances where total
13 nitrogen was the only pollutant cause listed, there
14 was a potential for an entire waterbody segment to
15 be removed from the 303(d) list. Each of these
16 cases was carefully reviewed to determine whether
17 these segments are impaired by pollutants or
18 pollution.

19 We will continue to use the
20 water quality standard for total ammonia nitrogen to
21 indicate toxic impacts from ammonia.

22 Change No. 4. For assessing
23 attainment and listing causes of impairment for
24 aquatic life use, changes were made for three

1 parameters that have undergone or are currently
2 undergoing standard revision.

3 The amended standards are
4 expected to be approved by the Illinois Pollution
5 Control Board by the time this Integrated Report is
6 submitted to USEPA. See Section B-2, Revisions to
7 Illinois General Use Water Quality Standards, for
8 more information on these changes.

9 The first change: The
10 Illinois Pollution Control Board is eliminating the
11 numeric standard for total dissolved solids (TDS)
12 for general use waters as part of a revised standard
13 for sulfates. Therefore, TDS is no longer used in
14 the assessment of aquatic life use attainment and
15 has been deleted and delisted as a cause of aquatic
16 life use impairment for all standards.

17 Second standards change: The
18 Illinois Pollution Control Board is adopting a
19 revised standard for sulfates in general use waters
20 that is intended to protect aquatic life use. The
21 previous standard for sulfates was intended to
22 protect agricultural uses and, therefore, was not
23 previously used as a criterion for determining
24 attainment or causes of aquatic life use impairment.

1 The new sulfate standard is used in this cycle for
2 determining attainment and causes of aquatic life
3 use impairment.

4 Third standards change: The
5 Illinois Pollution Control Board adopted a revised
6 standard for dissolved oxygen in general use waters
7 that is considered more appropriate for protecting
8 aquatic life use than the previous standard. The
9 new standard is used in this cycle in the process
10 for determining attainment and causes of aquatic
11 life use impairment.

12 The fifth major change in the
13 report: Because of proposed comprehensive changes
14 to secondary contact and indigenous aquatic life
15 standards, see Section B-2, no new assessments of
16 indigenous aquatic life use have been made in this
17 cycle. All previous assessments of indigenous
18 aquatic life use which were approved in the 2006
19 cycle have been carried forward to the 2008 without
20 change.

21 Sixth major change: Several
22 non-pollutant causes of impairment were added to
23 Table C-5 as potential causes of aquatic life use
24 impairment in streams to indicate impacts from

1 hydromodification and other habitat changes.

2 Seventh major change: Changes
3 were made in the methodology for assessing fish
4 consumption use that give greater weight to the
5 statewide fish consumption advisory for mercury.
6 This resulted in fewer waters being assessed as
7 fully supporting fish consumption use.

8 The eighth and last major
9 change: In previous assessment cycles, Illinois EPA
10 used the term impairment unknown when we were not
11 able to identify a potential cause of impairment for
12 aquatic life use. This terminology was based on
13 USEPA's assessment database. The term impairment
14 unknown has been changed to cause unknown in the
15 assessment database, and Illinois EPA has changed
16 all former instances of "impairment unknown" to
17 "cause unknown." This does not constitute a
18 delisting or affect the 303(d) list in any way.

19 This concludes my prepared
20 statement, and I'll now turn things back over to the
21 hearing officer.

22 HEARING OFFICER RISTAU: Thank you,
23 Dean.

24 Were there any other

1 Network.

2 Hello. I just wanted to get
3 some more details about how you're going to
4 implement the change and how you're viewing
5 dissolved oxygen. It's been moved from a pollutant
6 to a non-pollutant cause of impairment?

7 MR. STUDER: That is correct.

8 MS. COLLINS: We're interested in
9 knowing in practice when you get to the TMDL stage
10 when you have some waters that have dissolved oxygen
11 problems, is there always going to be a pollutant
12 that's related to them that you're going to do a
13 TMDL for? Do you know in how many cases there is an
14 obvious DO-related pollutant versus how many cases
15 there's not?

16 I'll let you take it from
17 there.

18 MR. STUDER: That's an excellent
19 question, and I think I can answer that.

20 In practice, the agreement
21 that we have with Region 5 is that if we are doing a
22 TMDL in a watershed and there are waterbody segments
23 that are listed for low dissolved oxygen, we have to
24 investigate those particular waters.

1 Typically what we've done is
2 we have used the data that has been collected by the
3 agency or, in some cases, additional data has been
4 added to expand on the database, and those waters
5 have been modeled.

6 In the modeling world, it's
7 very easy to determine whether or not it is a point
8 source that is causing the low dissolved oxygen
9 because you can simply in the model eliminate the
10 contributions of deoxygenating waste from those
11 point sources, and if the water quality standards
12 still cannot be achieved, then you have a very good
13 indication that the point sources are not the cause
14 of the low dissolved oxygen.

15 We have done this in numerous
16 TMDLs, and it's better than two-thirds of the waters
17 that we have investigated have low dissolved oxygen,
18 low flow type situations where there just is not
19 adequate re-aeration in those streams to cause the
20 dissolved oxygen standard to be maintained.

21 So in those cases obviously we
22 don't get any credit for the TMDL because it's not
23 pollutant-related. It is primarily a situation that
24 is somewhat natural, but it's generally caused by a

1 situation where there's just not enough flow in that
2 stream to keep the DO up.

3 We don't anticipate that this
4 particular change of DO from a pollutant to a
5 non-pollutant is going to impact how we do the
6 TMDLs.

7 HEARING OFFICER RISTAU: Okay. A
8 little housekeeping, I think only two of these cards
9 here have check marks that they wish to speak and
10 make oral comments.

11 Am I correct that all of these
12 folks want to talk or is it only the two that are
13 marked?

14 MR. NEIBERGALL: Why don't we just
15 get a show of hands from people that would like to
16 talk.

17 HEARING OFFICER RISTAU: Are there
18 two people out there only that want to talk?

19 If you could raise your hands,
20 that will clarify it for me.

21 Okay. Is Roger Groth wanting
22 to make a comment?

23 MR. GROTH: Thank you. My name is
24 Roger Groth (G-r-o-t-h), and I'm the president of

1 Holi-Shor Association. We're a homeowner's
2 association of 1,200 members. Obviously, we're
3 concerned about the watershed impacting Holiday
4 Shores Lake.

5 We've been following this
6 water report process for quite some time now. Our
7 lake not only serves recreational purposes but also
8 provides a public water drinking source administered
9 by the Holiday Shores Sanitary District, so this
10 issue is one that's very, very important to us.

11 Within the past 12 months, the
12 homeowners association has gone to considerable
13 expense to acquire 37 acres just to the north of our
14 lake that comprises the main watershed known as
15 Joulter's Creek coming into our lake, so by making
16 that purchase, we intend to apply for Clean Water
17 Act grant, for federal assistance in arresting the
18 silt and sedimentation coming into the lake.

19 What we'll be doing with this
20 piece of real estate is we'll be taking ten
21 heretofore tillable acres out of acreage production,
22 converting it to the necessary processes, barrier
23 strips, etc., to buffer out the sediment. We'll, in
24 essence, be further establishing approximately 17

1 when we get to the TMDL process that Dean was
2 referring to, we will have to make those kinds of
3 determinations in the modeling process itself, so we
4 will be able, through our modeling, to determine
5 whether BOD is an issue and whether it is causing a
6 low DO through that modeling process.

7 We really don't have a
8 criteria that we can use upfront to try to do that,
9 so we'll have to do that through the TMDL process,
10 through the various modeling studies that we do when
11 we get to those TMDLs that Dean was talking about.

12 MS. SKRUKRUD: Okay. Thanks. I
13 have a couple more questions.

14 I'm now looking on Table C-5
15 which is on page 53. It just lists the guidelines
16 for identifying potential causes of impairment in
17 streams, and in September of '07, IEPA had derived a
18 water quality standard for acetochlor, but I don't
19 see that included in this table, and I wondered why
20 that was missing.

21 MR. MUIR: I'll answer that
22 question while I'm at it here.

23 There are a large number of
24 derived criteria. We didn't put them all on that

1 table because it would make the table extremely
2 large.

3 Most of the time we don't have
4 water data for those types of parameters. The
5 parameters that are in this table tend to be the
6 parameters that we typically get data for in our
7 water quality sampling.

8 However, there is a note in
9 that Table C-5 that talks about any derived criteria
10 is a criteria that we would use. If we, in fact,
11 had that data for acetochlor that you mentioned or
12 any other derived criteria, if we have data for that
13 parameter, we will use that parameter as a criteria.

14 We just didn't put it in the
15 table because there are a large number of them, and
16 it would make the table quite large, and we
17 typically don't have data for those types of
18 parameters.

19 MS. SKRUKRUD: Okay. Thank you.

20 And then again on that same
21 table, I see that fish kills is now listed as a
22 non-pollutant cause of impairment.

23 In the 2006 list, fish kills
24 was listed as a kind of narrative standard to

1 indicate a dissolved oxygen impairment, and so my
2 question is when there's a fish kill, what are the
3 plans now? How are you going to attribute that to
4 some source of pollution?

5 MR. MUIR: I don't really think
6 we've changed how we deal with fish consumption or,
7 excuse me, fish kills. We've just worded it
8 slightly different in the table, but, in fact, we
9 haven't really changed that. Fish kills was a
10 non-pollutant cause in the 2006 report.

11 Basically what we did in the
12 2006 and what we do in the 2008 report is if we have
13 a documented fish kill, that will be listed as a
14 cause of impairment, and we will look at our
15 monitoring data then to try to determine what the
16 cause of that fish kill was. If we have low DO, if
17 we have high pesticide levels or some other levels
18 in the water, that will also be then listed as a
19 cause of impairment, and that would be the cause
20 that we would perhaps do a TMDL on if it was
21 identified.

22 And in many cases, we end up
23 being too late with our sampling and we haven't
24 caught what exactly was the cause of the fish kill,

1 and in those cases, we simply just have to list
2 cause unknown and try to investigate it further
3 until we find out what the cause was.

4 But fish kills was and still
5 is listed as a non-pollutant cause of impairment.
6 It's the result of the pollutant is what it is.

7 MS. SKRUKRUD: Thanks. That's all
8 I have.

9 HEARING OFFICER RISTAU: All right.
10 Are there any other questions or comments that
11 someone else would like to make?

12 Would any of those people that
13 have already spoke like to offer follow-up?

14 Okay. Not seeing anyone:

15 MS. SKRUKRUD: Wait, wait. Well, I
16 just -- I mean, I had some more questions but I
17 thought they were maybe a little not quite on
18 target, but seeing as it's not noon yet, on the
19 discussion I think on page 9 where you talk about
20 removing total nitrogen as an impairment, one of the
21 reasons that you used was that you typically don't
22 collect total nitrogen data in streams.

23 Is there a plan to collect
24 total nitrogen data in the future or does this mean,

1 when we remove this impairment, does it mean we're
2 not going to be looking at the total nitrogen in our
3 streams?

4 MR. MUIR: We don't have any plans
5 that I'm aware of to change the basic parameters
6 that we're monitoring for in streams in terms of
7 nitrogen.

8 The issue was in streams, we
9 didn't collect, typically didn't collect total
10 Kjeldahl nitrogen which is what is needed in order
11 to calculate the total nitrogen. We did have
12 nitrate data and ammonia data, but we didn't have
13 the total Kjeldahl data that you needed in order to
14 calculate what the total nitrogen values were.

15 We, as far as I know, don't
16 have any plans to change what we're intending to
17 collect in streams in terms of nitrogen. I think
18 we'll continue to do the same.

19 Am I wrong?

20 MR. SOFAT: No. That's fine.

21 MS. SKRUKRUD: And then just as a
22 follow-up to my question about acetochlor, I
23 wondered in terms of stream monitoring, you know,
24 essentially, that was a pollutant that you didn't

1 have a standard for before.

2 Does that mean now that you'll
3 add that to your monitoring?

4 That's why I thought this
5 question might be a little far afield.

6 MR. GOOD: Gregg Good with Illinois
7 EPA.

8 It's a good observation, and
9 something we have not quite frankly done a good job
10 at of recent is looking at our pesticide list.

11 We're kind of tied right now
12 to that list on what our laboratory can do, and
13 quite frankly, we haven't talked with our laboratory
14 to investigate whether or not we should look at
15 that, but it's certainly something that's commonly
16 used and something that should eventually get on
17 that list, yes.

18 MS. SKRUKRUD: Great. Thank you.

19 HEARING OFFICER RISTAU: Is there
20 anyone else?

21 Please stand and state your
22 name and spell it for the court reporter, please.

23 MR. McFALL: Larry McFall
24 (M-c-F-a-l-l) with the Rock River Water Reclamation

1 District and also representing SCORE.

2 A couple of comments regarding
3 the listing of the Rock River.

4 I do see in this listing
5 causes of impairment are, at least in one case, fish
6 kills and low dissolved oxygen.

7 My agency knows of no fish
8 kills in at least our segments of the Rock River
9 within the last ten years.

10 Additionally, we have supplied
11 data to IEPA, and there were at least a few data
12 points in 2005 that would indicate that the
13 dissolved oxygen levels in the Rock River are at a
14 minimum 7 milligrams per liter.

15 I guess I'm questioning why
16 with the most recent data indicating that there's
17 not a DO impairment and nothing, at least in my
18 understanding, in the last ten years in terms of
19 fish kills, why these two causes are still listed in
20 the report.

21 MR. GOOD: I'm not going to be able
22 to answer that question. We've got a couple
23 thousand plus assessments in this thing, and I think
24 we're just going to have to address those in the

1 responsiveness summary and get into the details.

2 I don't know if you submitted
3 your data to us pursuant to the request that went
4 out to get data to us for consideration in this
5 report. I don't know when or why we listed right
6 off the top of my head fish kills. I just don't
7 know that information right now.

8 But in the responsiveness
9 summaries, I understand we'll respond to your
10 question as to why fish kills are still listed and
11 why DO is listed.

12 Would that be appropriate?

13 MR. McFALL: Well, I guess the
14 follow-up would be how old of data would you still
15 be looking at in terms of support? In other words,
16 if there was a fish kill 15 years ago and nothing
17 since then, would that still be listed as a cause?

18 MR. MUIR: Let me address that.

19 No, it would not be still
20 listed likely for the Rock River because we collect
21 data there on a regular basis.

22 Basically, whatever the causes
23 are that we list, they're going to stay the same
24 until we collect new data that says those causes

1 aren't there anymore, that we've got new data now
2 that show that those causes have been removed or
3 they're not in existence.

4 So in the case of the Rock
5 River, again, we can't answer the specifics about
6 the fish kill. We'd have to look that up and go
7 back to it and tell you what that was based on and
8 what year that data was from.

9 The other point that I would
10 like to make is that we generally are updating our
11 assessments on a rotational basis so we're on kind
12 of like a five-year rotational plan, and it's
13 possible that -- and we didn't update the Rock River
14 in this assessment, isn't that true, Joe? Where is
15 Joe at?

16 Well, I don't think we updated
17 the Rock River assessments in this cycle. I'm going
18 to make that a tentative statement. I don't think
19 we did.

20 So in other words, those
21 assessments would still be the same as the 2006
22 assessments because we probably didn't collect any
23 or assemble and evaluate any of the new data for
24 those segments because they weren't in the basins

1 that we were updating this cycle.

2 So it's possible that any of
3 that data might have been from as long as, you know,
4 five years ago that we collected that data or even a
5 little bit longer.

6 I'm trying to give you some
7 general information about the time frame that we're
8 looking at data, but as Gregg said, I just am not
9 aware of the specifics of those particular segments.

10 We'll have to look that up and
11 respond in the responsive summary.

12 MR. McFALL: And I understand that.

13 Would you foresee the Rock
14 River being updated in the next listing?

15 MR. MUIR: I'm sorry. I just don't
16 know.

17 Do you want to respond, Joe?

18 MR. MARENCIK: Joe Marencik
19 (M-a-r-e-n-c-i-k) with Illinois EPA.

20 As Dave mentioned, we do the
21 basins on a five-year rotation. The Rock was done
22 in 2003. It's due again to be done this year in
23 2008.

24 Since we've run behind on the

1 reporting schedule, it won't be picked up in the
2 next one. It won't be picked up until the 2010
3 Integrated Report.

4 So the last time the Rock
5 would have been assessed would have been the 2006
6 Integrated Report.

7 HEARING OFFICER RISTAU: A question
8 in the back?

9 MR. KOHLBUSS: Hi. My name is
10 Terry Kohlbuss. That's T-e-r-r-y K-o-h-l-b-u-s-s.
11 I'm the director of the Tri-County Regional Planning
12 Commission.

13 I have two questions for you.
14 If they're not appropriate, just tell me and I'll be
15 happy to sit down.

16 My first one is regarding a
17 study that we are ramping up to with the U.S.G.S. on
18 our particular Peoria lakes.

19 Is there anything else that we
20 need -- I think we've sent you a copy of the scope
21 of work for that study, and I just want to be extra
22 sure that we've done everything we can to make sure
23 that that study is helpful to you and anybody else
24 that's going to be involved in TMDL development for

1 our piece of the Illinois River.

2 And secondly, is there
3 anything else that we can do locally to accelerate
4 the process for TMDL development in our area so that
5 we can get our particular Peoria lakes and our piece
6 of the Illinois River back to a user friendly state
7 as quickly as possible.

8 MR. GOOD: I'll make two comments.

9 One, as surface water section
10 manager, I don't believe I've seen the report, so if
11 you want to get it in my hands, and maybe Dean has.

12 MR. KOHLBUSS: It's not important.
13 It's the scope of work.

14 MR. GOOD: The scope of work, okay.

15 And the second is you may be
16 the first one I've ever heard of who wants to be on
17 the 303(d) list.

18 MR. STUDER: Personally, I have not
19 seen the scope of work. I do know that it does
20 exist. I do know that it's been within the agency,
21 and I think the response is that we will respond to
22 the specific scope of work independent of this
23 particular proceeding as we're just here to,
24 essentially, our main focus is to gather information

1 on the methodology and on the 303(d) list.

2 But I think you bring up some
3 valid points and that you need a response from the
4 agency.

5 MR. KOHLBUSS: And as quickly as
6 possible because we're not very many weeks away from
7 authorizing U.S.G.S. to get started on this work.

8 And another thing just to
9 follow up on your point about wanting to be on the
10 list, just to give you as an example, we've also
11 worked closely obviously with our Regional Planning
12 Commission which serves Peoria, Tazewell, and
13 Woodford County, but also the local council of
14 governments and it involves a bunch of mayors, and
15 they've encouraged us to push forward with this
16 U.S.G.S. study, and they understand specifically the
17 implications of TMDL.

18 They've gone farther and sent
19 letters to every general purpose unit of government
20 in their region saying if you have any problems with
21 starting a TMDL process as it will probably cost
22 money and make you change the way you do things to
23 address this criteria problem, let us know now.

24 We have not had a single bit

1 of response.

2 So it goes beyond, in our
3 case, not wanting to be on the list. We
4 aggressively want to be on the list. We want to get
5 this addressed as quickly as possible.

6 MR. STUDER: Thank you.

7 HEARING OFFICER RISTAU: Is there
8 anyone else that would like to make a comment or ask
9 a question?

10 Yes, sir?

11 MR. PFISTER: My name is Ralph
12 Pfister. That's P-f-i-s-t-e-r. I represent the
13 Yorkville Bristol Sanitary District. We discharge
14 to the Fox River.

15 I kind of want to ask the
16 question to follow up the Rock River question.

17 At what time will the agency
18 be taking data or information from the Fox? Where
19 are we at on this rotation? I do realize there's a
20 Fox River study group that's doing some work too but
21 what is our timetable for that?

22 MR. GOOD: Joe, do you know when
23 you're going to be out on Fox River?

24 MR. MARENCIK: Joe Marencik, IEPA.

1 The Fox Basin was done last
2 year, so that's 2007, and so that won't fall into a
3 reporting cycle until the next cycle, so the 2008
4 assessment cycle, sorry, 2010.

5 MR. PFISTER: Could I ask where is
6 this data collected?

7 HEARING OFFICER RISTAU: Can you
8 repeat the question for the court reporter? I'm
9 sorry.

10 MR. PFISTER: Sorry?

11 HEARING OFFICER RISTAU: Repeat the
12 question for the court reporter.

13 MR. PFISTER: Where is the data
14 collected?

15 MR. MARENCIK: From roughly 40 to
16 50 sites throughout the upper and lower Fox basins.
17 It's about 45 sites.

18 MR. PFISTER: Anything near
19 Yorkville?

20 MR. MARENCIK: I can't make a
21 comment on where the sites are specifically.

22 We have a list of where all
23 these sites are. There's maps that show where all
24 these sites are, but they're quite widespread both

1 on main stem and tributaries.

2 MR. PFISTER: Can I get the
3 information, please?

4 MR. STUDER: Yeah, that's something
5 that we can put in the responsiveness summary. We
6 can look at where those sites were gathered and put
7 it in the responsiveness summary for you.

8 MR. MARENCIK: And it's on the Web
9 site. I'm pretty sure that somewhere on IEPA Web
10 site there's a map that shows where these basin
11 stations are.

12 MR. PFISTER: Thank you.

13 MS. SKRUKRUD: Cindy Skrukraud
14 again. I just wondered, as a follow-up to that, I
15 wondered when will you have the data on the Fox
16 compiled and then potentially could you come and
17 give a presentation at the Fox River study group?

18 MR. MARENCIK: Joe Marencik, IEPA.
19 Yeah, something like that
20 could be arranged as time allows.

21 As many people in the room can
22 attest, we're really short on staff, so trying to
23 find time, especially during our busy season to
24 break away and do presentations, that becomes a

1 little bit difficult but we are always available.

2 HEARING OFFICER RISTAU: Okay.

3 Anyone else?

4 All right. Not seeing anyone
5 who expresses an interest in making comments or
6 asking questions, I will prepare to conclude this
7 hearing.

8 Once again, I remind you that
9 the record will stay open until midnight, May 27,
10 2008.

11 As previously explained,
12 comments submitted by regular mail or e-mail will be
13 made part of the record and responded to if needed
14 in the responsiveness summary.

15 On behalf of myself and the
16 director, thank you for attending the hearing.

17 This hearing is now adjourned,
18 and we'll go off the record.

19 (Ending time: 11:00 a.m.)

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