



Testimony in Opposition to the Proposed Chicago Area Waterways Recreation Study
Referenced in Purchase Order No. 08-0706
(May 15, 2008)

My name is Stacy Meyers-Glen. I am a Policy Coordinator with Openlands, a 45-year old conservation organization whose mission is to protect and enhance open space throughout Northeastern Illinois. Openlands has been closely following the Illinois Pollution Control Board proceedings concerning the Illinois Environmental Protection Agency's (Illinois EPA) proposed regulations that update Secondary Contact Water Quality Standards. Having reviewed the purchase order request (No. 08-0706) for the University of Illinois at Chicago to perform an interest survey, we think it is important to point out that the proposed study is not relevant to the draft regulations.

The purchase order, which appears to have been submitted before the Illinois EPA filed its proposed regulations last fall, bases the interest survey on primary contact recreational uses. Specifically, it states that "the survey is necessary to assess the desire of Cook County residents to engage in primary contact recreational activities such as swimming and boating in certain reaches of the [Chicago Area Waterways System]" The Illinois EPA proposed a different standard, replacing the current incidental contact use designation with three categories: limited contact recreational use, non-contact recreational use and non-recreational use. Since the study does not focus on the recreational use designations proposed by the Illinois EPA, the results would not be applicable to the proposed regulations.

We note that even if other parties to the proceeding raise the possibility of a primary contact use designation in the CAWS, the proposed survey would not be legally relevant to a determination as to whether this use is appropriate. The Clean Water Act and related regulations establish six factors for the Illinois EPA to consider in a Use Attainability Analysis when it evaluates whether a waterbody can support a designated recreational use. That decision pertains to what uses are attainable on these waterways, not the general consensus as to the value of such uses.

Since the study is based on an assumption regarding the proposed rules that is no longer accurate, and the results would not be applicable to the Illinois Pollution Control Board's determination in the proposed rulemaking, Openlands respectfully requests that the Metropolitan Water Reclamation District of Greater Chicago not approve the expenditure for the proposed study.

Thank you for your time and attention.

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