

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 30 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO) R04-25
DISSOLVED OXYGEN STANDARD)
35 ILL. ADM. CODE 302.206)

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

Richard McGill, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

SEE ATTACHED SERVICE LIST

Regular Mail

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the
Pollution Control Board the ILLINOIS EPA'S STATUS REPORT on behalf of the
Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Dated: November 29, 2005

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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(217) 782-5544

THIS FILING IS SUBMITTED ON
RECYCLED PAPER

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO) R04-25
DISSOLVED OXYGEN STANDARD)
35 Ill. Adm. Code 302.206)

NOV 30 2005
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS EPA'S STATUS REPORT

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits this Status Report in compliance with the Hearing Officer's Order of November 3, 2005. This report represents the position of the Illinois EPA as well as the Illinois Department of Natural Resources ("IDNR"). Illinois EPA states as follows:

- 1) Since the filing of Illinois EPA's last status report of October 28, 2005, Illinois EPA and IDNR continue to work to develop a state position concerning Illinois' current dissolved oxygen standard. The two agencies have held several meetings since the filing of the October 28, 2005 status report to further discuss various issues concerning the development of an interim tiered approach for dissolved oxygen.
- 2) Since the filing of the October 28, 2005 status report, staff from the Illinois EPA and IDNR staff have continued reviewing and analyzing data to determine what waters would warrant a higher dissolved oxygen standard, while focusing greater attention on developing a dissolved oxygen standard based on the data analyzed by both agencies. As previously stated, this process has been proven to be complex and time consuming for both agencies.

3) Illinois EPA and IDNR have developed a preliminary recommendation on modification of the current general use water quality standard. A fundamental aspect of the joint recommendation is that because natural variation of dissolved oxygen profiles within the broad range of general use waters of the State of Illinois, a single uniform standard is no longer appropriate. Additional categories and sophistication can be as complex and detailed as available information and data will support, however, Illinois EPA and IDNR believe that a two-tiered dissolved oxygen standard is a significant improvement over the current standard. Illinois EPA and IDNR are developing a proposal for Board consideration that will establish a two tiered dissolved oxygen standard, one tier is generally protective of a full and diverse aquatic community and the second sets incrementally higher oxygen levels for those systems supporting species believed to associate with higher ambient oxygen concentrations.

4) This preliminary recommendation was presented and discussed at a stakeholders meeting on November 15, 2005. This meeting was attended by IDNR, Illinois EPA, Illinois American Wastewater Agencies, Illinois Environmental Regulatory Group, Sierra Club, Prairie Rivers, US EPA, and Friends of the Chicago River. The stakeholders were asked to provide the two agencies comments based on the information and concepts presented.

5) While stakeholders were asked to consider this preliminary recommendation and provide feedback at their convenience, Illinois EPA and IDNR need to move forward on two fronts: a) completion of our technical analysis, documentation and report preparation to develop a full record at a

future Board Hearing, and b) refinement of specific language of a proposed standard for the Board's consideration.


6) It is our intent to complete this effort and be ready to proceed to a hearing as early the month of March 2006.

7) Accordingly, Illinois EPA and IDNR proposes that and would request the Hearing Officer schedule an additional status report to be filed by Illinois EPA on or before **January 31, 2006**. In this status report, Illinois EPA will explain the progress to date, the status of stakeholder discussions and meetings. Also, Illinois EPA will include if appropriate the suggested dates for a fourth hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:



Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

Date: November 29, 2005

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) SS.
COUNTY OF SANGAMON)

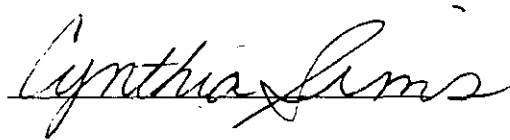
PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Illinois EPA's Status Report upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago, Illinois 60601 (OVERNIGHT VIA MAIL)	Richard McGill, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago, Illinois 60601 (OVERNIGHT VIA MAIL)
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Regular Mail**

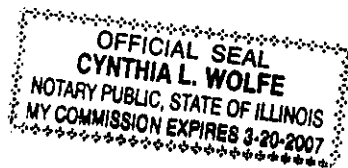
and mailing it by First Class Mail from Springfield, Illinois on November 29, 2005, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 29th day of November, 2005


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

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