

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND) R08-9 Subdocket A
EFFLUENT LIMITATIONS FOR THE) (Rulemaking – Water)
CHICAGO AREA WATERWAY SYSTEM)
AND LOWER DES PLAINES RIVER)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE 301, 302, 303, and 304)

NOTICE OF FILING

TO:

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

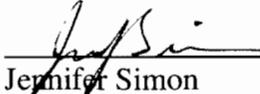
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Chicago, IL 60601

Deborah J. Williams, Assistant Counsel
Stefanie N. Diers, Assistant Counsel
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1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Persons included on the attached
SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board STEPAN COMPANY'S MOTION FOR LEAVE TO REPLY and CONCURRENCE WITH MIDWEST GENERATION'S REPLY TO THE COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED RESIDENTIAL USE DESIGNATION RULES, a copy of which is herewith served upon you.

STEPAN COMPANY


Jennifer Simon

Date: May 25, 2010

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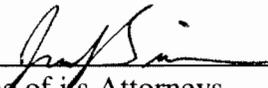
**STEPAN COMPANY'S MOTION FOR LEAVE TO REPLY
TO THE COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY ON THE PROPOSED RESIDENTIAL USE DESIGNATION RULES**

STEPAN COMPANY ("Stepan") hereby moves for leave to file instant a reply to the April 15, 2010 "Post Hearing Comments of the Illinois Environmental Protection Agency" and in support of the motion and reply filed by Midwest Generation, L.L.C. ("MWGen") on May 17, 2010. In support of this motion, Stepan states:

1. On April 15, 2010, the Illinois Environmental Protection Agency (hereinafter, the "Agency") filed its final comments to Subdocket A, which included proposed rule changes which belong under Subdocket C, not Subdocket A.
2. On May 17, 2010, MWGen filed a reply to those final comments in which it raised similar concerns regarding the Agency's misplaced proposed rule changes.
3. Stepan seeks to file this concurrence with MWGen's reply to the Agency's April 15, 2010 final comments to ensure that rulings issued under Subdocket A do not conflict with the issues properly addressed in other Subdockets.
4. Stepan's Concurrence is attached to this motion.

WHEREFORE, Stepan respectfully moves for leave to file the attached concurrence with MWGen's reply to the Agency's April 15, 2010 final comments.

STEPAN COMPANY



One of its Attorneys

Date: May 25, 2010

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WATER QUALITY STANDARDS AND) R08-9 Subdocket A
EFFLUENT LIMITATIONS FOR THE) (Rulemaking – Water)
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PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE 301, 302, 303, and 304)

**STEPAN COMPANY'S CONCURRENCE WITH MIDWEST GENERATION'S REPLY
TO THE COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY ON THE PROPOSED RESIDENTIAL USE DESIGNATION RULES**

STEPAN COMPANY ("Stepan") respectfully submits this concurrence with the Reply to the Comments of the Illinois Environmental Protection Agency on the Proposed Residential Use Designation Rules, filed by Midwest Generation, L.L.C. ("MWGen") on May 17, 2010. In support of this concurrence, Stepan states as follows:

1. On March 18, 2010, the Illinois Pollution Control Board divided the R08-9 rulemaking into four Subdockets. It explained the topics permitted under each Subdocket in the following way:

Subdocket A, will deal with the issues related to recreational use designations and Subdocket B will address issues relating to disinfection and whether or not disinfection may or may not be necessary to meet those use designations. Subdocket C, will be created to address the issues involving proposed aquatic life uses. Subdocket D, will be created to address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

(Order of the Board, R08-9 (water), March 18, 2010, at 20.)

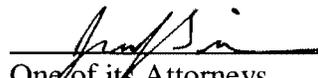
2. Stepan has reviewed the Post-Hearing Comments of the Illinois Environmental Protection Agency (hereinafter, the "Agency") filed on April 15, 2010 in Subdocket A and the Reply to the Comments filed by MWGen. Stepan agrees with MWGen that portions of the

amendments requested by the Agency in its Post-Hearing Comments are beyond the scope of Subdocket A and that their consideration here will adversely prejudice issues to be decided in Subdocket C. Specifically, the Agency requested the Board to adopt proposed revisions to 35 Ill. Adm. Code Sections 302.402 and 303.204 that would include new language related to aquatic life uses for the Chicago Area Waterway System and Lower Des Plaines River and would delete references to the existing indigenous aquatic life standards.

3. As persuasively argued by MWGen, any changes in the current regulations related to aquatic life uses are properly within the scope of Subdocket C, in accordance with the Board's Order dated March 18, 2010. Accordingly, it is improper for the Agency to include the requested amendments described above in a filing made in Subdocket A.

WHEREFORE, Stepan concurs with MWGen's Reply to the Comments and requests that the Board reject the suggestion of the Agency that its proposed amendments to sections 302.402 and 303.204 be considered for decision by the Board in Subdocket A.

STEPAN COMPANY



One of its Attorneys

Date: May 25, 2010

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 25th day of May, 2010, I have served electronically the attached STEPAN COMPANY'S MOTION FOR LEAVE TO REPLY and CONCURRENCE WITH MIDWEST GENERATION'S REPLY TO THE COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED RESIDENTIAL USE DESIGNATION RULES, and NOTICE OF FILING upon the following person:

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and by U.S. Mail, first class postage prepaid, to the following persons:

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
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Deborah J. Williams, Assistant Counsel
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