

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF:	)	
	)	
TRIENNIAL REVIEW OF WATER	)	R11-18
QUALITY STANDARDS FOR BORON,	)	(Rulemaking – Water)
FLUORIDE AND MANGANESE;	)	
AMENDMENTS TO 35 ILL. ADM. CODE	)	
302.SUBPARTS B, C, E, F AND 303.312	)	

NOTICE OF FILING

To: John T. Therriault  
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Illinois Pollution Control Board  
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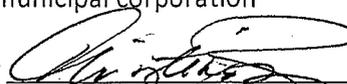
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Please take notice that on July 8, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **COMMENTS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES**, a copy of which is served upon you.

Respectfully submitted,

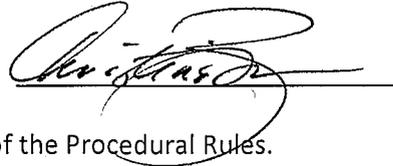
THE CITY OF SPRINGFIELD,  
a municipal corporation

By   
One of its Attorneys

Dated: 7/8/11  
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on July 8, 2011, I have filed electronically the attached **COMMENTS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES**, upon John Therriault, Assistant Clerk, and by First Class Mail, postage prepaid, a true and correct copy to the individuals named on the foregoing Notice of Filing on July 8, 2011, from Springfield, Illinois.



This filing uses recycled paper as defined in Subpart B of the Procedural Rules.



**OFFICE OF PUBLIC UTILITIES  
CITY OF SPRINGFIELD, ILLINOIS**

**J. MICHAEL HOUSTON, MAYOR**

July 8, 2011

Clerk's Office  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, IL 60652

RE: R11-18, Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese

Dear Clerk and Members of the Board:

The City of Springfield, City Water Light & Power (CWLP), appreciates this opportunity to comment on the Illinois EPA's proposed acute and chronic water quality standards as to boron. We also want to thank the Board for the opportunity to question Agency witnesses at the 1<sup>st</sup> hearing, principally as to the proposed chronic standard for boron, where no boron chronic standard now exists, and its determination that the chronic standard is technically feasible and economically reasonable. As is evident from the Agency's Statement of Reasons and testimony, CWLP is in a unique position, one of only two electric generating units in Illinois whose previously-granted relief by this Board from the singular water quality standard for boron (in AS 94-9) may not become moot if the Board adopts the chronic standard for boron as proposed.

To use a term the Agency uses in this rulemaking as to certain test results on boron, CWLP finds itself in a confounded position regarding the proposed standards: we support the Agency's relaxing of the acute or maximum boron standard to 40.1 mg/L, while concerned with the proposal to establish for the first time a chronic standard of 7.6 mg/L, a more stringent standard than the 11 mg/L "Adjusted Standard" applicable to CWLP's discharge from its ash pond, approved by the Board in AS94-9, a standard which CWLP exceeded beginning in 2003 once it began operation of its selective catalytic reduction (SCRs) air pollution control systems to reduce NO<sub>x</sub> emissions. (See, Opinion and Order of the Board, April 2, 2009, in re: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power, and Springfield Metro Sanitary District from 35 Ill.Adm.Code 302.208(g):New 35 Ill.Adm.Code 303.446, R09-8 at pp. 5, 11-12, 24.)

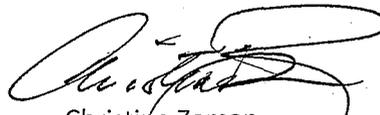
CWLP is providing comment, rather than testimony, because the records in the two Board proceedings referenced above support CWLP's position that the proposed chronic standard is neither technically feasible nor economically reasonable as to CWLP. For example, in the Opinion and Order of the Board, December 1, 1994, in re: Petition of the City of Springfield, Office of Public Utilities for an Adjusted Standard from 35 Ill.Adm.Code 302.208(e), AS 94-9, p.4, the Board notes that for the period from January 1987 to October 1992, (before CWLP began operating its SCRs for NO<sub>x</sub> reduction) CWLP's outfall 004 had boron levels ranging from 1.80 mg/L to 10.19 mg/L with an average of 6.12 mg/L. But, as noted above from the Opinion and Order (and record) in R09-8, "[t]he record indicates that CWLP historically met the adjusted standard (of 11 mg/L) until the operation of SCRs used to help control air emissions at the Dallman Units were placed in operation" at p.24; 5, 11-12.

The record in R09-8 also shows that CWLP was issued a Violation Notice by the Agency for exceeding its adjusted standard of 11 mg/L for boron at outfall 004, whereupon CWLP agreed as part of its compliance commitment agreement with the IEPA to investigate several alternatives. Opinion and Order in R09-8, p.9. The Statement of Reasons and testimony of CWLP witnesses in the R09-8 Site Specific Rulemaking address numerous alternatives CWLP researched, investigated and even preliminarily attempted in order to meet the adjusted standard of 11 mg/L in its ash pond discharge and in Sugar Creek where the ash pond discharges. CWLP was asked by the Board at hearing in R09-8 to provide additional information, including a table summarizing the alternatives it investigated and/or preliminarily tried in order to meet the adjusted standard of 11 mg/L in the discharge from its ash pond and in Sugar Creek, a 7Q10 stream. In response to the Board's request and hearing officer's order at hearing in R09-8, CWLP supplemented the record through post-hearing comments that included "Table of Boron Mitigation Options", Exhibit 3, here. Therefore, the Boron Mitigation Options table, Exhibit 3 here, is an analysis of options for CWLP to meet the adjusted standard of 11 mg/L, rather than an analysis of options to meet the existing boron water quality standard of 1 mg/L, as suggested in Agency testimony at the 1<sup>st</sup> hearing in this rulemaking.

The Site Specific Rule granted by the Board in R09-8 was filed to enable the Springfield Metro Sanitary District (District) to accept a pretreated industrial effluent (the FGD discharge) from CWLP's power plant, following CWLP's construction of a treatment facility and pipeline, to reroute the FGD discharge that had been sluiced to CWLP's ash pond, and pump it instead to the District's Spring Creek plant. Opinion and Order in R09-8 at pp. 2, 5, 13. Testimony of the Agency's Brian Koch at the 1<sup>st</sup> hearing in this rulemaking acknowledged that CWLP has implemented the plan contemplated in R09-8, now transferring its FGD effluent to the District.

CWLP understands the Agency's testimony that as a rule of general applicability, its determination that the proposed boron chronic standard is technically feasible and economically reasonable is not necessarily universal (and therefore may not be technically feasible or economically reasonable as to CWLP). CWLP is concerned, too, that the averaging period to determine compliance with the boron chronic standard as it appears in the proposed regulation (at 302.208(e)) is less specific and may not be identical to the averaging period specified in one's current or future NPDES permit, potentially "confounding" averaging for compliance purposes. But CWLP also notes that there are several regulatory proposals pending (such as the proposed utility MACT rule, the proposed Coal-Combustion Residual regulation and revised effluent limits for coal fired electric generation units) as well as market conditions, that may impact our ash pond and outfall 004 in the near future in. Accordingly, CWLP is not presently in a position to suggest through testimony or other evidence alternatives to the proposals of the Illinois EPA, but appreciates the opportunity provided by the Board to have participated in this rulemaking and to have made its concerns part of this record.

Respectfully submitted,



Christine Zeman  
Regulatory Affairs Director