

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 20 2002

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
WATER QUALITY AMENDMENTS TO )  
35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), )  
302.575(d), 303.444, 309.141(h); and )  
PROPOSED 35 Ill. Adm. Code 301.267, )  
301.313, 301.413, 304.120, and 309.157 )

R02-11  
(Rulemaking-Water)

NOTICE OF FILING

PLEASE TAKE NOTICE that on this date, February 20, 2002, I filed with Dorothy Gunn, Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, the enclosed Pre-filed Testimony of Cynthia L. Skrukud and the Questions to Illinois EPA of the Sierra Club and the Environmental Law and Policy Center.

  
Albert F. Ettinger

Albert F. Ettinger, Senior Attorney  
Environmental Law and Policy Center  
35 East Wacker Drive, Suite 1300  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FEB 20 2002

STATE OF ILLINOIS  
*Pollution Control Board*

IN THE MATTER OF: )  
)  
WATER QUALITY AMENDMENTS TO )  
35 Ill. Adm Code 302.208(e)-(g), 302.504(a), ) R02-11  
302.575(d), 303.444, 309.141(h); and ) (Rulemaking-Water)  
PROPOSED 35 Ill. Adm. Code 301.367, )  
301.313, 301.413, 304.120, and 309.157 )

**PRE-FILED TESTIMONY OF CYNTHIA L. SKRUKRUD**

**Introduction**

The Sierra Club submits the following Pre-Filed Testimony of Cynthia L. Skrukud for presentation at the March 6, 2002 hearing scheduled in the above-referenced matter:

**Testimony of Cynthia L. Skrukud, Ph.D.**

My name is Cindy Skrukud. I work part-time for the Sierra Club on water quality matters. I have a B.S. in Bio-Agricultural Science from Colorado State University and a Ph.D. in Comparative Biochemistry from the University of California at Berkeley. In my work for the Sierra Club and as President of Friends of the Fox River, I have been following recent studies on the condition of the Fox River and have reviewed some recent work on the appropriate water quality standards for protection of aquatic life.

It is my testimony that the Board should not adopt several portions of the Illinois Environmental Protection Agency's proposal. First, the scientific evidence is not adequate to justify the proposed statewide loosening of cyanide standards. Second, while basing the standard for metals on the dissolved portion of the total metal concentration is acceptable, we are not convinced that the rule will be applied properly. Indeed, the Board should wait to decide on all of the proposed standard changes until the Agency explains how it is going to apply the standards. Finally, the proposed change to allow CBOD5 to be used in permits instead of BOD5 is not well thought out and not protective. The fact that the Agency took the law into its own hands 15 years ago by writing permits that violated the effluent rules established by the Board is not in itself a reason to approve the proposed change in the Board rules.

**I. Cyanide Standards Should Be Protective Of Mussels And Other Sensitive Species**

The Board should not weaken the cyanide standards without proof that native mussels would not require stronger standards. The testimony at the January 29, 2002 hearing indicates that

no information on freshwater mussel sensitivity to cyanide was used by IEPA staff as part of their derivation of the proposed new cyanide standards. At the Midwest Surface Water Monitoring and Standards Meeting held the first week of February this year, USEPA Region V staff reported on a review underway of new studies which show that mussels are more sensitive than other aquatic life forms to many pollutants, including ammonia, nickel, zinc, copper, and cadmium. The Board should ask the IEPA to use any available information on mussel sensitivity to cyanide to evaluate the impact of the proposed standards on this sensitive species.

In addition, the impact of the proposed standard on cool water native fish of Illinois such as sculpins should be evaluated. For example, the mottled sculpin is found in tributaries to the Fox River.

## **II. Zinc And Nickel Standards Should Protect Mussels**

The standards proposed for zinc and nickel are more stringent than the current standards. Yet given the reporting of the sensitivity of mussels to these metals, we ask that the Board require the IEPA to demonstrate that the proposed standards are protective of these fauna. The sensitivity of mussels to particulate metal should also be taken into account in the evaluation of the impact of conversion to standards based on the dissolved form of metals.

## **III. The Use Of The Conversion Factor And Metals Translator Should Be Clear**

The Board should not adopt dissolved standards without seeing how the proposed Conversion Factor and Metals Translator will be applied. For factors which involve hardness as a variable, this is important as the hardness of a given effluent may differ dramatically from that of its receiving stream. In addition, the specifics of how and when a site-specific Metals Translator will be deemed more appropriate and receive Agency approval need to be presented by the IEPA.

## **IV. Deoxygenating Waste Rule Should Be Protective Of Dissolved Oxygen Levels**

The Board should not adopt the proposed change in the Deoxygenating Waste Rule but should order IEPA to develop proper methods for protecting dissolved oxygen (DO) levels in Illinois waters. The evidence of low DO levels in Illinois streams is accumulating. Researchers from the Max McGraw Wildlife Foundation report measuring DO levels less than 5 mg/l at 9 out of 11 impoundments studied on the Fox River. In some cases, the standard was violated over a period of 16 hours.

Biological oxygen demand in effluent is made up of demand by both carbonaceous and nitrogenous components. To determine compliance with the Board's BOD5 standard by the analysis of CBOD5, as is proposed, would ignore the nitrogenous component of biological oxygen demand which a receiving water experiences.

Despite the IEPA's claim that nitrogenous BOD is regulated by the incorporation of ammonia nitrogen limits into a permit, testimony at the January hearing verified that the ammonia water quality standard is based on its toxicity, not its contribution to BOD loading to a water body. Ammonia limits are not adequate to limit BOD because some permits do not have ammonia limits

or have very loose ones. For example, a draft permit for the Beardstown Sanitary District has no ammonia limit despite the known dissolved oxygen problems in the Illinois River (Exhibit A). If the Board adopts the IEPA's proposed CBOD5 language, the Board will be approving IEPA's practice of allowing widely different actual loadings of BOD, depending only on the circumstances regarding ammonia toxicity. Differences in ammonia limits are based on the pH and temperature of the receiving waters, a factor in ammonia toxicity not its BOD.

It is our understanding that IEPA has been limiting CBOD5 in municipal permits although the current rule provides for BOD5 limits. IEPA now proposes to make things worse by allowing industrials to also substitute CBOD5 limits for BOD5 limits in their permits. In the case of GE Plastics, they currently have a BOD5 limit of 20/40 mg/l monthly/daily and an ammonia-Nitrogen limit of 3/6 mg/l monthly daily (Exhibit B). If because they nitrify, all the ammonia in their effluent is oxidized in the BOD5 test, ammonia may now contribute up to 13.8 mg/l BOD5 out of the 20 mg/l they are limited to on a monthly average basis. In this worst case scenario, that 13.8 mg/l of nitrogenous BOD5 would still exist as well as the 20 mg/l CBOD5 the proposed rules would allow them. This change could increase the amount of BOD going into the Illinois River by nearly 70%.

Clearly, the proposed change in the rule could significantly change the level of BOD which Illinois bodies of water will receive. USEPA requires that a lower CBOD limit be used when substituting for BOD in the one instance where it allows such substitution (25 mg/l CBOD5 for 30 mg/l BOD5). If the Board feels it must use CBOD5 as the measured parameter in permits, at minimum, you should use 8 and 16 mg/l CBOD5 instead of 10 and 20 mg/l BOD5. However, we strongly urge you to first consider the contribution which nitrogenous BOD makes to the total BOD load in a typical effluent as it appears that it can well be more than 15% of the total. Illinois' whole scheme for regulating deoxygenating wastes needs to be reconsidered.

#### **V. Implementation Rules Are Key To Understanding The Implications Of Proposed New Standards**

For all aspects of the proposal where we have concerns, the Board should not act before seeing the Agency's implementation rules. The proposed changes regarding cyanide, dissolved metals and BOD5 can only be understood if we have idea of how Agency will write the permits. Permit writing rules will ultimately drive how protective the standards will be and the cost of the standards. This is similar to Great Lake Water Quality Initiative and Antidegradation situations where the Board may ultimately decide to consider for inclusion in Board rules language the Agency thought should be in Agency rules.

Cynthia L. Skrukud  
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815-675-2594  
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NPDES Permit No. IL0025135  
Notice No. PNM:01052901.daa  
Public Notice Beginning Date: July 12, 2001

Public Notice Ending Date: August 13, 2001

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

PUBLIC NOTICE/FACT SHEET  
of  
Draft Reissued NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois EPA  
Division of Water Pollution Control  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

Name and Address of Discharger:

Beardstown Sanitary District  
1016 West Sixth Street  
Beardstown, Illinois 62618

Name and Address of Facility:

Beardstown S.D. STP  
1016 West Sixth Street  
Beardstown, Illinois  
(Cass County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES permit to discharge into the waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. All comments on the draft permit and requests for hearing must be received by the IEPA by U.S. Mail, carrier mail or hand delivered by the Public Notice Ending Date. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice numbers must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicates a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Pratap Mehra at 217/782-0610.

The following water quality and effluent standards and limitations were applied to the discharge:

Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board and the Clean Water Act were applied in determining the applicable standards, limitations and conditions contained in the draft permit.

The applicant is engaged in treating domestic and industrial wastewater for the City of Beardstown.

The length of the permit is approximately 5 years.

The main discharge number is 001. The seven day once in ten year low flow (7Q10) of the receiving stream Illinois River is 3634 cfs.

The design average flow (DAF) for the facility is 1.13 million gallons per day (MGD) and the design maximum flow (DMF) for the facility is 2.82 MGD. Treatment consists of screening, grit removal, primary settling, rotating biological contactors, final settling, vacuum sludge filter, lime stabilization, and combined sewage treatment consisting of primary settling and chlorination.

This reissued NPDES Reissued Permit does not increase the facility's DAF, DMF, concentration limits, and/or load limits.

**EXHIBIT A**

Application is made for the existing discharge(s) which are located in Cass County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Biological Stream Characterization
001	Illinois River	40°0'50" North	90°26'32" West	General Use	Not Rated
A01	Illinois River	40°0'50" North	90°26'32" West	General Use	Not Rated
B01	Illinois River	40°0'50" North	90°26'32" West	General Use	Not Rated

CSO controls consists of first flush treatment and primary treatment of dry weather flows.

To assist you further in identifying the location of the discharge(s) please see the attached map.

The stream segment(s) receiving the discharge from outfall(s) 001, A01 and B01 are not on the 303 (d) of list impaired waters.

The discharge(s) from the facility shall be monitored and limited at all times as follows:

Discharge Number 001:

Load limits computed based on a design average flow (DAF) of 1.13 MGD (design maximum flow (DMF) of 2.82 MGD).

Parameter	LOAD LIMITS lbs/day*			CONCENTRATION LIMITS mg/l			Regulation	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum		
CBOD <sub>5</sub>	188 (470)	377 (941)		20	40		35 IAC 304.120 40 CFR 133.102	
Suspended Solids	236 (588)	424 (1058)		25	45		35 IAC 304.120 40 CFR 133.102	
pH	Shall be in the range of 6 to 9 Standard Units						35 IAC 304.125	
Fecal Coliform	Daily Maximum shall not exceed 400 per 100 mL (May through October)						35 IAC 304.121	
Chlorine Residual							0.75	35 IAC 302.208

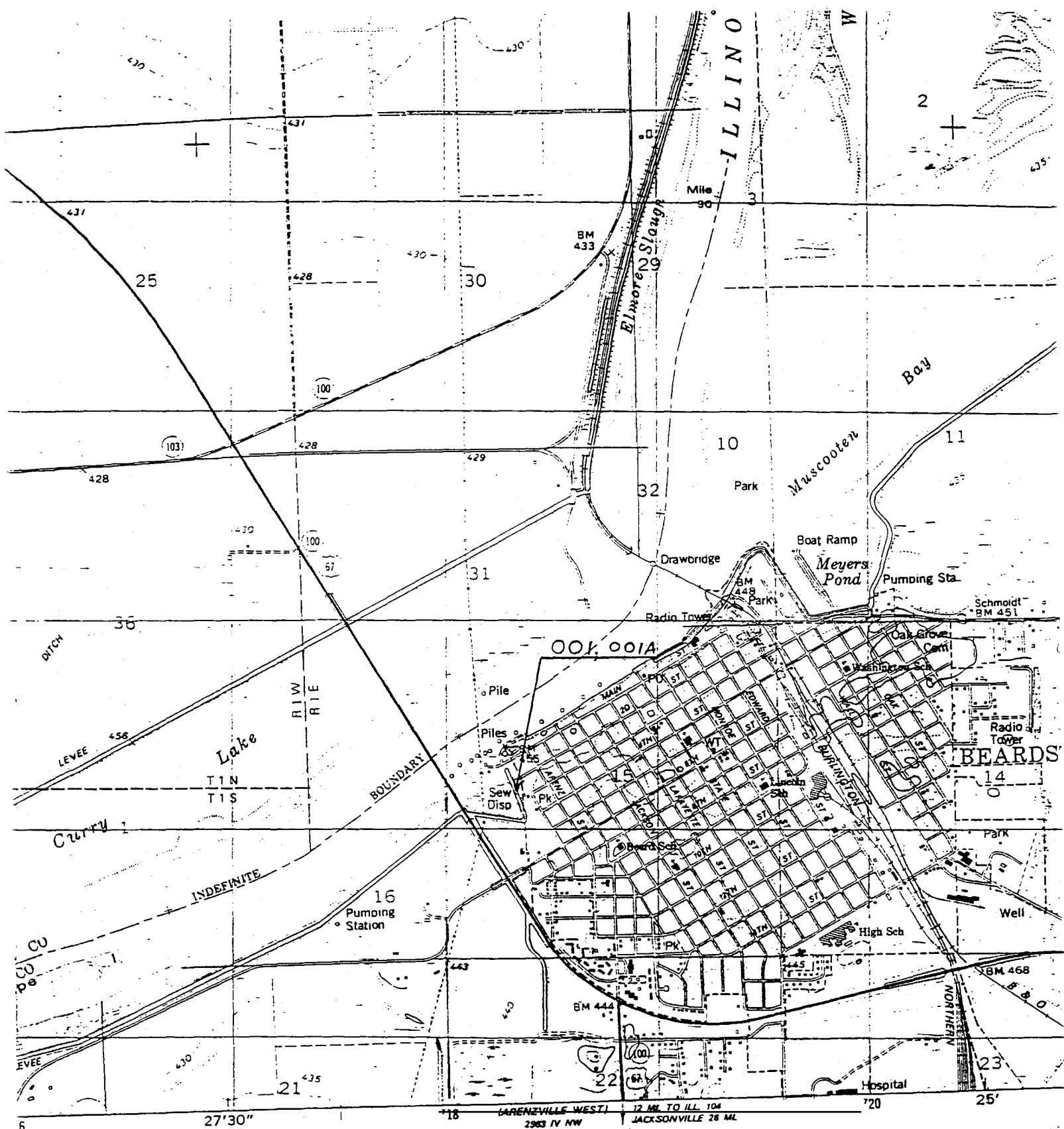
This permit contains an authorization to treat and discharge excess flow.

This draft permit also contains the following requirements as special conditions:

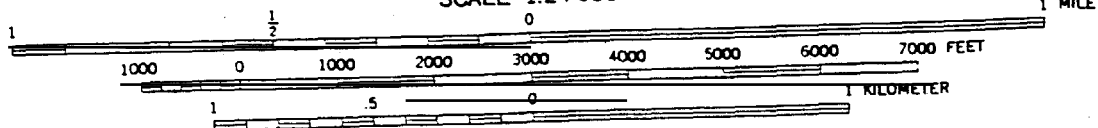
1. Reopening of the permit to include different final effluent limitations.
2. Operation of the facility by or under the supervision of a certified operator.
3. Submission of the operational data in a specified form and at a required frequency at any time during the effective date of this permit.
4. More frequent monitoring requirement without Public Notice in the event of operational, maintenance or other problems resulting in possible effluent deterioration.
5. Prohibition against causing or contributing to violations of water quality standards.
6. Effluent sampling point location.
7. Seasonal fecal coliform limits.
8. Monitoring for arsenic, barium, cadmium, hexavalent chromium, total chromium, copper, weak acid dissociable cyanide, total cyanide, fluoride, dissolved iron, total iron, lead, manganese, mercury, nickel, oil, phenols, selenium, silver and zinc is required eighteen (18) months prior to the expiration date and again at twelve (12) months prior to the expiration date and to submit the results of such tests with the NPDES renewal application prior to filing of the NPDES renewal application.
9. Burden reduction.

9. Burden reduction.
10. Submission of annual fiscal data.
11. The Permittee is required to perform biomonitoring tests 18th, 15th, 12th and 9th month prior to the expiration date of the permit, and to submit the results of such tests with the NPDES renewal application.
12. Submission of semi annual reports indicating the quantities of sludge generated and disposal of.
13. Submission of semi annual reports indicating the quantities of sludge generated and disposed.
14. Recording the monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month and submitting the forms to IEPA each month.

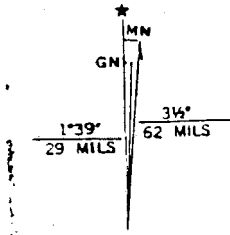
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SCALE 1:24 000



CONTOUR INTERVAL 10 FEET  
 DOTTED LINES REPRESENT 5-FOOT CONTOURS  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



GRID AND 1981 MAGNETIC NORTH  
 DECLINATION AT CENTER OF SHEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
 FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
 NATIONAL GEOLOGICAL SURVEY, WASHINGTON, D. C. 20508



NPDES Permit No. IL0001929  
Notice No. FLR:99021001.DLK

Public Notice Beginning Date: August 1, 2001

Public Notice Ending Date: August 31, 2001

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

Draft Reissued NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency  
Bureau of Water,  
Division of Water Pollution Control  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

Name and Address of Discharger:

GE Plastics  
2148 North 2753rd Road  
Ottawa, Illinois 61350

Name and Address of Facility:

GE Plastics  
2148 North 2753rd Road  
Ottawa, Illinois 61350  
LaSalle County

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES permit to discharge into the waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicates a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Fred Rosenblum at 217/782-0610.

The applicant is engaged in the manufacture of ABS plastic resins (SIC 2821). Cadmium was previously used as a pigment, but the Permittee eliminated all sources of cadmium from the plant site. Furthermore, methylene chloride is no longer used as a raw material and not manufactured in any process at the site. Waste water is generated from the use of well water from deep wells as a source for process water, contact and non-contact cooling water and sanitary wastewater. Plant operation results in an average discharge of 0.02 MGD of sanitary sewage treatment plant effluent at outfall A01, 1.506 MGD, contact and non-contact cooling water and storm water runoff at Outfall B01, 2.07 MGD of treated process water at outfall C01, an intermittent discharge of storm water runoff from the loading/unloading containment area at outfall D01, an intermittent discharge of storm water runoff from the tank farm containment area at outfall E01, a combined discharge of 3.461 MGD at Outfall 001, and an intermittent discharge of storm water runoff from the East Drainage Ditch at outfall 002.

Application is made for the existing discharges which are located in LaSalle County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Biological Stream Characterization
001	Illinois River	41° 19' 45" North	88° 45' 41" West	General Use	Not Rated
002	Illinois River	41° 19' 45" North	88° 45' 26" West	General Use	Not Rated

To assist you further in identifying the location of the discharge please see the attached map.

The stream segment receiving the discharge from outfalls 001 and 002 is on the 303 (d) list of impaired waters. The following parameters have been identified as the pollutants causing impairment:

Pollutants	Potential Contributors
Priority organics-slight, metals-high, nutrients-moderate, siltation-slight, flow alteration-slight, suspended solids-slight	Municipal point sources-slight, agriculture-slight, hydrologic/habitat modification-slight, flow regulation/modification-slight, other-high, in-place contaminants - high.

The discharges from the facility shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)			CONCENTRATION LIMITS mg/l		
	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
Outfall: 001						
Flow (MGD)						35 IAC 309.146
Total Copper				-	-	35 IAC 309.146
Total Cyanide				-	-	35 IAC 309.146
Total Lead				-	-	35 IAC 309.146
Acrylonitrile				-	-	35 IAC 309.146
Benzene				-	-	35 IAC 309.146
Carbon Tetrachloride				-	-	35 IAC 309.146
Hexachlorobenzene				-	-	35 IAC 309.146
2,4-Dinitrophenol				-	-	35 IAC 309.146
4,6-Dinitro-o-cresol				-	-	35 IAC 309.146
Benzo(a)anthracene				-	-	35 IAC 309.146
Benzo(a)pyrene				-	-	35 IAC 309.146

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)			CONCENTRATION LIMITS mg/l		
	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
3,4-Benzofluoranthene				-	-	35 IAC 309.146
Benzo(k)fluoranthene				-	-	35 IAC 309.146
Chrysene				-	-	35 IAC 309.146
Phenanthrene				-	-	35 IAC 309.146
Hexachlorobutadiene				-	-	35 IAC 309.146

The indicated parameters at outfall 001 will be monitored and reported but not limited.

The monitoring requirements for outfall 001 do not apply to storm water runoff at Outfall 001. A Storm Water Pollution Prevention Plan (SWPPP) applies to storm water runoff from Outfall 001.

Outfall: A01

Flow (MGD)						35 IAC 309.146
pH	Shall be in the range of 6 to 9 standard units					35 IAC 304.125
BOD <sub>5</sub>	10	50	35 IAC 304.120 & 309.143	30	60	35 IAC 304.120 & 309.143
Total Suspended Solids (TSS)	10	50	35 IAC 304.120 & 309.143	30	60	35 IAC 304.120 & 309.143
Fecal Coliform				-	400 counts per 100 ml	35 IAC 304.121
Total Residual Chlorine				-	0.05	40 CFR 125.3 & 402(a)(1) of CWA

Outfall: B01

Flow (MGD)						35 IAC 309.146
pH	Shall be in the range of 6 to 9 standard units					35 IAC 304.125
BOD <sub>5</sub>	183	365	35 IAC 304.120 & 309.143	20	40	35 IAC 304.120 & 309.143
TSS	228	456	35 IAC 304.120 & 309.143	25	50	35 IAC 304.120 & 309.143
Oil, Fats and Grease				15	30	35 IAC 304.124
Total Residual Chlorine				-	0.05	40 CFR 125.3 & 402(a)(1) of CWA

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)			CONCENTRATION LIMITS mg/l		
	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
Acrylonitrile	0.858	2.118	40 CFR 414.101 & 35 IAC 309.143	0.094	0.232	40 CFR 414.101 & 35 IAC 309.143
Methylene Chloride	0.329	1.552	40 CFR 414.101 & 35 IAC 309.143	0.036	0.170	40 CFR 414.101 & 35 IAC 309.143
Acenaphthene	0.173	0.429	40 CFR 414.101 & 35 IAC 309.143	0.019	0.047	40 CFR 414.101 & 35 IAC 309.143
Benzene	0.520	1.223	40 CFR 414.101 & 35 IAC 309.143	0.057	0.134	40 CFR 414.101 & 35 IAC 309.143
Carbon Tetrachloride	1.296	3.469	40 CFR 414.101 & 35 IAC 309.143	0.142	0.380	40 CFR 414.101 & 35 IAC 309.143
Chlorobenzene	1.296	3.469	40 CFR 414.101 & 35 IAC 309.143	0.142	0.380	40 CFR 414.101 & 35 IAC 309.143
1,2,4-Trichlorobenzene	1.789	7.248	40 CFR 414.101 & 35 IAC 309.143	0.196	0.794	40 CFR 414.101 & 35 IAC 309.143
Hexachlorobenzene	1.789	7.248	40 CFR 414.101 & 35 IAC 309.143	0.196	0.794	40 CFR 414.101 & 35 IAC 309.143
1,2-Dichloroethane	1.643	5.240	40 CFR 414.101 & 35 IAC 309.143	0.180	0.574	40 CFR 414.101 & 35 IAC 309.143
1,1,1-Trichloroethane	0.201	0.539	40 CFR 414.101 & 35 IAC 309.143	0.022	0.059	40 CFR 414.101 & 35 IAC 309.143
Hexachloroethane	1.789	7.248	40 CFR 414.101 & 35 IAC 309.143	0.196	0.794	40 CFR 414.101 & 35 IAC 309.143
1,1-Dichloroethane	0.201	0.539	40 CFR 414.101 & 35 IAC 309.143	0.022	0.059	40 CFR 414.101 & 35 IAC 309.143
1,1,2-Trichloroethane	0.292	1.159	40 CFR 414.101 & 35 IAC 309.143	0.032	0.127	40 CFR 414.101 & 35 IAC 309.143
Chloroethane	1.004	2.693	40 CFR 414.101 & 35 IAC 309.143	0.110	0.295	40 CFR 414.101 & 35 IAC 309.143
Chloroform	1.013	2.967	40 CFR 414.101 & 35 IAC 309.143	0.111	0.325	40 CFR 414.101 & 35 IAC 309.143
1,2-Dichlorobenzene	1.789	7.248	40 CFR 414.101 & 35 IAC 309.143	0.196	0.794	40 CFR 414.101 & 35 IAC 309.143
1,3-Dichlorobenzene	1.296	3.469	40 CFR 414.101 & 35 IAC 309.143	0.142	0.380	40 CFR 414.101 & 35 IAC 309.143
1,4-Dichlorobenzene	1.296	3.469	40 CFR 414.101 & 35 IAC 309.143	0.142	0.380	40 CFR 414.101 & 35 IAC 309.143

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FEB 20 2002

STATE OF ILLINOIS  
*Pollution Control Board*

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WATER QUALITY AMENDMENTS TO ) R02-11  
35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), ) (Rulemaking-Water)  
302.575(d), 303.444, 309.141(h); and )  
PROPOSED 35 Ill. Adm. Code 301.267, )  
301.313, 301.413, 304.120, and 309.157 )

**QUESTIONS TO ILLINOIS EPA OF SIERRA CLUB AND ENVIRONMENTAL LAW  
AND POLICY CENTER**

The Environmental Law and Policy Center and the Sierra Club hereby pose the following questions to the Illinois Environmental Protection Agency ("IEPA") regarding its proposal:

1. If the proposal is adopted, is it the intention of the IEPA to regulate deoxygenating wastes by issuing permits that use a CBOD5 effluent limit instead of a BOD5 in every instance in which a BOD5 limit is now specified by Section 304.120?
2. If the proposal is adopted, is it the intention of IEPA to regulate deoxygenating wastes now covered by 304.120 (b) with a limit of 20 mg/L CBOD5?
3. If the proposal is adopted, is it the intention of IEPA to regulate deoxygenating wastes now covered by 304.120 (c) with a limit of 10 mg/L CBOD5?
4. How does IEPA currently assure that discharges of deoxygenating wastes do not cause violations of dissolved oxygen standards?
5. Does IEPA ever regulate the discharge of ammonia to an extent greater than needed to prevent ammonia toxicity in order to prevent violations of dissolved oxygen standards? If so, please describe the number of times that this has been done and explain the circumstances in which this has been done.
6. Does IEPA currently require industrial dischargers of deoxygenating wastes to limit CBOD5 or BOD5? Under what circumstances do industrial permits have BOD5 limits? Under what circumstances do permits have CBOD5 limits?
7. Does IEPA currently calculate the total oxygen demand of a proposed discharge during the permitting process?

8. What is the basis for the choice of using the 10 to the fifth power risk factor for the proposed benzene human health standard?
9. For standards development, could Tier I methods have been used if the Agency had included data regarding North American species not living in the Midwest?
10. What, if anything, does the federal guidance say about where one should measure the a site specific total:dissolved metal ratio, in the effluent or in the receiving stream?
11. Exhibit H describes the different methods used to derive standards (Tiers I-III). Under the current procedure of publishing the BETX standards in the Illinois Register, you use Subpart F methods to derive General Use Standards. For your proposed standards in this proceeding, you choose to use Subpart E methods. Exhibit H states, " Subpart E uses a more refined approach that applies a more stringent safety factor when fewer families are represented." Why then are some of the currently published water quality criteria for BETX (p.2 of Exhibit F) more stringent than the proposed standards?
12. Regarding the proposed loosening of the cyanide standard-
  - a) why were 6 data sets rejected in Step 20 of the derivation?
  - b) how does the absence of a different insect order affect Step 22?
  - c) were any mussel data reviewed in considering the proposed standard?

Submitted by,




Albert Ettinger

Counsel for the Sierra Club and the Environmental  
Law and Policy Center of the Midwest

February 20, 2002

**CERTIFICATE OF SERVICE**

I, Albert F. Ettinger, certify that I have filed the above Notice of Filing together with an original and 9 copies of the Pre-Filed Testimony of Cynthia L. Skrukud and Questions to Illinois EPA of Sierra Club and Environmental Law and Policy Center, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, and served all the parties on the attached Service List by depositing a copy in a properly addressed, sealed envelope with the U.S. Post Office, Chicago, Illinois, with proper postage prepaid on February 20, 2002.

  
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