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APR 30 2004

STATE OF ILLINOIS
Pollution Control Board
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R 04-25
DISSOLVED OXYGEN STANDARD)
35 Ill. Adm. Code 302.206)

NOTICE OF FILING

See Attached Service List

PLEASE TAKE NOTICE that on **Friday, April 30, 2004**, we filed the attached **Motion To Replace Page 2 in Proposed Rule and Statement of Reasons** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ASSOCIATION OF WASTEWATER
AGENCIES

BY: 

One of Its Attorneys

Roy M. Harsch
Sheila H. Deely
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THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

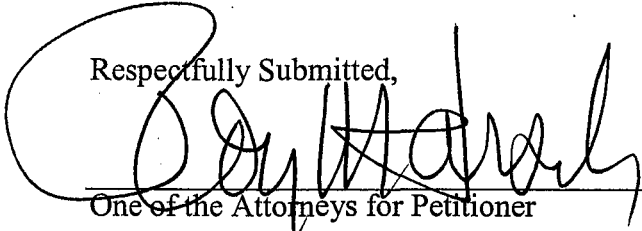
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)
PROPOSED AMENDMENTS TO) R 04-25
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35 Ill. Adm. Code 302.206)

MOTION TO REPLACE PAGE 2 IN PROPOSED RULE AND STATEMENT OF REASONS

The Illinois Association of Wastewater Agencies ("IAWA"), by its attorneys Gardner Carton & Douglas, moves to replace the page 2 in its Proposed Rule and Statement of Reasons filed on April 19, 2004. In support, IAWA states as follows:

1. IAWA filed this rulemaking on April 19, 2004. The original statement of reasons contained an improper description on the second page concerning the months for each respective dissolved oxygen seasonal standard. To avoid confusion, IAWA would like to replace this page in the original Proposed Rule and Statement of Reasons in its entirety. A revised page 2 is attached hereto.
2. The description of the rule on the second page of the Statement of Reasons is the only change that has been made.

WHEREFORE, IAWA moves the Board to replace page 2 in the Proposed Rule and Statement of Reasons.

Respectfully Submitted,


One of the Attorneys for Petitioner

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amend the dissolved oxygen rules is submitted contemporaneously with this Statement of Reasons.

1. Existing and Proposed Dissolved Oxygen Regulations (Section 102.202(a))

Illinois has three standards governing dissolved oxygen in Illinois waters. Those standards govern general use waters (Section 302.206), Lake Michigan (Section 302.501), and secondary contact waters (Section 302.405). It is the general use standard at Section 302.206 that this rulemaking seeks to revise. This standard currently reads as follows:

Section 302.206 Dissolved Oxygen

Dissolved oxygen (STORET number 00300) shall not be less than 6.0 mg/l during at least 16 hours of any 24 hour period, nor less than 5.0 mg/l at any time.

The proposed revision to this regulation would incorporate the use of diurnal oxygen minima and establish both daily minimum and seven day standards. A more stringent standard would be applicable during the cool water spawning period of March through June when the egg, embryos and larval stages of hypoxia-sensitive fish species are present in Illinois waters. A less stringent standard during the remaining months of July through February would incorporate the use of diurnal oxygen minima, when the egg, embryos, and larval stages of hypoxia intolerant fish species are absent. This structure is consistent with the NCD.

A proposed rule showing the changes from the Board's existing dissolved oxygen standard at Section 302.206 is attached to this Petition as Exhibit 1. While the NCD also has a thirty day standard, IAWA does not believe that this standard is necessary to protect aquatic life. In most cases, meeting the applicable seven day standard would ensure that any thirty day standard would also be met.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion To Replace Page 2 in Proposed Rule and Statement of Reasons** were filed by hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties to whom said Notice is directed by first class mail, postage prepaid, by depositing in the U.S. Mail at 191 North Wacker Drive, Chicago, Illinois on **Friday, April 30, 2004**

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