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STATE OF ILLINOIS
Pollution Control Board

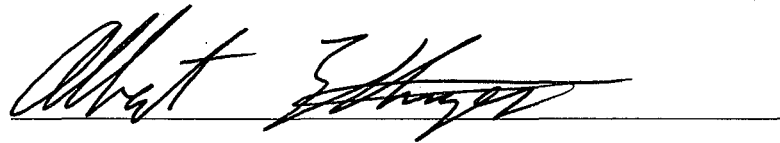
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

REVISIONS TO RADIUM WATER)
QUALITY STANDARDS: PROPOSED)
NEW 35 ILL. ADM. CODE 302.307) R04-021
AND AMENDMENTS TO 35 ILL. ADM.) Rulemaking - Water
CODE 302.207 AND 302.525)

PCB

NOTICE OF FILING

PLEASE TAKE NOTICE that the Environmental Law & Policy Center and Illinois Chapter of the Sierra Club have filed the COMMENTS OF ELPC AND SIERRA CLUB.



Albert F. Ettinger (Reg. No. 3125045)
*ELPC Senior Attorney and Water Issues Coordinator for
the Illinois Chapter of the Sierra Club*

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June 3, 2004

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COMMENTS OF ELPC AND THE SIERRA CLUB

The Environmental Law and Policy Center and the Sierra Club urge that the Board reserve judgement on the proposed standards chances until it has received some clear information regarding:

- the potential effect of radium on aquatic life, and
- the costs of utilizing processes for removing radium from drinking water that do not result in the discharge of radium.

The record in this case indicates that there is no data in the record on the potential effect of radium on aquatic life but that radium is a known carcinogen. The current standard is believed by the Agency to be unnecessarily stringent. (Mosher Testimony, April 1, 2004 Tr. 24, 26) We are not told if radium can be bio-accumulative or whether filter feeders or other forms of aquatic life can be expected to be exposed to concentrated amounts of this pollutant.

We are told that the purpose of this proposal is to facilitate the discharge of radium into Illinois waters (Kuhn Testimony, April 1 Proceeding Tr.13), although there are alternatives to allowing such discharges (Duffield Testimony, May 6 Proceedings Tr. 12). No analysis of the cost of these potential alternatives is before the Board. It is true, as stated by an Agency witness, that before granting any permit allowing new discharges of radium, the Agency must carefully

consider alternatives under the antidegradation regulations (Mosher Testimony, April 1, 2004, Tr. 27). However, if the proposed revision to water quality standards is allowed, the Agency also expects to permit some continued discharges of radium into Illinois waters without consideration of alternatives. (Tr. 50)

In short, the Board is now being asked to change water quality standards to allow a radioactive carcinogen to be more freely discharged into Illinois waters. The proposed revised standard should not be adopted on the basis of a record that contains no evidence on the potential environmental effects of radium on receiving waters and that explores the potential costs and benefits of the proposed revisions in only the most superficial manner.



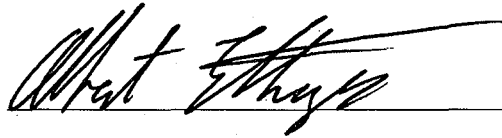
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June 3, 2004

CERTIFICATE OF SERVICE

I, Albert F. Ettinger, certify that on June 3, 2004, I filed the attached COMMENTS OF ELPC AND SIERRA CLUB. An original and 9 copies was filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, and copies were served via United States Mail and via facsimile to those individuals on the included service list.



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June 3, 2004

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