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JUN 14 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)
)
REVISIONS TO RADIUM WATER)
QUALITY STANDARDS: PROPOSED)
NEW 35 ILL. ADMIN. CODE 302.307)
AND AMENDMENTS TO 35 ILL.)
CODE 302.307 AND 302.525)

R04-21
Rulemaking - Water

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on June 14, 2004, we filed with the Clerk of the Illinois Pollution Control Board the attached **Response in Opposition to Motion for an Additional Merit Hearing** on behalf of the City of Joliet, a copy of which is attached hereto and hereby served upon you.

Respectfully Submitted,


Sasha M. Engle

Roy M. Harsch
Sasha M. Engle
Gardner Carton & Douglas LLP
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606
(312) 569-1000

CH02/22319471.1

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OF THE STATE OF ILLINOIS

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RESPONSE IN OPPOSITION TO MOTION FOR
AN ADDITIONAL MERIT HEARING

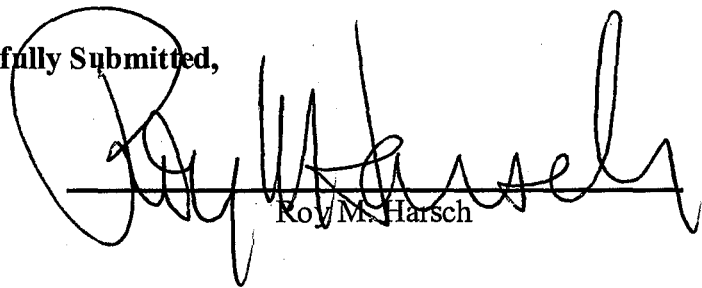
The City of Joliet ("Joliet"), through its attorneys Gardner Carton & Douglas LLP, hereby responds in opposition to the Motion for an Additional Merit Hearing brought by WRT Environmental LLC ("WRT") in the above-referenced matter. In support of its Response, Joliet states as follows:

1. WRT's motion, taken on its face, is not relevant to this rulemaking proceeding. WRT presents information on treatment technologies to meet the radium public water supply standards and resulting sludge issues. However, treatment technology has nothing to do with the rulemaking, which addresses the general use water quality standard for radium. Accordingly, WRT has raised no issues that would necessitate another hearing in this proceeding.
2. The Pollution Control Board provided adequate notice of all hearings in this proceeding, and WRT has not presented any argument to the contrary. WRT is bound by the notice provided by the Board and cannot claim that it did not know about the previous hearings held on April 1 and May 6, 2004.
3. Further, WRT's claim that it did not know about this rulemaking proceeding is belied by its own motion. WRT states that it "met with representatives of the Pollution Control

Board in the fall 2003, and with the Illinois Environmental Protection Agency (“IEPA”) and the Illinois Emergency Management Agency (“IEMA”) at that time and continuing from time to time in Winter and Spring 2004.” (Motion ¶ 2.) Accordingly, given WRT’s active participation and discussion with the Pollution Control Board and other Illinois agencies, WRT should have full knowledge of where and how to get information on rulemaking proceedings.

WHEREFORE, Joliet respectfully requests that WRT’s motion for an additional merit hearing be denied, given that WRT has not raised any issues relevant to the rulemaking and that WRT had adequate notice of the rulemaking proceeding and the hearings held in the rulemaking.

Respectfully Submitted,



Roy M. Harsch

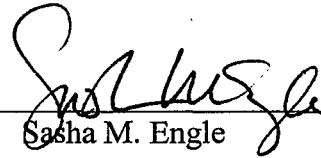
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Response in Opposition to Motion for an Additional Merit Hearing** was served upon:

See Attached Service List

by U.S. First Class Mail on this 14th day of June, 2004.



Sasha M. Engle

CH02/ 22319539.2

SERVICE LIST

R04-21

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