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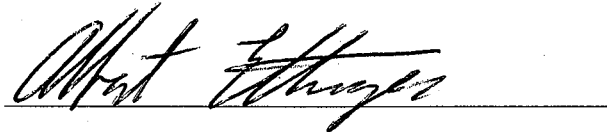
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
REVISIONS TO RADIUM WATER)	
QUALITY STANDARDS: PROPOSED)	R04-21
NEW 35 ILL ADM CODE 302.307)	Rulemaking - Water
AND AMENDMENTS TO 35 ILL ADM)	
CODE 302.207 AND 302.525)	

NOTICE OF FILING

PLEASE TAKE NOTICE that on July 6, 2004, the Illinois Chapter of the Sierra Club and the Environmental Law and Policy Center filed in the Illinois Pollution Control Board the attached **COMMENT IN SUPPORT OF WRT's MOTION FOR AN ADDITIONAL MERIT HEARING.**



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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**COMMENT IN SUPPORT OF WRT'S MOTION FOR
AN ADDITIONAL MERIT HEARING**

The Sierra Club and the Environmental Law and Policy Center believe that the Board should grant WRT's Motion for an Additional Merit Hearing.

As described in our comments filed on June 3, 2004, the record as it stands does not answer important questions that must be answered in this proceeding. It appears that WRT, a corporation that appears to have considerable knowledge related to radium, intends to offer evidence that is relevant to the critical questions identified by ELPC and the Sierra Club.

It has been argued that WRT was inexcusably tardy in offering its evidence for the pre-first notice round of hearings and comments. Sierra Club and ELPC take no position on WRT's alleged tardiness. However, we presume that the Board does not wish to make a decision with possibly important ramifications for the Illinois environment and the health of its residents without hearing evidence from an organization that apparently is in a position to offer information and views that were not otherwise available to the Board.

The question, then, seems to be really whether the Board will hear WRT's evidence before or after a first notice order by the Board. It clearly is better practice and most economical

of the time of the Board to hear evidence basic to the soundness of the IEPA standards proposal before the issuance of a first notice order. Moreover, as stated by the Sierra Club and ELPC in their June 3 comments, we do not believe that the Board has yet been presented with the basic information needed to make a decision on the radium standards proposal. Assuming the necessary information is provided in a further hearing at which WRT's evidence could also be heard, the initial Board decision would have the benefit of a full record on the basic necessary facts. Hearing or comments during the period after the issuance of the first notice order could then be more limited and focused.

A handwritten signature in cursive script, appearing to read "Albert Ettinger", is written over a horizontal line.

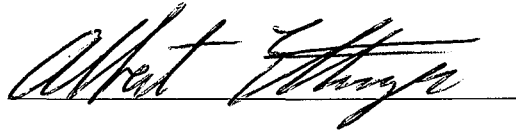
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July 6, 2004

CERTIFICATE OF SERVICE

I, Albert F. Ettinger, certify that on July 6, 2004, I filed the attached COMMENT IN SUPPORT OF WRT's MOTION FOR AN ADDITIONAL MERIT HEARING. An original and 4 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.

A handwritten signature in cursive script, reading "Albert F. Ettinger", written over a horizontal line.

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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