

ILLINOIS POLLUTION CONTROL BOARD  
September 27, 2004

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
INTERIM PHOSPHORUS EFFLEUNT ) R04-26  
STANDARD, PROPOSED 35 ILL. ADM. ) (Rulemaking - Water)  
CODE 304.123(G-K) )

**NOTICE OF HEARING**

DATE, TIME, AND PLACE:

OCTOBER 25-26, 2004  
10:00 a.m.  
ILLINOIS DEPARTMENT OF NATURAL RESOURCES  
LAKEVIEW A, B, AND C  
ONE NATURAL RESOURCES WAY  
SPRINGFIELD, ILLINOIS

PURPOSE OF HEARING: Merit and Economic  
ATTENDING BOARD MEMBERS: Thomas E. Johnson  
HEARING OFFICER: John Knittle

**HEARING OFFICER ORDER**

**Background**

On May 14, 2004, the Illinois Environmental Protection Agency (Agency) filed a proposal under Section 28 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2002)), to set an interim phosphorus effluent standard by adding five new subsections (g-k) to existing 35 Ill. Adm. Code 304.123.

The Agency asserts that it is in the process of developing State numeric nutrient standards and expects to file a petition with the Board in early 2007. Pet. at 7-8. The Agency is proposing this interim effluent standard apply until the Board adopts a numeric water quality standard for phosphorus. The proposed phosphorus effluent limit of 1.0 mg/l as a monthly average would apply to new or expanded discharges from treatment works with a designed average flow over >1.0 mgd receiving municipal or domestic wastewater, or a total phosphorus effluent load of 25

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

lbs/day or more. However, if the source can demonstrate that phosphorus is not limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water, the 1.0 mg/l limit would not apply. Pet. at 25-26.

On June 3, 2004, the Board opened a new regulatory docket for this matter, and directed that a hearing be scheduled on the proposal. A hearing was held on Monday, August 30, 2004. The Agency presented three witnesses at the hearing: Toby Frevert, Robert Mosher, and Paul Terrio.


### Hearing

The Board will hold an addition hearing in this proceeding starting on October 25, 2004, at the time and place as noticed above. The hearing will be held at the Illinois Department of Natural Resources Building at the Illinois State Fairground. Those attending should enter by Gate 7 on Taintor Road and park in Lot 21 on the left after entering the State Fair Grounds. Driving directions are available from the Illinois Department of Agriculture's web site at [www.agr.state.il.us/isf/maps](http://www.agr.state.il.us/isf/maps).

Persons wishing to testify at the hearing shall prefile the testimony with the Board and serve the testimony on the hearing officer and all persons on the service list no later than October 15, 2004. Persons may receive a copy of the service list by contacting the hearing officer or Nancy Miller at (217) 278-3109.

The parties are directed to participate in a final pre-hearing telephone status conference on Monday, October 18, 2004 at 9:30 a.m. The petitioner shall initiate the call. At that time, the parties must be prepared to disclose witnesses for the hearing, and address any final pre-hearing issues.

IT IS SO ORDERED.



John Knittle  
Hearing Officer  
Illinois Pollution Control Board  
2125 South First Street  
Champaign, Illinois 61820  
(217) 278-3111