Openlands Project

Suite 1650
25 East Washington Street
Chicago, Illinois
60602-1708

Tel: 312-427-4256
Fax: 312-427-6251

www.openlands.org

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Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

R04-26
PC#8

In re: R2004-026 (Interim Phosphorus Effluent Standard)

Dear Hearing Officer:

Openlands Project is a 41-year old conservation organization that promotes the protection and restoration of open space, natural areas, and waterways throughout northeastern Illinois. **Openlands urges the Illinois Pollution Control Board to support the proposed 1.0 mg/L monthly average limit for phosphorus discharges.**

Federal and state law require that National Pollution Discharge Elimination System (NPDES) permit limits control "all pollutants ... which will cause, have a potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." 40 CFR § 122.44(d)(1)(i); 35 Ill. Admin. Code § 304.105. Phosphorus discharges above 1.0 mg/L clearly cause and contribute to excursions of Illinois water quality standards on a regular basis.

Elevated phosphorus levels can lead to human health risks and damage to the aquatic ecosystem. Nutrient enrichment generally is associated with the formation of trihalomethanes, which are carcinogenic. They also lead to algal eutrophication and can cause severe diurnal swings in dissolved oxygen levels as well as pH. Increased turbidity is another common result of elevated nutrient levels.

This problem is widespread in Illinois, where most of the lake acreage tested, as well as great lengths of many streams and rivers, are impaired from excess nutrient levels.

The 1.0 mg/L standard that the Illinois Environmental Protection Agency (IEPA) proposes is a good start. Evidence from other states as well as U.S. EPA shows that stricter limits of 0.8 mg/L or less would probably be desirable and achievable in the long term. Until the stricter standards are set, however, a 1.0 mg/L standard will reduce the amount of damage suffered by Illinois streams, rivers, and lakes. More than a dozen Illinois wastewater treatment facilities already have 1.0 mg/L limits in their NPDES permits, and the technology to achieve compliance with such a limit is neither new nor expensive.

Because the proposed rule is limited to new or increased discharges, it will apply to facilities that will automatically invoke IEPA antidegradation requirements. Those requirements allow water quality to be lowered only where "necessary" to

promote "important economic or social development." Given that phosphorus limits of 1.0 mg/L or lower are already routinely achieved at wastewater treatment plants in Illinois and throughout the country, exceeding 1.0 mg/L of phosphorus is never "necessary" for any adequately equipped and competently operated wastewater treatment plant. Consequently, a failure to adopt the 1.0 mg/L standard would likely lead to violations of the antidegradation standards in many future NPDES permits.

The proposed 1 mg/L limit is therefore legally required, economically achievable, and environmentally beneficial. Openlands Project urges the Pollution Control Board to adopt the proposed interim phosphorus effluent standard.

Sincerely,

Joyce O'Keefe RHA

Joyce O'Keefe
Associate Director