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December 10, 2004

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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DEC 13 2004

STATE OF ILLINOIS
Pollution Control Board

PC#11

RE: R2004-26, Interim Phosphorus Effluent Standard, Proposed 35 Ill.
Adm. Code 304.123 (g-k)

Dear Illinois Pollution Control Board:

The McHenry County Defenders, a 34 year-old county-based not-for-profit corporation dedicated to the preservation and improvement of the environment, supports the Illinois EPA's proposal to establish an interim phosphorus effluent standard. Our organization has over 1,100 members, most of who live in McHenry County. We support the interim standard because it is needed to maintain the quality of the many high quality streams and rivers found in McHenry County.

McHenry County is blessed with an abundance of high quality bodies of water including the Class A streams: North Branch of Nippersink Creek, Piskasaw Creek, Rush Creek and Kishwaukee River and numerous streams that are rated as Class B, including Boone Creek, Fox River, and the South Branch of the Kishwaukee River. Our county is also experiencing tremendous population growth such that many communities are finding the need to expand their wastewater treatment facilities. Thus, the interim phosphorus effluent standard of 1 mg/L phosphorus will provide immediate benefit in McHenry County by limiting increases in new phosphorus discharges to numerous streams.

Both the Clean Water Act and Illinois law require that the permits issued to dischargers to our state's water bodies control pollutants that may cause or contribute to violations of water quality standards and prohibit allowing new pollution that has not been shown to be necessary. The proposed standard's requirement that new and expanding dischargers of wastewater remove phosphorus is achievable. Since the 1970's dischargers to streams that flow to the Great Lakes have met a 1 mg/L phosphorus limit. Here in McHenry County, in order to meet Illinois' antidegradation requirements, the communities of Richmond, Hebron, Lakewood and McHenry have already committed to removing phosphorus from new and expanding wastewater treatment plants.

The Illinois EPA is in the process of developing water quality standards for nutrients, including phosphorus, and expects to file a petition for the establishment of such standards in early 2007. The current proposal for a 1 mg/L effluent phosphorus limit will sunset with the Board's adoption of a numeric phosphorus water quality standard. In the meantime, this proposal is needed to protect high quality streams like those in McHenry County from unnecessary phosphorus pollution. Unnatural levels of phosphorus in streams can lead to excessive algal growth causing offensive conditions and creating periods of low dissolved oxygen levels which can be harmful, and even deadly, to fish and other aquatic life.

Thank you for the opportunity to describe the benefit which the proposal before you will have on the aquatic resources of McHenry County. The McHenry County Defenders urges the Board to adopt the interim phosphorus effluent standard of 1 mg/L phosphorus proposed by the Illinois EPA in Rulemaking 2004-16.

Sincerely,

A handwritten signature in cursive script that reads "Lenore Beyer-Clow". The signature is written in black ink and is positioned to the left of the typed name.

Lenore Beyer-Clow
Executive Director