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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 13 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
REVISIONS TO RADIUM QUALITY)
STANDARDS: PROPOSED NEW 35 ILL.)
ADM. CODE 302.307 and AMENDMENTS TO)
35 ILL. ADM. CODE 302.207 and 302.525)

R 04-21
(Rulemaking—Water)


NOTICE

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on Friday, May 13, 2005, we filed the attached Motion For Extension Of Public Comment Period with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

CITY OF JOLIET

By: 

One of it's Attorneys

Dated: May 13, 2005

GARDNER, CARTON & DOUGLAS
Roy M. Harsch
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191 North Wacker Drive
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

MOTION FOR EXTENSION OF PUBLIC COMMENT PERIOD

NOW COMES the City of Joliet by its counsel, Roy M. Harsch and Gardner Carton & Douglas LLP, and requests that the Hearing Officer or alternatively the Illinois Pollution Control Board ("Board") extend the Public Comment Period until August 15, 2005 for the reasons set forth herein:

1. The Second First Notice Opinion and Order of the Board ("Opinion and Order") dated April 7, 2005 was published in the Illinois Register on April 29, 2005. Therefore, the forty-five day Public Comment Period is currently scheduled to close on June 13, 2005.
2. As noted by the Board as its rationale for issuing a Second First Notice Opinion and Order, the proposed general water quality standard of 3.75 pCi/l for combined Radium 226 and 228 along with the 30 pCi/l combined Radium 226 and 228 alternate water quality standard for the one mile stretch below a Publicly Owned Treatment Work (POTW) discharge outfall where the POTW receives wastewater from a community that has as its source of drinking water, groundwater containing radium greater than 226 and 228 greater than 3.75 pCi/l, is a substantial modification of the original proposal filed in the matter by the Illinois Environmental Protection Agency ("Agency").
3. On page 19 of the Opinion and Order, the Board states that it "agrees with the Agency that POTWs in communities using high radium groundwater as raw water source must receive regulatory relief".

4. As discussed on page 16 of the Board's Opinion and Order, relief is most critical for those POTWs that discharge to zero low flow streams or 7Q10 streams. The Board notes on page 17 that the Agency testified that it "does not know what the concentration of radium would be in the discharge from the POTWs". Tr. 4 at 3795. In its discussion under the section Relief for POTWs on page 25 of its Opinion and Order, the Board states that it "presently believes that a 1-mile segment of the stream should provide an adequate mixing zone for POTW discharges to comply with the proposed general use standard of 3.75 pCi/l, the Board invites comments from the participants on this provision".

5. As the Board has noted throughout its Opinion and Order, Joliet has taken an active role participating in this proceeding to provide the Board with input of what Joliet believes to be the concerns of POTWs including those that discharge to zero low flow or 7Q10 streams. Because Joliet agrees that there is only limited data available as to what the combined Radium 226 and 228 levels are in by POTWs that rely on groundwater containing more than 3.75 pCi/l combined Radium 226 and 228 and therefore, only limited discharge information in this rulemaking record. In order to develop this missing data and present it to the Board during the Public Comment Period, Joliet has begun to work with a number of Municipalities and Sanitary Districts located throughout the area in northern Illinois that utilize groundwater containing an excess of 3.75 pCi/l. Based upon the efforts to date, Joliet believes that if an extension of the Public Comment Period is granted that it will be able to present to the Board a Public Comment containing information as to what are representative POTW discharges representing a range of varying size municipalities and sanitary districts. These would include POTW discharges to zero low flow or 7Q10 streams.

6. Joliet has met with representatives of a number of these POTWs to initiate a sampling program whereby representative samples will be taken and sent for analysis of the Radium 226 and 228 content. Unfortunately, this work can not be completed and comments prepared within the current forty-five day Public Comment Period. The time period necessary to obtain these samples includes the time period necessary for an individual POTW to decide that it wants to take the samples, time for the actual sampling and transmittal of the sample to the appropriate laboratory, the scheduling time at the laboratory for running the analysis, the thirty day analytical test period for performing the analysis, time for preparation of the laboratory sampling analysis report and transmittal of the results, and finally time for the analysis and compilation of the various POTW combined Radium 226 and 228 effluent results and preparation of an appropriate Public Comment for submittal to the Board.

7. Joliet respectfully requests that the Public Comment Period be extended an additional sixty days to and including August 15, 2005 for submittal of Public Comments based on this analytical work.

8. Joliet believes that this is the only manner by which actual data can be presented so as to allow the Board to determine what the actual impact of the proposed rule will be on the POTWs that the Board has already recognized need regulatory relief.

9. The undersigned counsel has discussed this Motion with Ms. Debra Williams, counsel for the Agency, Mr. Albert Ettinger, counsel for Environmental Law & Policy Center and the Sierra Club and Mr. Jeffrey Fort, counsel for WRT. All have authorized the undersigned to state that they have no objection to Joliet's request for a sixty day extension of the Public Comment Period. As requested by Mr. Ettinger, this authorization does not in any way indicate any support for any subsequent comment or position by Joliet on behalf of the Environmental

Law & Policy Center and the Sierra Club. Joliet recognizes that the same caveat would apply to the Agency and WRT authorization as well. Further, Mr. Fort has requested that Joliet share the data prior to the close of the Public Comment Period. Joliet will agree to provide the data to the entire service list on or before August 1, 2005 provided the Board grants this Motion For Extension Of Public Comment Period.

WHEREFORE, Joliet respectfully requests that the Hearing Officer or alternatively the Board continue the Public Comment Period until August 15, 2005 to allow comments to be filed after analytical data has been generated to provide the necessary information as to what level of combined Radium 226 and 228 is contained in POTW discharges so as to allow informed comments as to the impact that the proposed standard would have on POTWs.

Respectfully submitted,

CITY OF JOLIET



By One of its Attorneys

GARDNER, CARTON & DOUGLAS
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion For Extension Of Public Comment Period** was filed by hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties to whom said Notice is directed by first class mail, postage prepaid, by depositing in the U.S. Mail at 191 North Wacker Drive, Chicago, Illinois on **Friday, May 13, 2005..**

SEE ATTACHED SERVICE LIST



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R 04-21 SERVICE LIST

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