

ILLINOIS POLLUTION CONTROL BOARD
June 2, 2005

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

ORDER OF THE BOARD (by N.J. Melas):

Today the Board extends the second first-notice public comment period in this rulemaking through August 15, 2005.

On April 7, 2005, the Board adopted this rulemaking for second first-notice. In the opinion and order, the Board proposed its own revised general use water quality standard for radium based on the testimony and comments the Board had received since first-notice publication. The Board proposed a general use water quality standard of 3.75 pCi/L combined radium 226 and 228 (combined radium) to replace of the existing radium 226 standard of 1 pCi/L. This new standard would apply to all general use waters of the State as well as the Lake Michigan Basin. Further, the proposal would apply a combined radium standard of 30 pCi/L to stream segments that receive discharge from publicly owned treatment works (POTWs) receiving wastewater discharge from public drinking water supplies using groundwater with a high radium concentration. The 30 pCi/L combined radium standard would apply from the point of discharge to one mile downstream of the discharge outfall.

Subsequent to the Board's second first-notice opinion and order on April 7, 2005, notice of second first-notice was published in the Illinois Register on April 29, 2005. Accordingly, the 45-day public comment period is scheduled to end on June 13, 2005. On May 13, 2005, the City of Joliet (Joliet) filed a motion to extend the public comment period to August 15, 2005 (Mot.). To date, no party has objected to the motion. For the reasons set forth below, today's order grants Joliet's motion and extends the second first-notice public comment period until August 15, 2005.

As a result of first-notice comments and because of the extent of the changes to the first-notice proposal, the Board found it appropriate to publish the proposal for a second first-notice. The Board found that a second first-notice would maximize the opportunity for public comment on the amended proposal. The Board found that compliance must be reasonable for Northern Illinois POTWs located in areas where naturally occurring radium is prevalent in source water, and found that the proposal met those objectives.

In its motion for an extension of time, Joliet states that additional time is needed to develop data to clarify the range of combined radium levels in discharge from POTWs that rely on groundwater containing more than 3.75 pCi/L combined radium. Joliet states it has already

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.” *See Mot. at 1.*

Joliet explains that the participating POTWs will take representative samples and have them analyzed for combined radium content. Joliet expects that the data collected will allow Joliet to present, in the form of a public comment, information demonstrating representative POTW discharges from a range of varying sized municipalities and sanitary districts, including POTW discharges to zero low flow or 7Q10 streams.

According to Joliet, an extension of time until August 15, 2005, is necessary to complete activities associated with sampling such as time to take the samples and send the samples to an appropriate laboratory, run a laboratory analysis, prepare the laboratory sampling analysis report and transmit the results, analyze and compile the various combined radium results, and prepare a public comment from the results for submittal to the Board.

Joliet contends this data will enhance the record and allow the Board to determine the actual impact of the proposed rule based on actual data. Joliet asserts that it has consulted other participants, including the Agency, Environmental Law & Policy Center, Sierra Club, and WRT Environmental, Inc., regarding the motion for an extension of time and that none object to Joliet’s request.

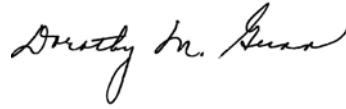
Having received no objections to the motion, the Board grants Joliet’s motion finding the request merits an extension of time. The Board finds that current sampling data of POTW discharges will enhance the record with respect to whether compliance with the Board’s proposal is reasonable for Northern Illinois POTWs located in areas where naturally occurring radium is prevalent in source water. Both the Administrative Procedure Act (APA) and the Board’s rule provide that the first-notice public comment period must last at least 45 days. 5 ILCS 100/5-40(b); 35 Ill Adm. Code 102.604. The APA further provides that rulemakings may be filed with the Secretary of State up to a year from the date the first-notice period began. 5 ILCS 1005-40(e). The Board finds an extension of the public comment period until August 15, 2005, is reasonable and allows adequate time for second-notice publication and final adoption.

CONCLUSION

The Board grants Joliet’s motion for an extension of time and extends the public comment period for 60 days, to end on August 15, 2005.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 2, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board