

JUL 26 2005

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:

PROPOSED 35 Ill. Adm. Code 304.123(g), ) R04-26  
304.123(h), 304.123(i), 304.123(j), and 304.123(k) ) (Rulemaking - Water)

*PC#22*

**NOTICE OF FILING**

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

John Knittle  
Hearing Officer  
Pollution Control Board  
2125 South First Street  
Champaign, Illinois 61820

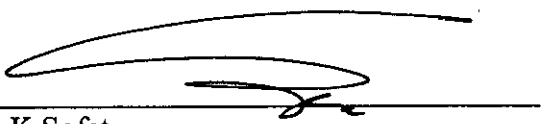
Mathew Dunn  
Illinois Attorney General's Office  
Environmental Control Division  
James R. Thompson Center  
100 West Randolph Street  
Chicago, Illinois 60601

Jonathan Furr  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271

**ALSO SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency **COMMENTS**, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
Sanjay K Sofat  
Assistant Counsel  
Division of Legal Counsel

Dated: July 25, 2005  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

**THIS FILING PRINTED ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUL 26 2005

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:

PROPOSED 35 Ill. Adm. Code 304.123(a)  
304.123(h), 304.123(i), 304.123(j), and 304.123(k) )

R04-26  
(Rulemaking - Water)

AGENCY COMMENTS

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Agency") respectfully submits its comments in response to the Illinois Association of Wastewater Agencies ("IAWA")'s comments filed on June 20, 2005. The Agency is thankful to the Illinois Pollution Control Board ("Board") for providing this opportunity to comment. The Agency fully supports the Board's decision to proceed to the first notice. Further, the Agency agrees that the Board's proposed language provides clarity to the proposal without sacrificing the intent or changing the scope of the Agency's original proposal.

The Agency believes that information provided in its original petition, information developed at the two public hearings, and the Agency's and other stakeholders' post-hearing comments provide ample discussion to support the adoption of this rule. Contrary to the IAWA assertions, the hearing record contains abundant discussion on issues related to need to control phosphorus loading in Illinois streams; and availability of technical feasible and economical reasonable phosphorus controls. The purpose of these comments is to only focus on the newer issues raised by IAWA in its June 22, 2005 comments.

The Agency, in general, supports the IAWA's concept that a daily maximum limit is not

necessary in this case. The Agency believes that exemption of the proposed phosphorus standard from the Board's averaging rule, 35 Ill. Adm. Code 304.104(a)(2) & (3), does not interfere with the original intended purpose. The primary objective of the Agency's proposal is to reduce net loading of phosphorus from certain major sources into waters of the State. As long as there are no changes to the proposed monthly average limit of 1 mg/L, the primary objective will be met. The IAWA's suggested change, along with providing the operational flexibility in meeting the proposed phosphorus standard, would also help plant operators identify the most optimal phosphorus control technology for their plants.

The Agency, however, proposes the following language to accomplish the IAWA's intended objective.

**Section 304.123                      Phosphorus (STORET number 00665)**

\*\*\*

- k) The averaging rules under subsections (a)(2) and (a)(3) of Section 304.104 do not apply to permit limits established pursuant to Section 304.104(g) or (h).

\*\*\*

By incorporating the above language under Section 304.123(k), rather than under Section 304.104(g)(4), the proposed language ensures that the averaging rule exemption is available to permits issued under Section 304.104(g) as well as 304.104(h).

Next, the IAWA argues that the economic impact of the proposed rule has been seriously underestimated. The Agency disagrees. The costs to remove phosphorus at a particular plant depend on several site-specific factors including plant design and choice of phosphorus removal methods. The costs provided by IAWA are at the minimum very conservative. While these cost numbers may be applicable to the Village of Beecher and the City of McHenry, in general, they

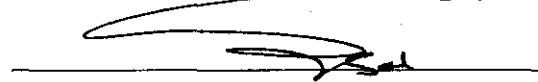
appear to be above the expected average costs. *See* Agency's December 20, 2004 comments at pgs. 12-15. Obviously, when specific high costs are extrapolated on a statewide basis, they would give un-realistic high estimate of the costs for the following reasons:

1. The costs presented by IAWA are based on a strictly chemical phosphorus removal ("CPR") or strictly a biological phosphorus removal ("BPR") method. The general trend in the industry is to remove most of the phosphorus with biological methods. Any necessary remaining phosphorus removal can be accomplished chemically at a minimum cost.
2. The 20% increase in sludge production is excessive. Generally, 5 to 10% is considered a good number, especially when BPR and CPR are used in combination to remove phosphorus. BPR when used alone to remove phosphorus results in minimal sludge production increase. CPR used alone, however, does produce a significant increase in sludge. However, when CPR is used to remove the remaining phosphorus, the total increase in sludge production is not significant.
3. The cost of \$288,000 for a chemical feed building may be reasonable for the Village of Beecher, but in most cases, the chemical feed may fit into an existing building or a proposed building may be expanded for a more reasonable cost.
4. Many plants built or modified in the last few years considered the possibility of phosphorus removal in the planning phase of the treatment plant. Phosphorus removal at such plants can be accomplished with minimal additional facilities and at a modest cost.

In conclusion, the Agency believes that the Board's decision to proceed to first notice is supported by the record. The record fully supports the Agency's conclusion that it is technically feasible and economically reasonable to remove phosphorus from major sources in Illinois.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

DATED: July 25, 2005

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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## SERVICE LIST

Albert F. Ettinger  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1300  
Chicago, Illinois 60601

Dennis Streicher  
Director of Water & Wastewater  
City of Elmhurst 209 N. York Street  
Elmhurst, IL 60126

Ross Sweeney  
Earth Tec/CWP  
1000 E. Ohio Street, Rm.307  
Chicago, IL 60611

Philip Twomey, President  
Admiral Environmental Services, Inc.  
2025 S. Arlington Hts. Road, Ste. 103  
Arlington Heights, IL 60005

Lisa Frede  
CICI  
2250 E. Devon Avenue, Suite 239  
Des Plaines, IL 60071

David Zenz  
CTE Engineers, Inc.  
303 East Wacker Drive, Suite 600  
Chicago, IL 60601

Robert Clavel  
Engineer-Manager  
Wheaton Sanitary District  
P.O. Box 626  
Wheaton, IL 60189

Roy. M. Harsch  
Gardner, Carton & Douglas  
191 N. Wacker Drive, Suite 3700  
Chicago, IL 60606-1698

Dennis L. Duffield  
Director of Public Works & Utilities  
City of Joliet 921 E. Washington St.  
Joliet, IL 604

John McMahon  
Attorney at Law  
Wilkie & McMahon  
8 East Main Street Champaign, IL  
61820

David Rosen  
Beveridge & Diamond  
1350 I Street, NW  
Washington, DC 2005

Cindy Skrukrud  
4209 W. Solon Road  
Richmond, IL 60071

Susan Adams  
Regulatory Counsel  
Stateside Associates  
2300 Clarendon Blvd., Ste.407  
Arlington, VA 22201

Michael D. Marchi, Director  
Village Services Department  
Village of Bloomingdale  
201 South Bloomingdale, Road  
Bloomingdale, IL 60108

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Carl Fisher  
Baxter & Woodman Associates  
1788 Sycamore Road  
DeKalb, IL 60115

Michael G. Rosenberg  
MWRDGC  
100 E. Erie  
Chicago, IL 60611

Bernard Sawyer  
Metropolitan Water Reclamation District  
6001 W. Pershing Road  
Cicero, IL 60650-4112

Elizabeth Steinhour  
Weaver Boos Consultants, Inc.  
2021 Timberbrook Lane  
Springfield, IL 62702

Betty Harrison  
Department of Public Works  
Village of Wauconda  
302 Slocum Lake Road  
Wauconda, IL 60084

Richard Lanyon  
Director of Research & Development  
Metropolitan Water Reclamation  
District 100 East Erie  
Chicago, IL 60611

Marc Miller  
Senior Policy Advisor  
Office of the Lt. Governor  
Rm. 214 State House  
Springfield, IL 62706

Paul Terrio, Hydrologist  
U.S. Geological Survey  
221 N. Broadway  
Urbana, IL 60118

Dave Kitzmiller  
Village of East Dundee  
120 Barrington Avenue  
East Dundee, IL 60118

Don Kowalczyk  
City of Peru  
Illinois Valley Regional Airport  
Plank Road 7 I80  
Peru, IL61354

Darin Boyer  
City of Plano  
17 E. Main Street  
Plano, IL 60545-1521

Alec Messina  
Illinois Environmental Regulatory  
Group 3150 Roland Avenue  
Springfield, IL 62701

Karen D'Arcy  
Thorn Creek Ecosystem Partnership  
Governors State University  
1 University Parkway  
University Park, IL 60466

Jane M. Carlson  
Strand Associates  
Environmental Science  
910 West Wingra Drive  
Madison, WI 53715

Pavel Hajda  
8678 Ridgefield Road  
Crystal Lake, IL 60012

Beth Wentzel  
Prairie Rivers Network  
809 S. Fifth Street  
Champaign, IL 61820

Michael G. Rosenberg  
MWRDGC  
100 E. Erie Chicago, L 60611

Brenda Schory  
Kane County Chronicle  
1000 Randall Rd. Geneva, IL 60134

David Horn  
Assistant Professor of Biology  
Aurora University  
347 Gladstone Avenue  
Aurora, IL 60506

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STATE OF ILLINOIS)

)

SS

COUNTY OF SANGAMON)

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached the **AGENCY'S COMMENTS** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(OVERNIGHT MAIL)**

John Knittle  
Hearing Officer  
Pollution Control Board  
2125 South First Street  
Champaign, Illinois 61820  
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Mathew Dunn  
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Jonathan Furr  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
**(OVERNIGHT MAIL)**

**ALSO SEE ATTACHED SERVICE LIST  
(FIRST CLASS)**

*Nancy J D Lampert*  
\_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME  
THIS 25<sup>th</sup> DAY OF JULY 2005.



*Brenda Boehner*  
\_\_\_\_\_

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