

Electronic Filing, Received, Clerk's Office, August 15, 2005

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>REVISIONS TO RADIUM WATER</b>	)	
<b>QUALITY STANDARDS: PROPOSED</b>	)	<b>R04-21</b>
<b>NEW 35 ILL. ADMIN. CODE § 302.307</b>	)	<b>Rulemaking - Water</b>
<b>AND AMENDMENTS TO 35 ILL. ADMIN.</b>	)	
<b>CODE §§ 302.207 AND 302.525</b>	)	

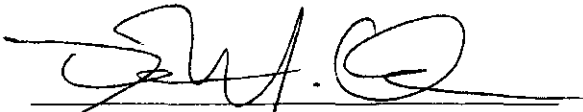
**NOTICE OF FILING**

**To: See Attached Service List**

Please take notice that on August 15, 2005 Water Remediation Technology LLC, by its undersigned attorneys, electronically filed with the Office of the Clerk of the Illinois Pollution Control Board of the attached ***COMMENTS SUBMITTED BY DR. BRIAN D. ANDERSON ON BEHALF OF WATER REMEDIATION TECHNOLOGY LLC AT THE CLOSE OF THE SECOND FIRST NOTICE COMMENT***, a copy of which is served upon you.

Dated: August 15, 2005

Respectfully submitted,

By:   
 One of the Attorneys for Water Remediation  
 Technology LLC

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**THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER**

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Dr. Brian D. Anderson  
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August 12, 2005

VIA ELECTRONIC MAIL

Ms. Amy Antonioli  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

**Re: R04-21 Rulemaking - Water**

Dear Madame Hearing Officer,

I respectfully submit these comments on the Board's April 7, 2005 opinion and order pursuant to the above-cited rulemaking. The Illinois Pollution Control Board is to be commended on recognizing the applicability of the BDAC standard for combined radium 226 and 228 of 3.75 pCi/L as protective of aquatic life. While this standard is liberal in that it is protective of populations of organisms rather than individuals, adoption of the 3.75 pCi/L combined standard appears to be a reasonable compromise that provides for the long-term persistence of the full spectrum of aquatic species, and also provides a degree of relief for dischargers from the current 1.0 pCi/L radium 226 standard. However, given the grasp of the scientific underpinnings of the proposed new standard the Board exhibits in this opinion and order, it is difficult to understand the Board's rationale for subsequently proposing that POTWs should not have to meet this standard. The Board proposes a standard for POTWs that, by its own analysis, is NOT protective of aquatic biota (a 30 pCi/L combined standard) and effectively extends the mixing zone for a mile downstream. Within this one-mile zone entire populations of endangered or threatened species would be at risk of extirpation. The Board justifies this approach based on the assertion that it wishes to provide "regulatory relief" to POTWs. The reality is that no testimony has been provided by IEPA or the POTWs demonstrating that the original standard of 1.0 pCi/L radium 226, let alone the Board's proposed new standard of 3.75 pCi/L combined 226 and 228, warrants such relief. IEPA staff testified that compliance with the existing 1.0 pCi/L radium 226 standard would only be a problem for POTWs discharging to 7Q10 low or no-flow streams (lowest consecutive 7 day streamflow that is likely to occur in a ten year period). When asked by the Board how many POTWs discharged to low or no-flow 7Q10 streams, IEPA staff admitted they did not know, but asserted the number was small. The POTWs asserted that there would be

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increased costs associated with compliance with the existing radium standard, but estimates of costs beyond those associated with meeting the 5 pCi/L drinking water standard were vague at best, and even these estimates did not reflect the relief which would be provided by the Board's proposed new 3.75 pCi/L standard. By proposing a water quality standard unique to a single category of discharger, the Board is effectively abandoning its responsibility under the Illinois Environmental Protection Act, (a responsibility it elsewhere asserts in this opinion and order) to protect Illinois' aquatic biota based on vague, undocumented assertions of a regulatory burden. Further, what is the Board's basis for extending the mixing zone for one mile? Why not ½ mile or 2 miles? This distance has no scientific foundation and appears entirely arbitrary. Thank you for the opportunity to comment on this rulemaking.

Respectfully,

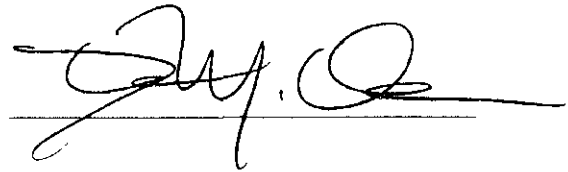
A handwritten signature in black ink that reads "Brian D. Anderson". The signature is written in a cursive, flowing style.

Dr. Brian D. Anderson

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that he/she has served upon the individuals listed on the attached Service List a true and correct copy of ***COMMENTS SUBMITTED BY DR. BRIAN D. ANDERSON AT THE CLOSE OF THE SECOND FIRST NOTICE COMMENT*** by First Class Mail, postage prepaid, on August 15, 2005.

A handwritten signature in black ink, appearing to be "J. O.", written over a horizontal line. The signature is stylized and cursive.

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**R04-21**

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