

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 28 2005

IN THE MATTER OF:)

PROPOSED AMENDMENTS TO)
DISSOLVED OXYGEN STANDARD)
35 ILL. ADM. CODE 302.206)

R 04-25

STATE OF ILLINOIS
Pollution Control Board

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

Richard McGill, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

SEE ATTACHED SERVICE LIST
Regular Mail

PLEASE TAKE NOTICE that I have filed with the Office of the Pollution Control Board the ILLINOIS EPA'S STATUS REPORT on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: October 27, 2005

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

1021 North Grand Avenue East
P.O. Box 19276
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217/782-5544

THIS FILING IS SUBMITTED ON
RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 28 2005
STATE OF ILLINOIS
Pollution Control Board

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DISSOLVED OXYGEN STANDARD)
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ILLINOIS EPA'S STATUS REPORT

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its Status Report in compliance with the Hearing Officer's Order of August 30, 2005. Illinois EPA states as follows:

1) Since the hearing of August 25, 2005, Illinois EPA has been working with staff at the Illinois Department of Natural Resources ("IDNR") to develop a state position concerning Illinois' current dissolved oxygen standard. The two agencies have held several meetings since the August hearing to discuss various issues concerning the development of an interim tiered approach for dissolved oxygen.

2) Since the August hearing, IDNR staff has been reviewing and analyzing fish data to determine dissolved oxygen sensitive fish species, while the staff at IEPA has focused its attention on dissolved oxygen sensitive macroinvertebrate taxa. This process has been proven to be complex and time consuming for both agencies.

3) On October 19, 2005 a stakeholders meeting was held in Chicago, Illinois. This meeting was attended by IDNR, Illinois EPA, Illinois American Wastewater Agencies, Illinois Environmental Regulatory Group, Sierra Club, Prairie Rivers, US EPA, Friends of the Chicago River and Midwest Generation.

At this meeting the stakeholders were provided an update as to what Illinois EPA and IDNR have been working on since the August hearing and was provided a list of dissolved oxygen sensitive fish species, a list of sensitive macroinvertebrate taxa, dissolved oxygen sensitive mussel species and an explanation as to how these lists were developed. Based on the discussion at the October 19 stakeholders meeting, it was determined that an additional stakeholders meeting was appropriate.

4) A stakeholders meeting is scheduled for November 15, 2005, in Springfield, Illinois.

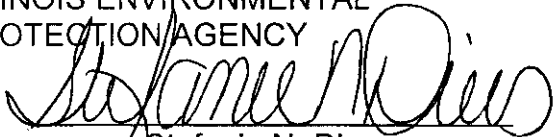
5) Illinois EPA and IDNR are hopeful that in the near future the supplemental assessment activities currently being undertaken will be completed, the results evaluated and a position developed that both Illinois EPA and IDNR can support with confidence.

6) Accordingly, Illinois EPA and IDNR proposes that and would request the Hearing Officer schedule an additional status report to be filed by Illinois EPA on or before November 30, 2005. In this status report Illinois EPA will explain the progress to date, the status of stakeholder discussions and possible meetings. Also, Illinois EPA will include if appropriate the suggested dates for a fourth hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:



Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

Date: October 27, 2005

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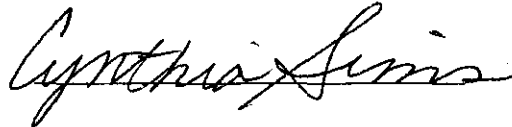
PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Illinois EPA's Status Report upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago, Illinois 60601 (OVERNIGHT VIA MAIL)	Richard McGill, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago, Illinois 60601 (OVERNIGHT VIA MAIL)
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**SEE ATTACHED SERVICE LIST
Regular Mail**

and mailing it by First Class Mail from Springfield, Illinois on October 27, 2005, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 27th day of October, 2005

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER