

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

AMERICAN BOTTOM CONSERVANCY)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and UNITED STATES STEEL)
CORPORATION – GRANITE CITY WORKS,)
)
Respondents.)

PCB 06-171
(3rd Party NPDES Permit
Appeal)

NOTICE OF FILING

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

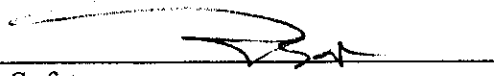
Maxine I. Lipeles
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Springfield, IL 62794-9274

Carolyn S. Hesse
Erika K. Powers
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One North Wacker Drive
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Chicago, IL 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and four (4) copies the **APPEARANCE and AGENCY RECORD** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

Dated: June 2, 2006
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

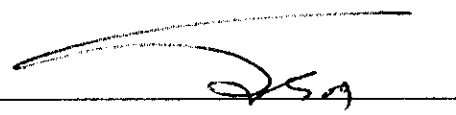
AMERICAN BOTTOM CONSERVANCY)	
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)	(3 rd Party NPDES Permit
)	Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY and UNITED STATES STEEL)	
CORPORATION – GRANITE CITY WORKS,)	
)	
Respondents.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters his APPEARANCE on behalf of Respondent, Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: _____



Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

DATED: June 2, 2006
Illinois Environmental Protection Agency
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERICAN BOTTOM CONSERVANCY)
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 Petitioner,)
)
 v.) PCB 06-171
) (3rd Party NPDES Permit
) Appeal)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY and UNITED STATES STEEL)
 CORPORATION – GRANITE CITY WORKS,)
)
 Respondents.)

RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), in accordance with the procedural rules of the Illinois Pollution Control Board (“Illinois PCB”) as set forth in 35 Ill. Adm. Code 105.116 and 105.212, files as its Record in this cause the Illinois EPA's record of the National Pollutant Discharge Elimination System (“NPDES”) Permit No. IL0020559, as issued to United States Steel Corporation's (“U.S. Steel”) on March 8, 2006, which is attached and consists of the following documents:

RECORD

1. Letter dated September 25, 1987, from Donna Barker, Environmental Science and Engineering, Inc., to Carl Cannon, Manager of Environmental Control, National Steel, Granite City Division. (pp. 1-3)
2. Biomonitoring test results review dated February 23, 1988, prepared by Bob Mosher, Division of Water Pollution Control (“DWPC”), Planning Section, with attachments. (pp. 4-8)

3. Engineer review notes, dated October 10, 1990, prepared by Steve Nightingale, Illinois EPA, Permit Section. (pp. 9-38)
4. Illinois EPA memorandum dated December 27, 1990, from Steve Nightingale to Dean Studer, Planning Section, with attachment. (pp. 39-40)
5. Illinois EPA memorandum dated January 2, 1991, from Bob Mosher to Tim Kluge, Manager, Industrial Unit, Permit Section. (p. 41)
6. Letter dated June 25, 1992, from Joseph Kocot, Director of Plant Maintenance and Engineering, National Steel, Granite City Division, to Tim Kluge. (pp. 42-52)
7. Permit appeal petition dated October 27, 1992, submitted by National Steel Corporation. (pp. 53-55)
8. Draft ammonia analysis faxed February 24, 1997, from Bob Mosher to Margaret Howard, Division of Legal Counsel. (p. 56)
9. Illinois EPA memorandum dated February 27, 1997, from Ukanno Foxworth, Permit Section, to Bob Mosher. (p. 57)
10. Illinois EPA memorandum dated March 6, 1997, from Steve Vance, Planning Section, to Ukanno Foxworth, with attached draft ammonia analysis. (pp. 58-60)
11. Illinois EPA memorandum dated February 4, 1998, from Bob Mosher to Ukanno Foxworth. (p. 61)
12. Alkalinity data through 10/25/99. (pp. 62-64)
13. Bioassay report prepared by S-F Analytical Laboratories, received by Illinois EPA on April 24, 2002. (pp. 65-89)
14. Effluent biomonitoring sample transmittal sheet. (p. 90)
15. Zinc sample data, through June 19, 2002. (pp. 91-98)
16. Fax dated August 26, 2002, from Carl Cannon to Bob Mosher, DWPC, Standards Unit, with attached DMR data for zinc. (pp. 99-103)
17. Letter dated September 6, 2002, from Michael Austin, Director of Operations, Teklab, Inc., to Rich Hamilton, Granite City Steel, with attached laboratory sample analysis. (pp. 104-134)
18. Letter dated October 14, 2002, from Carl Cannon to Tom McSwiggin, Manager, Permit Section. (p. 135)

19. Permit application received October 17, 2002. (pp. 136-155)
20. Bioassay report prepared for National Steel Corporation by S-F Analytical Laboratories, received by Illinois EPA on October 17, 2002. (pp. 156-241)
21. Laboratory sample analysis prepared by Environmental Analysis, Inc., and received by the Illinois EPA on October 17, 2002. (pp. 242-253)
22. Granite City Steel sample data through April 3, 2003. (pp. 254-259)
23. Notes dated May 22, 2003, by Blaine Kinsley, Acting Industrial Unity Manager, Permit Section. (p. 260)
24. Illinois EPA memorandum dated May 23, 2003, from Ukanno Foxworth to Bob Mosher, with attachments. (pp. 261-271)
25. Illinois EPA memorandum dated June 19, 2003, from Alyson Grady, Standards Unit, with attached biomonitoring test results summary. (pp. 272-273)
26. Fax dated June 23, 2003, from Carl Cannon to Toby Frevert, Permit Section, with attached draft permit application. (pp. 274-292)
27. DMR effluent metals data summary, printed July 8, 2003. (pp. 293-311)
28. Illinois EPA memorandum dated July 9, 2003, from Bob Mosher, to Ukanno Foxworth, Permit Section. (pp. 312-316)
29. Letter dated July 17, 2003, from Carl Cannon to Toby Frevert, with attached permit application material. (pp. 317-326)
30. Comparison of application page. (pp. 327-328)
31. Engineer's permit review notes dated November 2003, prepared by Ukanno Foxworth. (pp. 329-338)
32. Illinois EPA memorandum dated November 20, 2003, from Ukanno Foxworth to Bob Mosher. (p. 339)
33. Illinois EPA memorandum dated December 1, 2003, from Bob Mosher to Ukanno Foxworth, with attached memorandum and ammonia worksheet. (pp. 340-345)
34. Engineer calculations, December 2003. (pp. 346-357)
35. Engineer calculations, December 2003. (pp. 358-370)

36. Fax dated December 17, 2003, from Carl Cannon to Ukanno Foxworth, with attached public notice of 301(g) variance. (pp. 371-373)
37. Letter dated April 5, 2004, from Carl Cannon to Blaine Kinsley, with attached issues statement and draft permit. (pp. 374-386)
38. Letter dated April 5, 2004, from Carl Cannon to Blaine Kinsley, with attached draft permit with handwritten notations. (pp. 387-398)
39. Flow data from discharge monitoring reports for outfall 001, through May 2004. (pp. 399-401)
40. NPDES permit public notice mock-up. (pp. 402-413)
41. Permit draft pages. (pp. 414-416)
42. Materials received at July 8, 2004 meeting, compiled by Beth Burkard, Permit Section. (pp. 417-423)
43. Letter dated July 8, 2004, from Carl Cannon to Blaine Kinsley, with attachments. (pp. 424-430) (Additional diagrams are located on CD on back cover.)
44. Coal products schematic, received by Beth Burkard at U.S. Steel site visit on July 22, 2004. (p. 431)
45. Letter dated July 22, 2004, from Merle Stein, General Manager, U.S. Steel Granite City Works, to Blaine Kinsley. (p. 432)
46. Engineer's permit review notes dated July and August 2004, prepared by Beth Burkard. (pp. 433-440)
47. Engineer's review notes dated July and August 2004, prepared by Beth Burkard. (pp. 441-480)
48. Process flow charts. (pp. 481-483)
49. Letter dated October 13, 2004, from Carl Cannon to Beth Burkard, with attached flow diagram. (pp. 484-485)
50. Fax from Blaine Kinsley to Maxine Lipelis, Washington University, with attached flow diagram. (pp. 486-488)
51. Draft permit issues, evaluated by Beth Burkard, October 22 and November 1, 2004. (pp. 489-491)

52. Cover memorandum and letters dated November 4, 2004, from Blaine Kinsley to Manager, Division of Water Pollution Control/Field Operations Section, Collinsville Region; Department of Army Corps of Engineers, St. Louis District; Rebecca Harvey, U.S. EPA Region V; and U.S. Steel, with attached draft permit and public notice/fact sheet. (pp. 492-506)
53. Letter dated November 15, 2004, from Merle Stein to Blaine Kinsley. (p. 507)
54. E-mail dated December 3, 2004, from Carl Cannon to Beth Burkard, with handwritten note from Beth Burkard to Scott Twait. (p. 508)
55. Illinois EPA memorandum dated December 6, 2004, from Scott Twait, Division of Water Pollution Control/Planning Section, to Beth Burkard. (p. 509)
56. E-mail dated December 7, 2004, from Scott Twait to Beth Burkard. (pp. 510-511)
57. Public notice order form dated December 13, 2004, with attached public notice in Granite City Press Record. (pp. 512-513)
58. Cover letters dated December 14, 2004, from Blaine Kinsley to Municipal Clerk, Granite City; U.S. Fish & Wildlife Service, Rock Island Field Office; Missouri Department of Natural Resources; and U.S. Steel, with attached draft permit and public notice/fact sheet. (pp. 514-528)
59. Public notice acceptance card, signed December 16, 2004 by City Clerk. (p. 529)
60. Letter dated January 6, 2005, from Merle Stein to Permit Section. (pp. 530-531)
61. Letter dated January 17, 2005, from Kathleen Logan-Smith, Health & Environmental Justice – St. Louis. (p. 532)
62. Letter dated January 18, 2005, from Kathy Andria, American Bottom Conservancy; Kathleen Logan-Smith, Health & Environmental Justice – St. Louis; Kathleen O'Keefe, Neighborhood Law Office, East St. Louis; Jack Norman, Sierra Club; and Yvonne Homeyer, Webster Groves Nature Study Society, to Marcia Willhite, Chief, Bureau of Water, with attached faxed copy. (pp. 533-539)
63. E-mail dated January 19, 2005, 1:52 p.m., from Al Keller, Permit Section, to Blaine Kinsley.
E-mail dated January 19, 2005, 1:21 p.m., from Mike Garretson, Compliance Assurance Section. (p. 540)
64. E-mail dated January 19, 2005, 2:00 p.m., from Blaine Kinsley to Beth Burkard. (p. 541)
65. NPDES limit exceedances, reported January 20, 2005. (pp. 542-543)

66. E-mail dated January 24, 2005, from Beth Burkard to Blaine Kinsley, with attachment. (pp. 544-546)
67. E-mail dated January 24, 2005, 11:40 a.m., from Blaine Kinsley to Beth Burkard.
E-mail dated January 24, 2005, 11:33 a.m., from Beth Burkard. (p. 547)
68. E-mail dated January 24, 2005, 11:46 a.m., from Blaine Kinsley to Beth Burkard.
E-mail dated January 24, 2005, 11:43 a.m., from Beth Burkard. (p. 548)
69. 30-day public notice review notes dated January 22 and 31, 2005, prepared by Beth Buckard. (pp. 549-552)
70. Letter dated April 25, 2005, from Douglas Boyea, Jr., U.S. Steel, to Blaine Kinsley, with attached responses to comments. (pp. 553-558)
71. E-mail dated May 4, 2005, 2:21 p.m., from Blaine Kinsley to Beth Burkard.
E-mail dated May 4, 2005, 9:10 a.m., from Beth Buckard. (p. 559)
72. Notes of May 13, 2005 meeting, prepared by Beth Buckard. (p. 560-564)
73. Letter dated May 18, 2005, from Larry Siebenberger, Manager Environmental Control, U.S. Steel, to Blaine Kinsley, with attached mutagenicity assay, NPDES permit, and letter from the Illinois Department of Conservation. (pp. 565-600)
74. Status summary prepared by Beth Buckard, May 20, 2005. (p. 601)
75. Responses to comments prepared by Beth Buckard, May 20, 2005. (pp. 602-605)
76. E-mail dated May 24, 2005, from Blaine Kinsley to Bill Hammel, Illinois EPA, Office of Community Relations.
E-mail dated May 23, 2005, from Bill Hammel. (p. 606)
77. Letters of comment received outside of comment period:
Letter dated October 3, 2005, from Sarah Rubenstein, Clinic Attorney, Interdisciplinary Environmental Clinic, Washington University School of Law, to Permit Section, faxed to Blaine Kinsley by Carl Cannon.
Letter dated December 9, 2005, from Sarah Rubenstein to Permit Section. (pp. 607-624)
78. Fax dated January 13, 2006, from Carl Cannon to Blaine Kinsley, with attached effluent guidelines and standards rule. (pp. 625-627)
79. E-mail dated February 8, 2006, 9:53 a.m., from Blaine Kinsley to Al Keller.
E-mail dated February 8, 2006, 10:26 a.m., from Blaine Kinsley to Roger Callaway, DWPC, Compliance Assurance Section. (pp 628-629)

80. E-mail dated March 3, 2006, 10:02 a.m., from Ken Page, Illinois EPA, Office of Compliance Assistance and Environmental Justice, to Kathy Andria. (p. 630)
81. E-mail dated March 3, 2006, 2:02 p.m., from Kathy Andria to Ken Page. (pp. 631-632)
82. E-mail dated March 8, 2006, from Ken Page to Kathy Andria.
E-mail dated March 7, 2006, from Kathy Andria to Ken Page.
E-mail from Ken Page to Kathy Andria. (pp. 633-634)
83. Final NPDES Permit No. IL0000329, issued to United States Steel Corporation on March 8, 2006. (pp. 635-643)

Respectfully submitted,

Illinois Environmental Protection Agency

By: _____



Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

DATED: June 2, 2006

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

PROOF OF SERVICE

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

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Maxine I. Lipeles
Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899

Carol Webb
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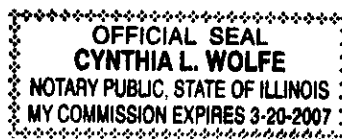
Carolyn S. Hesse
Erika K. Powers
David T. Ballard
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606

and mailing it from Springfield, Illinois on June 2, 2006, with sufficient postage affixed as indicated above.

Meredith Kelley

SUBSCRIBED AND SWORN TO BEFORE ME

this day of June 2, 2006.



Cynthia L. Wolfe

Notary Public

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Due to the volume of this pleading,
please contact the Clerk's Office

at

312/814-3629

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