

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 PROPOSED AMENDMENTS TO) R 04-25
 DISSOLVED OXYGEN STANDARD)
 35 Ill. Adm. Code 302.206)

NOTICE OF FILING

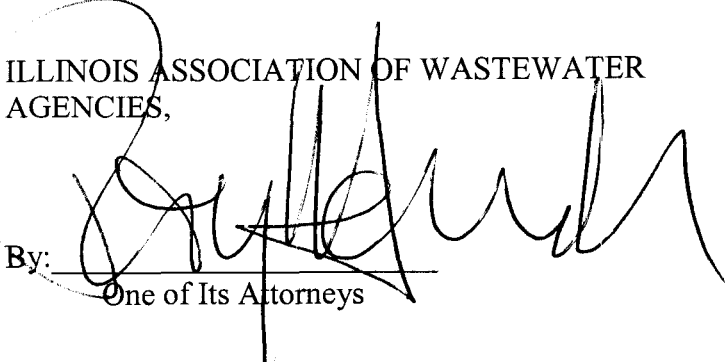
TO: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the following documents:

WRITTEN TESTIMONY OF DENNIS STREICHER

a copy of which is served upon you.

ILLINOIS ASSOCIATION OF WASTEWATER
AGENCIES,

By: 
 One of Its Attorneys

Dated: October 4, 2006

Roy M. Harsch
 GARDNER CARTON & DOUGLAS LLP
 191 Wacker Drive – Suite 3700
 Chicago, Illinois 60606
 (312) 569-1000

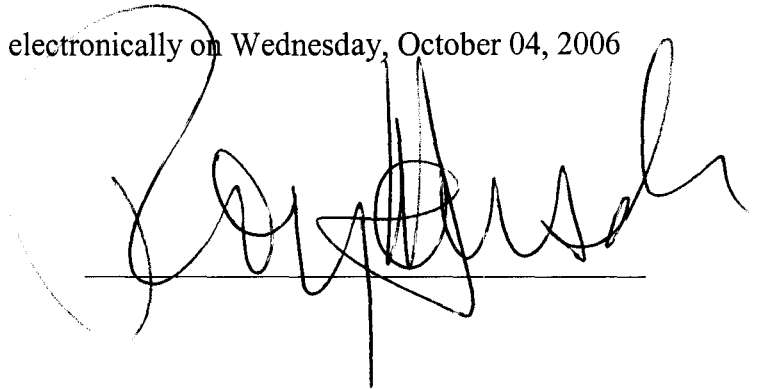
THIS FILING PRINTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing:

WRITTEN TESTIMONY OF DENNIS STREICHER

was filed electronically with the Clerk of the Illinois Pollution Control Board and served upon the parties to whom said Notice is directed by electronically on Wednesday, October 04, 2006



A handwritten signature in black ink, appearing to read "Dennis Streicher", is written over a horizontal line. The signature is highly stylized and cursive.

**Service List
R2004-025**

Fred L. Hubbard
16 West Madison
P.O. Box 12
Danville, IL 61834-0012

Alex Messina
Illinois Environmental Regulatory Group
3150 Roland Avenue
Springfield, IL 62703

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

Charles W. Wesselhoft
Ross & Hardies
150 North Michigan Avenue - Suite 2500
Chicago, IL 60601-7567

Claire A. Manning
Posegate & Denes, P.C.
111 N. Sixth Street
Springfield, IL 62705

Connie L. Tonsor
Illinois EPA
1021 North Grand Avenue
P.O. Box 19276
Springfield, IL 62794-9276

Deborah J. Williams
Stefanie N. Diers, Assistant Counsel
Illinois EPA
1021 North Grand Avenue
P.O. Box 19276
Springfield, IL 62794-9276

Dennis L. Duffield
City of Joliet
Department of Public Works and Utilities
921 E. Washington Street
Joliet, IL 60431

Dorothy M. Gunn
Illinois Pollution Control Board
100 W. Randolph Street - Suite 11-500
Chicago, IL 60601

Erika K. Powers
Barnes & Thornburg
1 N. Wacker - Suite 4400
Chicago, IL 60606

Frederick D. Keady
Vermilion Coal
1979 Johns Drive
Glenview, IL 60025
James T. Harrington
Ross & Hardies
150 North Michigan Avenue - Suite 2500
Chicago, IL 60601-7567

James L. Daugherty
Thorn Creek Basin Sanitary District
700 West End Avenue
Chicago Heights, IL 60411
Joel J. Sternstein
Office of the Attorney General
188 West Randolph Street - 20th Floor
Chicago, IL 60601

John Donahue
City of Geneva
22 South First Street
Geneva, IL 60134-2203

Stanley Yonkauski
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Katherine D. Hodge
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

Lisa Frede
Chemical Industry Council of Illinois
2250 E. Devon Avenue - Suite 239
Des Plaines, IL 60018-4509

Matthew J. Dunn
Office of the Attorney General
188 West Randolph - 20th Floor
Chicago, IL 60601

Mike Callahan
Bloomington Normal Water Reclamation Dist.
PO Box 3307
Bloomington, IL 61702-3307

Richard McGill
Illinois Pollution Control Board
100 W. Randolph Street - Suite 11-500
Chicago, IL 60601

Stephanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Susan M. Franzetti
10 South LaSalle Street - Suite 3600
Chicago, IL 60603

Vicky McKinley
Evanston Environment Board
233 Grey Avenue
Evanston, IL 60202

Edward Hammer

Larry Cox
Downers Grove Sanitary District
2710 Curtiss Street
Downers Grove, IL 60515

Margaret P. Howard
2601 South Fifth Street
Springfield, IL 62703

Michael G. Rosenberg, Esq.
Metropolitan Water Reclamation District
100 East Erie Street
Chicago, IL 60611

Richard Lanyon
Metropolitan Water Reclamation District
100 East Erie Street
Chicago, IL 60611

Sanjay K. Sofat
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Sue Schultz
Illinois American Water Company
300 North Water Works Drive
P.O. Box 24040
Belleville, IL 62223-9040

Tom Muth
Fox Metro Water Reclamation District
682 State Route 31
Oswego, IL 60543

W.C. Blanton
Blackwell Sanders Peper Martin LLP
2300 Main Street - Suite 1000
Kansas City, MO 64108

Albert Ettinger

U.S. Environmental Protection Agency
WQ-16J
77 West Jackson Boulevard
Chicago, IL 60604

Senior Staff Attorney
Environmental & Law Policy Center
35 E. Wacker – Suite 1300
Chicago, IL 60601

Todd Main
Director of Policy and Planning
Friends of the Chicago River
407 S. Dearborn – Suite 1580
Chicago, IL 60605

Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, IL 60025

N. LaDonner Driver
Illinois Environmental Regulatory Group
3150 Roland Avenue
Springfield, IL 62703

Tracy Elzemeyer
General Counsel
American Water Company
727 Craig Road
St. Louis, MO 63141

Marc Miller, Senior Policy Advisor
Michael J. Fischer, Policy Advisor
Office of Lt. Governor Pat Quinn
Room 214 State House
Springfield, IL 62706

Dr. Thomas J. Murphy
2325 N. Clifton Street
Chicago, IL 60614

CH01/12490125.1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO)	R 04-25
DISSOLVED OXYGEN STANDARD)	
35 Ill. Adm. Code 302.206)	

WRITTEN TESTIMONY OF DENNIS STREICHER

I would like to thank the Illinois Pollution Control Board ("Board") again for hearing my testimony. My name is Dennis Streicher. I'm Director of Water and Wastewater with the City of Elmhurst, Illinois. I've been employed by the City of Elmhurst since 1972. For the last 20 years I have managed the wastewater plant, the public water supply and the storm water system in Elmhurst. I hold an Illinois EPA Class 1 Operators license and an Illinois EPA Class A Potable Water Operators license. I am representing the Illinois Association of Wastewater Agencies ("IAWA"). Our member water pollution control agencies represent over 70% of the people in Illinois. I was the President of IAWA from 2004 to 2005.

The IAWA began the process to update and fix the Illinois dissolved oxygen ("DO") standard over 5 years ago. I believe, at this point we have convinced almost everyone that indeed it does need fixing. At the first hearing in this proceeding Toby Frevert said that this might be the most important of recent decisions the board will be making. At the second hearing held in Springfield, Bob Mosher of the Illinois Environmental Protection Agency ("IEPA") described the existing dissolved oxygen standard as broken.

In his testimony at the last hearing, Roy Smoger said "that IEPA believes the current dissolved oxygen standard for Illinois general use waters is too simplistic. The current standard inadequately accounts for the varied dissolved oxygen requirements of aquatic life in Illinois waters. Moreover, the current standard does not account for how dissolved oxygen concentrations vary across a broad range of natural aquatic conditions in Illinois". As an alternative Mr. Smoger presented the Illinois Department of Natural Resources ("IDNR") and IEPA recommendation for revisions to the standard. ("Joint IDNR/IEPA Proposal")

It does seem that we have convinced most everyone that the existing dissolved oxygen standard is broken and indeed does not represent the complex dissolved oxygen patterns that occur in healthy river systems and that it needs to be modified. It has taken a long time, and considerable effort and expense on IAWA's part to get to this realization.

IAWA members knew five years ago that the dissolved oxygen standard was incorrect. We had worked with the existing rule and knew that it is unattainable even in those Illinois waters that are among the least impacted by human activities. Our goal was to design and have promulgated the Board ultimately a DO regulation that met a few crucial criteria:

- A) That it represents accurately what is expected in the least impaired waters in the state;
- B) That the design of the rule be both enforceable by the IEPA and be protective of all life stages of all the vertebrate and invertebrate life found in the surface waters of Illinois;

- C) And that it have the fundamental strength of being based in good science.

We met with folks in the IEPA to discuss our planned effort. We commissioned Dr. Whiles and Dr. Garvey to search the literature and draw from their own knowledge and experience to craft the best standard possible. They were careful to adhere to the United States Environmental Protection Agency ("USEPA") 1986 National Criteria document and have been in contact with the author of that document and solicited comments from him. They spent over two years at this effort and in April 2004 published "**An Assessment of National and Illinois Dissolved Oxygen Water Quality Criteria**". Even when still in draft form, IAWA circulated copies of the study to the IEPA, citizen groups such as Sierra Club and Environmental Law and Policy Center the IDNR and others. This was an effort to reach out to interested parties and seek comments. We received none. We filed our petition on April 14, 2004 and were promptly criticized for not first having stakeholder discussions.

After the first hearing on June 29, 2004, we initiated the requested stakeholder discussions. I was hoping then that we could begin serious and directed discussions to defend our position and present the data supporting the IAWA petition. I'm sorry to say that looking back on it, that during the first year of stakeholder meetings our efforts were not taken very seriously by some of the folks at the table. The initial opposition was from the IDNR Natural Histories Survey ("NHS") and the environmental groups. There were others in IDNR who supported the needed revision and some others who were opposed as

well. I think that as time went on and those folks continued to attend the meetings, they gradually were convinced that the IAWA proposal was sound. Unfortunately they were ultimately unable to convince their counterparts in their respective agencies. The stakeholder discussions really led us nowhere. Not everyone was yet convinced that the standard needed fixing.

As the second hearing transcript clearly shows, all who had been involved to date were totally surprised by the participation of the representative from the Lieutenant Governor's office and the letter and testimony of Dr. Thomas from the NHS. Neither had participated in the stakeholder group meeting held the morning of the hearing. IAWA had also recently spent several hours meeting with Mr. Miller with Dr. Garvey on the phone to explain IAWA's position at his request.

At the third hearing, after numerous stakeholder meetings, we were again surprised by continuing opposition from the NHS in testimony filed by Dr. Tomas which was subsequently withdrawn by IDNR. There clearly was continuing disagreement between the IDNR and the IEPA on this petition. The different positions taken by IEPA and IDNR and fueled by apparent disagreements between divisions within IDNR have taken a long time to resolve.

At the last hearing we saw that there was some resolution to those disagreements. I would like to compliment both IEPA and IDNR for the enormous effort they have put into this matter. Individuals within both agencies have worked extremely hard. There has been a huge commitment of staff time

devoted to working out the differences between these two important state agencies. I don't believe that was an easy process.

It was apparent early on that there are slightly different perspectives between the two agencies. The IDNR has said that protection of Illinois natural resources is their responsibility. I appreciate that position and support it. They should focus on protecting natural systems, enhancing habitats and insuring that the resources of the state are there for everyone present and future. The IEPA on the other hand have a slightly different mandate. Historically IEPA has developed and proposed the regulations that are both protective of the environment and are attainable by the regulated community. It would obviously be pointless to develop a rule that no one can meet. This is I think, the source of the different perspectives between the two agencies. They aren't opposed to each other but they have approached this petition from slightly different viewpoints. IDNR wants to be as protective as possible while IEPA needs an enforceable and attainable rule that is as protective as necessary. The DO standard which is finally adopted in this proceeding should be a sound dissolved oxygen regulation that will be used in the development of use stream classifications. It will be utilized by IEPA in classifying streams as to attainment or impairment. It will be used in the development of TMDLs and the basis for future nutrient rulemaking. It will also be used in other decisions by other agencies.

I pointed out in my introduction that I manage both the wastewater utility and the public water supply in my community. The source of the different

perspectives regarding regulations between the IDNR and IEPA is reminiscent of what I've seen in potable water regulations. The Safe Drinking Water Act has two sets of numbers for many contaminants found in drinking water. There are maximum contaminant levels that set regulatory limits that are enforceable and there are maximum contaminant level 'goals'. The goals are where we would like to be but can't get there yet either because the technology doesn't exist or the costs far out weigh the benefits. This analogy is not precisely correct but I think it illustrates a bit of what I've seen over the past year or more. IDNR would like to have in place regulatory goals that are as protective as possible while IEPA needs to have regulations that can be reasonably attained and enforced.

As explained to me by both IEPA Director Douglas Scott and IDNR Deputy-Director Leslie Sgro, the Governors' office directed the two agencies to find some common ground and not present positions at odds in this proceeding. Eventually staff was assembled who could address the IAWA petition seriously and a new round of meetings were scheduled while they worked out what is now the Joint IDWR-IEPA proposal, I wouldn't describe these meetings as being stakeholder meetings. The group was larger than ideal for this sort of discussion. We weren't usually apprised of what the data would be presented before attending the meetings. I'm sorry to say, that in my opinion we were not given the opportunity to have meaningful input. The actual discussions seemed very limited. What we did see from those meetings, however, was a morphing of the NHS position from total opposition to a general acceptance of the IAWA

proposal and with limited agreement on the DO numbers and dates for the different DO concentrations.

That morphing culminated in the submittal of the Joint IDNR-IEPA Proposal filed with the Board at the last hearing. It has some of the basic design features of the original IAWA proposal. The two agencies have proposed a seasonal DO standard. They agree with the IAWA concept of averaging the DO measurements. There is an understanding that there is an absolute minima and that there is an average low that can be tolerated by the organisms in the river. I think that the basic design of the IAWA proposal and many of the numbers were finally being accepted as being mostly on target by the agencies.

I'm sorry to say, however, that there were some other things thrown into the Joint IDNR-IEPA Proposal that IAWA can not accept. We believe that these should be rejected by the Board for the reasons I will discuss.

The added feature I am most concerned about are the concepts of an enhanced dissolved oxygen concentration for selected river segments. I suspect the idea for selecting particular river segments for a different standard may have come from the first round of stakeholder meetings. During a stakeholder discussion when it seems as though all of the participants are at an impasse, it has been my experience that suggesting some new concepts or new ideas might help stimulate discussion and get the participants over the impasse. During one of those impasses early on in the stakeholder process, IAWA suggested that there might be some rivers in Illinois that would be deserving of a DO standard that was different than the rest of the state. Since we couldn't agree on all

details of the IAWA petition, IAWA proposed to retain the existing standard for some list of waters until work could be completed that would identify how to appropriately classify those waters and determine what standard should be adopted for these waters. We felt that we could introduce the goal that IAWA would eventually like to see the surface waters in Illinois categorized by attainable uses. This would in an appropriate method to assign water bodies to appropriate categories and would include different DO standards assigned to each category. IAWA and those attending the meeting understood that arriving at just what those new standards would be is a very complex process. No agreement on this suggestion was reached.

Since these initial shareholder meetings, IAWA, again at its expense, has begun to move forward to develop what we hope will be a regulatory proposal to replace the present one size fits all water quality standard approach with tiered use criteria and appropriate standards.

The IAWA effort includes participation of various stakeholders including IDNR, IEPA, USEPA and various environmental groups. We have formed a 'Tiered Use Committee' and retained a consultant to begin this process. This committee has already started to identify what the various appropriate categories should be in Illinois based on existing and attainable uses. After this first step we will determine what the various water quality standards, including dissolved oxygen concentrations should be for each category.

At the September 2006 IAWA Annual Conference Toby Frevert spoke and provided an IEPA update. During his presentation he was asked about the Tiered

Use effort. His response was that it is a difficult process that will take a long time. He asked that IAWA stay involved and do what it can to assist the IEPA as we work out this important addition to Illinois environmental policy and regulations.

This is indeed a complex process and we expect this to be a long and laborious effort. Yet in their testimony at the last hearing and their Joint IAWA/IEPA Proposal, the IDNR and IEPA are suggesting we move to a two-tiered dissolved oxygen standard now. The agencies recommended to the Board that the current dissolved oxygen standard be replaced with two levels of standards, each level applying to one of two sets of Illinois waters. One is a general use standard, which fairly closely follows the IAWA proposal and another is a higher-level standard that would apply to a subset of waters that were identified in the testimony.

As I said all of this is very complex. There is much to be learned about all of these relationships. The tiered use work underway by IAWA with participation from IDNR and IEPA is the correct approach to resolving and addressing these complexities. Recently the IEPA circulated a 'White Paper' suggesting biological criteria as a useful tool to identify different categories. That will possibly be the best approach to take. It is used in other states and seems to be a reasonable approach to establish use categories.

Establishing a variety of specific numeric targets for constituents such as DO without adequate data to support them is re-creating a flawed and unworkable standard. I would like to caution the Board to be very careful about

adopting an arbitrary tiered use or what is called a “higher level” of waters in Illinois. The dissolved oxygen standard that we are attempting to repair was established over 30 years ago. That standard was put in place in what seems to have been a very arbitrary way. We do know that it was arrived at quickly, and it was arrived at without there being a great deal of data to support it. We came here to fix a standard that most everyone now agrees is broken. Let’s not replace it with another standard that has no data to support it either.

If the Board were to proceed establishing two tiers of dissolved oxygen standards it could be setting itself up for a future workload when each of the suggested river segments are analyzed and found to not need the suggested 6.25 mg/L dissolved oxygen concentration. How the agencies arrived at identifying the segments for the added protection seems extremely arbitrary. Features such as a bridge, or some other geographical identifier are used to delineate the individual river segments. The Joint IEPA-IDNR Proposal has not been subject to any ground truthing of the proposed segments. No continuous dissolved oxygen measurements have ever been performed to show that the suggested 6.25 mg/L concentration is either realistic or attainable in the proposed enhanced segments. As a result neither IEPA or IDNR has presented any in this record to support their proposal.

Trying to minimize the apparent impact of the Joint Proposal IDNR/IEPA, IEPA points out that only 8% of the total length of Illinois stream miles would be included for the enhanced protection. I ask the Board to look closely at the testimony and documentation submitted to support establishing the proposed

segments. The 8% is spread out across the state in a very widely dispersed sort of pattern. A piece here, a piece there, there is no continuity. These designations should be by basin or at least by sub-basin. I increasingly the data are showing that habitat should be the characteristic determining which waters receive the designation.

Also at the IAWA Annual Conference we again heard from Dr. Mark David. He is one of the principal investigators working on an Illinois Department of Agriculture project investigating the sources and effects of nutrients in Illinois waters. Specifically he is working with the Illinois Council for Food and Agricultural Research (C-FAR). While that effort is not yet complete Dr. David was willing to state that his findings show that the greatest influence on biological diversity in Illinois waters is habitat. Diverse and intact habitats result in the greatest diversity of fish and macro-invertebrate communities.

Again, I caution the Board to be very careful about adopting this beginning of a tiered use system without there being the appropriate effort put into identifying the correct numbers, the correct stream use categories and the streams segments that are appropriate for each category. The process begun by the Illinois Association of Wastewater Agencies for identifying tiered use is the correct process to follow. With continued IEPA, IDNR and other stakeholder cooperation, I'm confident we can come to develop in Illinois a detailed and defensible attainable use system and correctly identify the appropriate categories for the surface waters of Illinois.

The suggested 6.25 mg/L enhanced dissolved oxygen standard is just as wrong and is just as broken as the existing standard. In other words the 6.25 mg/L average is an unattainable number even in the least impaired river systems. At the last hearing IAWA suggested that either IEPA or IDNR repeat the earlier DO continuous sampling effort this summer. It is our understanding they have not done so. Nor have they made available any of their 2006 sampling effort. At the last hearing, I explained that IAWA would attempt to gather some additional data. Some IAWA members, over the past several months, have at their own expense and effort installed continuous dissolved oxygen recorders in various river segments across Illinois. Some of these are segments identified by IDNR and IEPA as deserving of the enhanced dissolved oxygen standard. Dr. Garvey will review the data that was collected later during his testimony. As he will testify, the 6.25 mg/L value was not always achieved. This is not surprising because that was shown over a year ago when IEPA collected continuous DO measurements on eight selected rivers in Illinois. Some of the rivers chosen were among those least impaired in Illinois. The data showed that they did not meet the current 5mg/L for 16 hours and 6 mg/L for eight hours let alone the suggested 6.25 mg/l standard. My questions, and a questions the Board should ask is how can these river segments support the diversity of fish the IDNR suggests are DO intolerant and the protection of require a 6.25 mg/L average DO standard, yet are found in river segments that in fact have been shown do not achieve the 6.25 mg/L average? Why is it we see lower DO levels yet still find the river supports a diverse population of so called DO intolerant fish and other aquatic organisms? And finally where are the data to support the agencies position? Are we just finding a compromise that is not supported by any science? Dr. Garvey and Dr. David, in separate studies have said that habitat is key to species diversity.

At a meeting in Springfield last January I met with IEPA staff and talked with them about what was then their draft IEPA-IDNR proposal. I was surprised to see the 6.25 mg/L concentration being suggested and asked where it came from. I was immediately told that it was a compromise. I was told that the two agencies, IEPA and IDNR could not decide on the final concentration for the proposed enhanced river segments and that the IEPA attorneys suggested that the 6.25 mg/L value be agreed upon as the middle point. This is not the way to develop an appropriate regulation. It is probably how the current DO standard was developed, with no data to support it and no documentation of where it came from. I am hoping we are not going to adopt another standard that starts out to be broken immediately after being implemented.

As I said earlier the goal of the IAWA petition is that Illinois have a dissolved oxygen standard;

- A) That it represents accurately what is expected in the least impaired waters in the state;
- B) That the design of the standard be both enforceable by the agency and be protective of all life stages of all the vertebrate and invertebrate species found in the surface waters of Illinois;
- C) And that it have the fundamental strength of being based in good science.
I don't believe that the proposed alternative Joint IDNR-IEPA Proposal achieves those goals.

We have seen over the past two years a focused effort to collect additional dissolved oxygen data through out Illinois. This proceeding has generated reams of dissolved oxygen data. I ask the Board to look again at the numerous exhibits and the amazing amount of data filed, the overwhelming bulk of which

supports the IAWA petition. Yet still there are questions and doubt about what a protective DO concentration should be. Why would the two agencies now propose a tiered approach? I would suggest the reason could be found by looking at that fundamental difference in the agencies viewpoint of the goal of a regulation. The proposed alternative agency standard is a compromise that helps IDNR be more protective than is necessary.... sort of setting a goal for the surface waters of Illinois to meet, but the data show they won't. There was no ground truthing to prove the enhanced waterways meet or will ever meet the proposed standard.

The second part of the Joint IDNR-IEPA proposal to which IAWA strongly objects is the arbitrary inclusion of July in the cool weather months which would be subject to the more stringent DO limits. This clearly is another attempt to set a goal to protect the earlier life stages. The entire data set presented and discussed in this proceeding shows that DO levels throughout Illinois in July routinely fall below that found in the cooler months. July is a hot month with resulting increases in water temperature and lower DO saturation. Acceptance of the IDNR-IEPA position on this issue means the establishment of a DO limitation that is currently not being attained, is generally not attainable and one which will lead to expenditures of public funds to attempt to meet an unattainable goal.

While IAWA is strongly opposed to the enhanced waters proposal and the conclusion of July in the cool water period, IAWA is in agreement with a portion of Toby Frevert's testimony at the last hearing. Mr. Frevert asked that

the Board consider incorporation of a narrative provision supplementing the numeric provisions of the standard to assure environmentally acceptable conditions are provided throughout the full spectrum of general use waters. IEPA and IDNR have recommended, and IAWA supports, that the general use waters at all locations maintain sufficient dissolved oxygen concentrations to prevent offensive conditions as required in section 302.203 of the Illinois administrative code.

"Quiescent and isolated sectors of general use waters including wetlands, sloughs, backwaters, and lakes and reservoirs below the thermal cline shall be maintained at sufficient dissolved oxygen concentrations to support their natural ecological functions in resident aquatic communities."

Also, previously we have also agreed that the inclusion of a 30 day average be part of the regulation, bringing it more in alignment with the USEPA 1986 National Criteria Document.

In conclusion, the proposal that a two-tiered system be put in place is premature and unwarranted by the data. Dr. Whiles and Dr. Garveys' report stands the test of these past 2 ½ years of data collection and should be adopted by the Board with the two modifications suggested. Along with those two additions I am urging the Board to adopt the IAWA petition as filed. That from March 1st through June 30th the state wide standard be a one day minimum of 5 mg/L with a seven day mean of 6 mg/L and that the remainder of the year from July 1st through February 28th or 29th that the one day minimum be 3.5 mg/L with a seven day mean minimum of 4.0 mg/L. As will be explained by Dr. Garvey the data clearly show that the proposed July 30th date for the seasonal

change in acceptable DO levels throughout Illinois is clearly not appropriate and should not be adopted as part of this petition.

Thank you for your time.

CH02/ 22464330.1