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STATE OF ILLINOIS
Pollution Control Board

December 20, 2006

Ms. Dorothy Gunn
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

PC#104

PUBLIC COMMENT

***Subject: Proposed Amendments to Dissolved Oxygen Standard
35 Ill. Adm. Code 302.206; Pollution Control Board Docket R04-25***

Dear Ms. Gunn:

Baxter & Woodman, Inc. would like to register its support for the Illinois Association of Wastewater Agencies (IAWA) petition R04-25. We have followed this rulemaking closely and believe that the evidence in the record supports the petitioner's position. We submit that the rulemaking record shows the existing water quality standard for dissolved oxygen (DO) to be in need of updating and that the IAWA's proposal as amended offers an appropriate modification of this standard by combining the expectation of ability to protect Illinois waters, enforceability by the Illinois Environmental Protection Agency (IEPA), improved attainability by the regulated community when compared with the existing standard and with the competing proposal in the rulemaking, and sound basis in science.

While otherwise fairly similar to the IAWA's proposal as amended, the competing joint agency proposal by the Illinois Department of Natural Resources and the IEPA introduces a two-tier water quality standard and includes July in the season requiring additional protection due to the presence of early life stages of fish. We support neither of these deviations from the IAWA proposal.

We concur with the IAWA's assessment of the two-tier water quality standard for oxygen as premature in light of the already initiated but incomplete work sponsored by IAWA on developing a proposal for a tiered use designation system in Illinois and as unsupported by the evidence presented for the rulemaking record. We particularly support the IAWA's position that adopting a tiered DO standard without due regard for all potentially significant causative factors including habitat and physical characteristics of the receiving water body is not justified, appropriate, or necessary at this time. Instead of introducing a tiered component to the water quality standard for

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DO in Illinois at this time, we are convinced that time should be allowed to complete the development of a defensible habitat-based tiered use designation system reflective of all appropriate data, and only then should the development of tiered water quality standards, including that for DO, proceed as appropriate. In the meantime, we believe that the IAWA's proposal as amended will provide a suitable update of the general use water quality standard for DO.

We are also convinced that the joint agency proposal to include July in the season protective of the early life stages of fish is unnecessary and that it will result in a less attainable but not necessarily more protective standard than the IAWA's proposal.

We share IAWA's concern that an unattainable standard for DO may have far reaching consequences in that it could eventually lead to unnecessary listings of segments as impaired for DO, with the associated stakeholder impacts, including the potential for misguided expenditure of public funds. Consequently, we believe the IAWA's proposal to be more appropriate than the joint agency proposal.

In summary, we support the IAWA's petition as amended and encourage its adoption by the Board. We suggest the Board postpone adopting tiered water quality standards, including the joint agency proposal in this rulemaking, until a tiered use designation system has been developed in Illinois.

We appreciate the opportunity to submit our comments.

Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Darrel R. Gavle, P.E.
DRG:py

Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Pavel Hajda, PhD
PH:py

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R04-25
DISSOLVED OXYGEN STANDARD 35 ILL.) (Rulemaking – Water)
ADM. CODE 302.206)
)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST.

PLEASE TAKE NOTICE that on Wednesday, December 20, 2006, we filed by first class U.S. mail with proper postage prepaid, the attached PUBLIC COMMENTS with the Clerk of the Pollution Control Board, a copy of which is herewith served upon you.

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

BY: *Pavel Hajda*
Pavel Hajda, Engineer

Pavel Hajda
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CERTIFICATE OF SERVICE

I, Pavel Hajda, being duly sworn on oath, certify that I caused a copy of the attached PUBLIC COMMENT to be sent via first class U.S. main to the individuals identified on the attached service list, at their addresses as shown, with proper postage prepaid, from 8678 Ridgefield Road, Crystal Lake, Illinois, at or near the hour of 4:00 p.m., this 20th day of December 2006.

Pavel Hajda

SUBSCRIBED and SWORN to before
me this 20th say of December 2006

Deborah Finn
Notary Public

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PH:py



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