BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

IN THE MATTER OF:

PROPOSED AMENDMENTS TO: 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8) 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 405.109(b)(2)(B), 406.100(d); REPEALED 35 Ill. Adm. Code 406.203, PART 407; and PROPOSED NEW 35 Ill. Adm. Code 302.208(h)

APR 2 0 2007

STATE OF ILLINOIS Pollution Control Board

R07-09 (Rulemaking - Water)

NOTICE OF FILING

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

Mathew Dunn Illinois Attorney General's Office Environmental Control Division James R. Thompson Center 100 West Randolph Street Chicago, Illinois 60601 Marie E. Tipsord Hearing Officer Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, Illinois 60601

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Jonathan Furr Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271

ALSO SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the <u>Illinois Environmental Protection Agency's Responses to Pre-Filed Questions of</u> <u>Environmental Law and Policy Center, Prairie Rivers Network, and Sierra Club</u>, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

Dated: April 19, 2007 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 **REPEIVED**

APR 2 0 2007

IN THE MATTER OF:)	STATE OF ILLINOIS Pollution Control Board
PROPOSED AMENDMENTS TO:	Ś	
35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8)	ý	R07-09
302.102(b)(10), 302.208(g), 309.103(c)(3),	ý	(Rulemaking - Water)
405.109(b)(2)(A), 405.109(b)(2)(B), 406.100(d);	Ś	
REPEALED 35 Ill. Adm. Code 406.203, PART 407; and	Ĵ	
PROPOSED NEW 35 Ill. Adm. Code 302.208(h))	

AGENCY'S RESPONSES TO PRE-FILED QUESTIONS OF ENVIRONMENTAL LAW AND POLICY CENTER, PRAIRIE RIVERS NETWORK AND SIERRA CLUB

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (the "Agency" or "Illinois

EPA") respectfully submits the following responses to the pre-filed questions of Environmental

Law and Policy Center ("ELPC"), Prairie Rivers Network ("PRN"), and Sierra Club in R07-9

rulemaking proceeding. The Agency provides the following responses:

Agency staff have referred to the concept of "effluent treatment ditches" with regard to discharges from mining areas. Are these considered treatment works under 35 IAC 301.415?

Yes, these "effluent treatment ditches" are considered treatment works under Section 301.415 of

the Board regulations.

Please describe the criteria used to determine whether a channel receiving discharge from a mining area is considered an "effluent treatment ditch" rather than receiving water for the purposes of NPDES permitting.

Pursuant to 35 Ill. Adm. Code 301.415, channels dug to convey effluents are considered treatment works. However, natural water courses are waters of the State, pursuant to Section 301.440 of the Board's regulations. Thus, a natural water course receiving a discharge is

receiving water for that discharge.

Do these criteria for waterways receiving a discharge from a mining area differ from those used in permitting other types of facilities?

No, the criteria for waterways receiving a discharge from a mining area do not differ from those

used in permitting other types of facilities.

Are these criteria for waterways receiving a discharge from a mining area expected to change at all as a result of this rulemaking?

No, the criteria for waterways receiving a discharge from a mining area is not expected to

change as a result of this rulemaking.

Respectfully Submitted

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Sanjay K. Sofat Assistant Counsel Division of Legal Counsel

DATED: April 19, 2007 Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 (217) 782-5544 COUNTY OF SANGAMON

PROOF OF SERVICE

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I, the undersigned, on oath state that I have served the attached <u>Illinois Environmental</u> <u>Protection Agency's Responses to Pre-Filed Questions of Environmental Law and Policy</u> <u>Center, Prairie Rivers Network, and Sierra Club</u> upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

> Dorothy Gunn, Clerk Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601 (**OVERNIGHT MAIL**)

Mathew Dunn Illinois Attorney General's Office Environmental Control Division James R. Thompson Center 100 West Randolph Street Chicago, Illinois 60601 (**OVERNIGHT MAIL**) Marie E. Tipsord Hearing Officer Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 (OVERNIGHT MAIL)

Jonathan Furr Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271

(OVERNIGHT MAIL)

ALSO SEE ATTACHED SERVICE LIST (FIRST CLASS)

and mailing it from Springfield, Illinois on April 19, 2007, by U.S. Mail with sufficient postage affixed.

Jara Milmore

SUBSCRIBED AND SWORN BEFORE ME THIS 19th DAY OF APRIL 2007.

BAlrda Boelins

OFFICIAL SEAL BRENDA BOEHNER NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 11-3-2009

PRINTED ON RECYCLED PAPER

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Party Name	Role	City & State	Phone/Fax
Sonnenschein Nath & Rosenthal Interested Party	7800 Sears Tower 233 South Wacker Drive	Chicago IL 60606- 6404	312/876-8000 312/876-7934
Elizabeth Leifel			
Katten, Muchin & Zavis Interested Party	525 West Monroe Suite 1600	Chicago IL 60601- 3693	312/902-5200 312/902-1061
Nancy J. Rich, Esq.			
U.S. Fish & Wildlife Service Interested Party Mr. Mike Coffey	4469-48th Avenue Court	Rock Island IL 61201	309/793-5800
Stateside Associates Interested Party	2300 Clarendon Blvd. Suite 407	Arlington VA 22201	
*			
Illinois Environmental Regulatory Group Interested Party	3150 Roland Avenue	Springfield IL 62703	217/523-4942 217/523-4948
Brenda Carter, Project Manager Deirdre K. Hirner, Executive Director			
<u>Caterpillar Inc.</u> Interested Party	100 N.E. Adams Street	Peoria IL 61629	309/675-4105 309/675-5861
Bill Compton, Environmental Affairs Illinois Municipal League	500 E. Capitol	Springfield	217/525-1220
Interested Party	P.O. Box 5180	IL 62705	217/525-7438
Kenneth Alderson		North Chicago	
Abbott Laboratories Interested Party	Dept. 590, Bldg. P-14 1401 Sheridan Road	IL 60064- 4000	847/937-8935
Jeffrey Smith			·
Goodwin & Broms, Inc. Interested Party Daniel J. Goodwin	400 Bruns Lane	Springfield IL 62707	217/698-0222 217/698-0422
Dept. of Commerce & Economic	Small Business Office		
Opportunity Interested Party Dan Wheeler	620 East Adams Street, Fifth Floor	Springfield IL 62701	217/785-6162
Barnes & Thornburg	1 North Wacker Drive	Chicago	312/357-1313
Interested Party Fredric P. Andes	Suite 4400	IL 60606	312/759-5646
Thorn Creek Basin Sanitary District Interested Party	700 West End Avenue	Chicago Heights IL 60411	708/754-0525 708/754-3940
James L. Daugherty, District Manger			
Exxon Mobile Oil Corporation Interested Party Bob Elvert	1-55 & Arsenal Road East	Channahon IL 60410	815/521-7755
Metropolitan Water Reclamation District of Greater Chicago Interested Party	100 East Erie	Chicago IL 60611	312/751-6583
Ron Hill, Principal Assistant Attorney Richard Lanyon, General Superintende	nt		

Interested Party James E. Huff, P.E.Suite 100IL60525Admiral Environmental Services, Inc. Interested Party2025 South Arlington Heights Road Suite 103Arlington Heights ILPhilip A. Twomey American Bottoms RWTF Interested PartyOne American Bottoms Road Suite 1050Sauget ILOpenlands Project Interested Party25 East Washington Street Suite 1650Chicago ILStacy Meyers Fox Metro Water Reclamation District Interested Party682 State Route 31 One Natural Resources Way One Natural Resources WayOswego ILJilmois Department of Natural ResourcesOne Natural Resources Way P.O. Box 626Springfield IL630/668-1515Wheaton Sanitary District Interested PartyP.O. Box 626Wheaton IL630/668-1515Wheaton Sanitary District Interested PartyP.O. Box 626Wheaton IL630/668-1515Micest Party Metaon Sanitary District Interested PartyP.O. Box 626Wheaton IL630/668-1515Wheaton Sanitary District Interested PartyP.O. Box 626Wheaton IL630/668-1515Micest Cavel, Engineer-Manager Ameren ServicesOne Ameren Plaza PO Box 66149314.554.4908Mr. Michael Bolinger August Mack Environmental_Inc. Interested Party8007 Castleton RoadIndianapolis IL(317) 579- 7400Interested Party Charles Schnurpel, Project Manager1021 N. Grand Ave. East PO Box 19276Springfield IL62794- 27400524-5951Interested Party Charles Schnurpel, Project Manager1021 N. Grand Ave. East<	Huff 9. Huff Inc	E12 Mech Burlington Augura		
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Scott Twait Prairie Rivers Network 809 South 5th Street Champaign			IL 62794-	524-5951
	Scott Twait			
Interested Party IL 61820	<u>Prairie Rivers Network</u> Interested Party	809 South 5th Street	Champaign IL 61820	
Jean Flemma	Jean Flemma			
Glynnis Collins	-			
Beth Wentzel				
Fox River WRDP.O. Box 328ElginInterested PartyP.O. Box 328IL 60121		P.O. Box 328		847-742-2068
Rick Manner, Engineer	-		100121	
Environmental Law & Policy Center 35 E. Wacker Chicago 312 795 3707	Environmental Law & Policy Center			312 795 3707
Interested Party Suite 1300 IL 60601		Suite 1300	IL 60601	312 / JJ J/U/
Midwest Generation 440 S. LaSalle Street Chicago (312) 583-		440 S. LaSalle Street	Chicago	(312) 583-
Interested Party Suite 3500 IL 60605 6080	Interested Party	Suite 3500	-	• •
Mr. Bill Constantelos	Mr. Bill Constantelos			

ExxonMobil Interested Party Stacey Ford, NSR Coordinator	PO Box 874	Joliet IL 60410	815-521-7755
ECT Interested Party Gary Dalbec	3701 NW 98th street	Gainesville FL 32606	3523320444
Illinois Coal Association Interested Party Greg Arnett	1480 E. 1200th Street	Industry IL 61440	
Illinois-American Water Co. Interested Party	123 S.W. Washington Street	Peoria IL 61602- 1317	
Dean Falkner, Chair, Illinois Section			
Formosa Plastics Interested Party Ms. Kim Bennett	P.O. Box 27	Illiopolis IL 62539	
MRRI Interested Party Mr. Ron Balch	P.O. Box 1642	Murphysboro IL 62966	
John Tippy			
Illinois Association of Wastewater Agencies Interested Party	241 N. Fifth Street	Springfield IL 62701	
Mr. William Cellini			
Environmental Consulting and Technology Interested Party	3701 NW 98th Street	Gainsville FL 32606	
Gary Dalbec			
Illinois Coal Association Interested Party Gerald DeNeal	P.O. Box 727	Harrisburg IL 62946	
Illinois Coal Association Interested Party	8100 E. Main Street	Williamsville IL 62693	
Roger Dennison			
Illinois Coal Association Interested Party	212 S. Second St.	Springfield IL 62701	217-528-2092
Phil Gonet		Testersille	
Illinois Rural Water Association Interested Party Loy McCart	P.O. Box 6049	Taylorville IL 62568	
U.S. EPA	Region 5 (WT-15J)	Chicago	
Interested Party Dave Pfeifer	77 West Jackson Blvd.	IL 60604	
<u>Citgo Petroleum</u> Interested Party	135th Street & New Ave.	Lemont IL 60439- 3569	
Brigette Postel			
Bolten & Menk, Inc. Interested Party	2730 Ford Street P.O. Box 668	Ames IA 50010- 0668	
Gregory Sindt		0000	
		Champaign	

<u>Illinois Natural History Survey</u> Interested Party David Soucek	607 E. Peabody Drive	IL 61820- 6970		
Rhodia Inc. Interested Party	1101 Arnold Street	Chicago Heights IL 60411		
Kirk Thompson				
<u>Akzo Nobel</u> Interested Party	8201 West 47th Street P.O. Box 1569	McCook IL 60525		
George Yanku				
Farmland Foods Interested Party	1220 N. 6th Street Road	Monmouth IL 61462		
Isaac Yoder				
Farmland Foods Interested Party	7501 N.W. Tiffany Springs Parkway	Kansas City MO 64153		
Bud Ackerman				
<u>Viper Mine</u> Interested Party	8100 East Main Street	Williamsville IL 62693		
Kayla Primm				
IDO <u>T</u> Interested Party	2300 South Dirksen Parkway	Springfield IL 62764	217/785-4246	
Steven Gobelman, Geologic/Waste Assessment Specialist				
James Huff Interested Party *	915 Harger Road	Oak Brook IL 60525		

Total number of participants: 59