

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 8 2006

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
(NPDES Permit Appeal)

NOTICE OF FILING

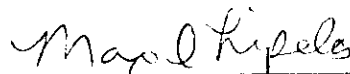
PLEASE TAKE NOTICE that on May 4, 2006, I filed with the Office of the Clerk of the Pollution Control Board the following documents:

1. PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
2. MOTION FOR PRO HAC VICE ADMISSION OF MAXINE I. LIPELES
3. ENTRY OF APPEARANCE.

Copies of the above are being served, via U.S. Mail, on the following Service List:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

United States Steel Corporation – Granite City Works
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606



Maxine I. Lipeles, Pro Hac Vice
Counsel for Petitioners

Interdisciplinary Environmental Clinic

Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899
(314) 935-5837

May 4, 2006

RECEIVED
CLERK'S OFFICE

MAY - 8 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE 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
(NPDES Permit Appeal)

MOTION FOR *PRO HAC VICE* ADMISSION OF MAXINE I. LIPELES

Pursuant to 35 Ill. Adm. Code § 101.400(a)(3), I, Maxine I. Lipeles, respectfully request that the Illinois Pollution Control Board authorize me to appear *pro hac vice* in the above-captioned matter on behalf of petitioner American Bottom Conservancy. The grounds for this motion are as follows:

1. I am a licensed attorney in the State of Missouri, where I was admitted to the practice of law in 1982. My attorney registration number in Missouri is 32529, and I am in good standing.

2. I am a member in good standing of the Bar of the Commonwealth of Massachusetts. I was admitted to practice in Massachusetts in 1980, my registration number is 301160, and I am on inactive status.

3. I am a member in good standing of the bars of the following federal courts: U.S. Court of Appeals for the Ninth Circuit (Oct. 26, 1981); U.S. Court of Appeals for the First Circuit (June 4, 1982); U.S. District Court for the District of Massachusetts (July 16, 1981); U.S. District Court for the Eastern District of Missouri

(Feb. 4, 1983; re-registered January 1, 2003); U.S. District Court for the Western District of Missouri (Oct. 2, 1982; inactive status).

4. No disciplinary proceedings are pending or have ever been brought against me.

5. I have never been disbarred or subject to disbarment proceedings.

6. Petitioner American Bottom Conservancy is represented by the Interdisciplinary Environmental Clinic at Washington University School of Law. I am the Director of the Clinic.

7. I am familiar with the provisions of the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, and the Rules of the Illinois Pollution Control Board and I understand and agree to be bound by them in all proceedings before the Illinois Pollution Control Board.

8. With the Board's permission, attached is my Entry of Appearance in this matter.

Wherefore, I, Maxine I. Lipeles, respectfully request permission to appear pro hac vice on behalf of petitioner American Bottom Conservancy.

Respectfully submitted,

Maxine I. Lipeles

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

Dated: May 4, 2006

Subscribed and Sworn to before me this 4th day of May, 2006

City, State, Zip: St. Louis, MO 63120

Katie O'Flynn Herr

KATIE O'FLYNN HERR
NOTARY PUBLIC - NOTARY SEAL
CITY OF ST. LOUIS, STATE OF MISSOURI
MY COMMISSION EXPIRES 08/28/07

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 8 2006

STATE OF ILLINOIS
Pollution Control Board

AMERICAN BOTTOM CONSERVANCY)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and UNITED STATES STEEL)
CORPORATION - GRANITE CITY WORKS)

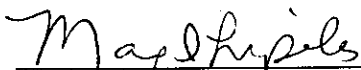
Respondents)

PCB 06- 171
(NPDES Permit Appeal)

ENTRY OF APPEARANCE

I hereby enter my appearance in the above-captioned proceeding, on behalf of petitioner
American Bottom Conservancy.

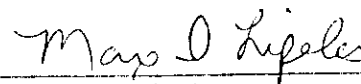
Respectfully submitted,



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

Certificate of Service

I, Maxine I. Lipeles, certify that on May 4, 2006, I filed the above MOTION FOR PRO HAC VICE ADMISSION OF MAXINE I. LIPELES and ENTRY OF APPEARANCE. An original and 9 copies were filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, via U.S. Mail, and copies were served via United States Mail to the individuals on the included service list.



Maxine I. Lipeles
Counsel for Petitioners

Interdisciplinary Environmental Clinic

Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899
(314) 935-5837

May 4, 2006

SERVICE LIST

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

United States Steel Corporation – Granite City Works
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY - 8 2006

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
(NPDES Permit Appeal)

**PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

Pursuant to 415 ILCS § 5/40(e)(1) and 35 Ill. Adm. Code § 105, the American Bottom Conservancy ("Petitioner" or "ABC") hereby petitions for review of the March 31, 2006 decision of Respondent Illinois Environmental Protection Agency ("IEPA") to grant a National Pollutant Discharge Elimination System ("NPDES") permit (Permit No. IL0000329) to Respondent United States Steel Corporation – Granite City Works ("GCW") to discharge pollutants into Horseshoe Lake.

In support of this petition, Petitioner states:

Petitioner

1. American Bottom Conservancy, an Illinois not-for-profit corporation, is a volunteer, grass-roots organization based in metropolitan East St. Louis. ABC is committed to helping low-income communities protect their environment against water, air, and land pollution. It works with concerned citizens to address environmental impacts affecting Illinois citizens. ABC submitted comments on the draft permit at issue in this

THIS FILING IS SUBMITTED ON RECYCLED PAPER

proceeding.

2. American Bottom Conservancy members use Horseshoe Lake State Park for fishing, hunting, bird watching, and nature study. ABC members are concerned that the discharge by United States Steel Corporation – Granite City Works of water pollution into Horseshoe Lake impairs their ability to enjoy those activities. American Bottom Conservancy members are adversely affected by pollution discharged into Horseshoe Lake, and American Bottom Conservancy brings this appeal on behalf of its members.

Respondents

3. Respondent Illinois Environmental Protection Agency is an agency of the State of Illinois, established pursuant to Section 4 of the Environmental Protection Act, 415 ILCS 5/1, and responsible for administering the National Pollutant Discharge Elimination System permit program in the State of Illinois.

4. Respondent United States Steel Corporation – Granite City Works operates a steelmaking facility at 20th and State Streets in Granite City, Illinois.

Horseshoe Lake and Horseshoe Lake State Park

5. The United States Steel Corporation – Granite City Works facility discharges an average of 16 million gallons per day (mgd) of wastewater containing various water pollutants into Horseshoe Lake. Maximum average monthly discharge is 21 mgd and maximum daily discharge is 25 mgd.

6. Horseshoe Lake is a general use water under 35 Ill. Adm. Code § 303.201 of the state and, therefore, subject to water quality standards set forth at 35 Ill. Adm. Code § 302 Subpart B..

7. A significant portion of Horseshoe Lake is located within Horseshoe Lake State Park. (Exhibit A)

8. Members of the public use Horseshoe Lake and Horseshoe Lake State Park for recreational activities including fishing, hunting, boating, bird watching, hiking and nature walks, camping, and picnicking.

9. A portion of Horseshoe Lake State Park is a designated Waterfowl Management Area managed by the Illinois Department of Natural Resources. The Waterfowl Management Area provides nesting sites and habitat for more than 300 species of birds, many of which are migratory. (Exhibit B)

10. Since 1998, the State of Illinois has listed Horseshoe Lake under section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d), for violating applicable water quality standards. According to the 2004 version of the list – the most recent version to receive approval from the United States Environmental Protection Agency (USEPA) – Horseshoe Lake is impaired, or not meeting water quality standards, for phosphorus, pH, total suspended solids (TSS), heptachlor, polychlorinated biphenols (PCBs), zinc, excess algal growth, and the presence of non-native aquatic life.

11. United States Steel Corporation – Granite City Works discharges several of the pollutants for which Horseshoe Lake is water quality impaired, including total suspended solids, zinc, and pollutants contributing to high pH and excess algal growth.

Statement of Issues Raised

12. On December 19, 2004, IEPA gave notice that it had made a tentative decision to issue a renewal NPDES permit (Permit No. IL0000329) governing the

discharge by United States Steel Corporation – Granite City Works of pollutants into Horseshoe Lake.

13. On January 18, 2005, ABC submitted written comments to IEPA regarding the draft permit. (Exhibit C)

14. ABC's January 18, 2005 comment letter was also submitted on behalf of Health and Environmental Justice-St. Louis, Neighborhood Law Office, the Sierra Club, and the Webster Groves Nature Study Society.

15. In its January 18, 2005 comment letter, ABC and each of the above-named organizations requested that IEPA hold a public hearing regarding the draft permit.

16. After ABC engaged the Interdisciplinary Environmental Clinic to assist it with legal and technical support, and determining that IEPA had not yet decided on permit issuance, ABC (through the Clinic) sent a follow-up letter to IEPA on October 3, 2005. (Exhibit D)

17. After communicating further with IEPA's permit writing staff and determining that no decision had yet been made regarding the draft permit, ABC, through the Clinic, sent supplemental technical comments to IEPA on December 9, 2005. (Exhibit E)

18. In each of its written comment letters, ABC requested that a public hearing be held.

19. By letter dated March 7, 2006, ABC reiterated to IEPA its request that a public hearing be held regarding the draft permit. (Exhibit F)

20. In its comments, ABC raised legal and scientific issues regarding flaws in the draft permit and in IEPA's consideration of the draft permit, including the following:

a. ABC as well as other interested parties requested a public hearing during the public comment period. Collectively the several organizations that requested a public hearing represent a variety of interests. At least one of the organizations – Sierra Club – is a large membership organization representing thousands of people. Moreover, the permit authorizes the discharge of harmful pollutants into a lake that abuts a state park and is already exceeding applicable water quality standards. Under the circumstances, there exists a significant degree of public interest sufficient to trigger a public hearing, particularly in light of the regulations' instruction that "instances of doubt shall be resolved in favor of holding the hearing." 35 Ill. Adm. Code § 309.115(a)(1).

b. IEPA improperly calculated monthly effluent load limits. IEPA calculated monthly load limits using daily maximum flow, rather than using highest monthly average flow as is required. As a result, IEPA set monthly effluent limits at levels that are illegally high.

c. IEPA made a gross error in setting the permit's concentration-based effluent limits for cyanide. Although the IEPA permit writer correctly calculated cyanide limits, the permit apparently and inexplicably "rounded up" to allow GCW to discharge nearly twice as much cyanide into Horseshoe Lake as the permit writer calculated. Therefore, the permit limit is excessive, and is not sufficient to protect water quality.

d. Despite GCW's history of noncompliance with cyanide limits, IEPA failed to include a compliance schedule as required by 35 Ill. Adm. Code § 309.148.

e. A special effluent limit granted to GCW by IEPA for ammonia for the month of March is improper and contrary to the regulation 35 Ill. Adm. Code § 302.212(e).

f. IEPA unlawfully failed to include effluent limits for sulfate, total phosphorus, and fecal coliform – pollutants that are present in GCW's effluent and for which the state has effluent limits and/or water quality standards.

g. IEPA unlawfully failed to require GCW to monitor its effluent for naphthalene, benzo(a)pyrene and tetrachloroethylene at Outfall 001. Although these pollutants are monitored at internal locations ("outfalls" A01 and B01), they must also be monitored where GCW discharges into Horseshoe Lake (outfall 001).

21. On March 8, 2006, IEPA purported to issue the final permit for GCW. (Exhibit G) However, IEPA did not issue a Response to Comments at that time, contrary to the requirements of 40 C.F.R. § 124.17.

22. By letter dated March 24, 2006, IEPA responded to ABC's January 18, 2005 comment letter. (Exhibit H)

23. On March 31, 2006, IEPA re-issued the final permit. (Exhibit I)

24. By letter to counsel for ABC dated April 5, 2006, IEPA admitted its error in initially issuing the permit without the Response to Comments. IEPA stated: "To

remedy this departure from applicable procedures, we reissued the permit on March 31, 2006. All comments on the record were issued prior to that date and the official date of issuance for permit #IL0000329 for purposes of establishing the 35-day third party appeal timeframe is March 31, 2006.” (Exhibit J)

25. By letter dated April 10, 2006, IEPA responded to the December 9, 2005 comments submitted by ABC, through the Clinic. (Exhibit K)

26. The final permit did not remedy the flaws discussed above that were raised by ABC in its written comments.

27. **Public Hearing:** The issuance of the permit, initially on March 8, 2006 and finally on March 31, 2006, without conducting a public hearing, tacitly denied ABC’s multiple requests for a public hearing. In its response to ABC’s January 18, 2005 comment letter, IEPA did not offer any direct explanation for this denial. (Exhibit H)

28. IEPA’s response to ABC’s January 18, 2005 letter states: “The agency regrets that you were unable to attend a scheduled meeting on the above mentioned issues on March 14, 2006.” (Exhibit H) This was a belated and disingenuous effort to re-characterize the nature of the offered meeting, and to imply that the offer of a meeting satisfied IEPA’s duty to hold a public hearing in this case.

29. The meeting proposed by IEPA for March 14, 2006 in no way satisfied IEPA’s duty to conduct a public hearing in this case. First, IEPA invited ABC to meet to discuss “environmental justice issues,” making no mention of the GCW permit. (Exhibit L). Second, IEPA issued no public notice regarding the meeting. Third, IEPA scheduled the meeting to occur in Springfield, Illinois, a location nearly 100 miles away from Granite City and therefore inaccessible to many of the local residents with concerns about

the permit. Finally, IEPA suggested that the meeting occur on March 14, 2006, a time after IEPA first issued the NPDES permit, making it impossible for IEPA to have applied any comments made during the meeting to its consideration of the draft NPDES permit.

30. **Improper Flow Calculations (Permit Condition 1):** IEPA erroneously calculated the permit's 30-day average load limits for CBOD₅, total suspended solids, iron (total), lead (total), zinc (total), cyanide (total), cyanide (available by 01A 1677), phenol, fluoride, and ammonia-nitrogen discharged from outfall 001. IEPA calculated those limits using GCW's highest maximum daily flow (25 mgd), rather than its highest monthly average flow (21 mgd). (Exhibits M, pp. 25-26, 28-32, 34, and O) An internal IEPA memo and the GCW permit application both identify 21 mgd as the highest monthly average flow. U.S. EPA's Permit Writers Manual specifies that "the average monthly limit is the highest allowable value for the average of daily discharges obtained over a calendar month." (Exhibit N p. 112)

31. By improperly using the 25 mgd for calculating GCW's 30-day average load limits, IEPA is allowing GCW to discharge at its maximum single-day rate every single day of the month. This plainly violates established EPA guidance.

32. IEPA's response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) acknowledged, without explanation, that IEPA used daily maximum flow to calculate average and maximum load limits. However, daily maximum flow may not be used to calculate a monthly average, as it inappropriately inflates the monthly load limit.

33. **Gross Error in Calculating Cyanide Limit (Permit Condition 1):** The permit's 30-day average concentration limit for cyanide (available by 01A 1677) is erroneous and excessive. IEPA properly set out to calculate concentration-based effluent

limits for cyanide with reference to the applicable water quality standard. The permit writer's notes (Exhibit M, p. 30) and two internal memoranda (Exhibit O, p. 1, and Exhibit P) all identify 0.0052 mg/L limit as the correct 30-day average limit for cyanide in order to protect the water quality standard. In transferring the cyanide limit from the permit writer's notes and two internal memoranda to the actual permit, however, IEPA nearly doubled the cyanide limit – from 0.0052 mg/L (internal IEPA documents) to 0.01 mg/L (permit limit) – without any explanation or documentation. Thus, 0.0052 mg/L is the correct standard; IEPA's apparent rounding up to 0.01 mg/L is arbitrary and capricious.

34. IEPA's response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) states that a "significant figures issue" was the reason for the apparent rounding up of the cyanide limit. However, there is utterly no support for the suggestion that it was somehow necessary for IEPA to round up the cyanide limit from 0.0052 mg/L to 0.01 mg/L. The cyanide limit of 0.0052 mg/L calculated by IEPA personnel is well above the detection limit for cyanide. Available monitoring methods have detection limits low enough (1 ppb or less (Exhibit Q)) that rounding up for monitoring purposes cannot support the near-doubling of the cyanide limit.

35. In order to ensure that the GCW discharge does not cause or contribute to violations of the water quality standard, 35 Ill. Adm. Code § 302.208(e), the limits calculated by the permit writer and reflected also in two IEPA memoranda must be placed in the permit. The current permit limit is excessive, unlawful, and without support.

36. **Lack of Compliance Plan for Cyanide Discharge Violations (Special Conditions):** GCW chronically violates its cyanide limits. (Exhibit R) NPDES permits

must contain compliance schedules for any discharge that is not in compliance with applicable water quality standards. 35 Ill. Adm. Code § 309.148. Thus, IEPA improperly issued the GCW permit without including a compliance schedule to bring GCW's cyanide discharge into compliance with applicable standards.

37. IEPA claims in its response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) that a compliance schedule is not needed for cyanide because of "unreliable sample data due to previous test methods used to analyze the samples." However, there is no evidence that IEPA made a determination that the violations were a result of faulty sample data. Thus, there is no justification in the record for IEPA's failure to include a compliance schedule under Special Conditions for GCW's cyanide violations.

38. **Unlawful Special Limit for Ammonia Discharge in March (Permit Condition 1):** In setting effluent limits for ammonia, the permit sets separate limits for: Spring/Fall; Summer; Winter; and March. The 30-day average load and concentration limits for ammonia are higher for March than for Spring/Fall. There is no lawful basis for creating a separate, more lenient, standard for March than for other months in the Spring/Fall period.

39. The water quality standard for ammonia is designed to protect aquatic life, and requires lower concentrations in warmer months, when "early life stages" are present, than in colder months, when they are absent. "The Early Life Stage Present period occurs from March through October." 35 Ill. Adm. Code § 302.212(e). Beyond that, spring and fall are differentiated from summer because of higher temperatures during summer. 35 Ill. Adm. Code § 302.212(b)(2)(A), 302.212(d)-(e) and Board Note.

40. The IEPA permit writer's notes give no separate calculations for the month of March, and acknowledge that the spring season includes the month of March. IEPA's response to ABC's December 9, 2005 comment letter also acknowledges that, "with changes adopted in 2002, it [March] is now a spring month." (Exhibit K, p. 5) IEPA's response indicates that the agency decided to exempt GCW from the Spring/Fall limit for ammonia for the month of March, based apparently upon GCW's request for such treatment and for the allowance of "mixing." No documentation is offered to justify either IEPA's authority to depart from the requirements of the regulations, or the appropriateness of doing so in this case. To the contrary, internal IEPA documents do not allow for mixing zones at any time during the calendar year [this needs to be clarified]. (Exhibits O and P)

41. The permit may not set higher effluent limits for ammonia discharges during March than during the rest of the Spring/Fall season. Thus, March should have the same concentration limit, 2.8 mg/L, as the rest of the Spring/Fall period. IEPA is without authority to grant GCW the higher 4.0 mg/L concentration limit (or the higher load limit derived therefrom).

42. **Permit Fails to Include Effluent Limits for Some Regulated Pollutants (Permit Condition 1):** Based on its NPDES permit application of October, 17, 2002 (Exhibit S), GCW discharges sulfate, fecal coliform, and total phosphorus. Illinois has established effluent limits and/or state water quality standards for these pollutants. Therefore, GCW's permit should include limits for these compounds under Condition 1 of the permit.

43. In its response to ABC's December 9, 2005 comment letter, IEPA states that these pollutants do not warrant limits because the effluent concentrations for these compounds are too low. (Exhibit K, p. 1) However, IEPA performed no "reasonable potential" calculations to support make this conclusion. 35 Ill. Admin. Code § 309.141(h). For sulfate, only one sample is available. A single sample maximum is not adequate to determine reasonable potential. Therefore, a sulfate limit should be included in the permit for at least one permit cycle. For phosphorus, an effluent standard of 1.0 milligrams per liter (mg/l) is established in 35 Ill. Adm. Code § 304.123. Again, only one sample is available. Give the clear regulatory requirement and the listing of Horseshoe Lake as impaired for excess algae (for which phosphorus is a contributor), the permit should contain a phosphorus limit of 1.0 mg/l. A limit is required for fecal coliform per 35 Ill. Adm. Code § 302.209. Horseshoe Lake meets the definition of a protected water since it is part of a state park. 35 Ill. Adm. Code § 302.209(2) specifies that protected waters "flow through or adjacent to parks or residential areas."

44. **Lack of Discharge Limits for Toxic Pollutants (Permit Condition 1):** The permit does not include monitoring at outfall 001 for naphthalene, benzo(a)pyrene and tetrachloroethylene. These compounds are monitored only at internal locations (outfalls A01 and B01), but not where the wastewater is discharged into Horseshoe Lake (outfall 001). While there is no objection to monitoring at internal outfalls, it cannot replace the need for effluent limits and monitoring requirements at the point where pollutants are discharged to Horseshoe Lake (in this case, Outfall 001).

45. **Conclusion:** By issuing this permit without first holding a public hearing, IEPA violated 35 Ill. Adm. Code § 309.115(a). By improperly calculating effluent limits,

and granting exemptions not authorized by law, IEPA is allowing United States Steel – Granite City Works to discharge pollutants in violation of applicable water quality standards and effluent limitations, 35 Ill. Adm. Code §§ 302.208, 302.212(b) and (c), 304.105, 309.141(d), 309.142, and 309.143. By failing to require adequate monitoring of certain pollutants, IEPA also violated 35 Ill. Adm. Code § 309.146.

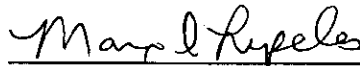
46. ABC and its members will be affected adversely when pollutants discharged under the permit cause or contribute to pollution of Horseshoe Lake as a result of IEPA's failure to require protective effluent limits and monitoring.

WHEREFORE, the American Bottom Conservancy respectfully requests that the Pollution Control Board set aside the NPDES permit (No. IL0000329) issued to the United States Steel Corporation – Granite City Works on March 31, 2006 as not sufficiently protective of the environment and not in accord with law, and direct the IEPA to hold a public hearing and reconsider the permit in order to establish conditions and limits necessary to protect Illinois waters, assure protection of Illinois water quality standards, and comply with Illinois law and regulations and the federal Clean Water Act, 33 U.S.C. § 1251 et seq. Specifically, the American Bottom Conservancy requests that the permit be amended to include the following:

1. monthly load limits for CBOD₅, total suspended solids, iron (total), lead (total), zinc (total), cyanide (total), cyanide (available by 01A 1677); phenol, fluoride, and ammonia-nitrogen calculated using the highest average monthly flow (21 mgd);
2. a 30-day average concentration limit for cyanide (available by 01A 1677) of 0.0052 mg/l;
3. an appropriate compliance schedule for cyanide;

4. no separate ammonia limits for the month of March;
5. effluent limits and monitoring requirements for sulfate, total phosphorus, and fecal coliform; and
6. effluent limits and monitoring requirements for naphthalene, benzo(a)pyrene and tetrachloroethylene at outfall 001.

Respectfully submitted



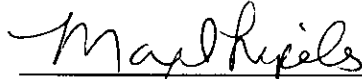
Maxine I. Lipeles, Pro Hac Vice
Counsel for Petitioner
American Bottom Conservancy

Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899
(314) 935-5837 (telephone)
(314) 935-5171 (fax)
milipele@wulaw.wustl.edu

May 4, 2006

Certificate of Service

I, Maxine I. Lipeles, certify that on May 4, 2006, I filed the above PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY. An original and 9 copies were filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, via U.S. Mail, and copies were served via United States Mail to the individuals on the included service list.



Maxine I. Lipeles, Pro Hac Vice
Counsel for Petitioners

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

SERVICE LIST

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

United States Steel Corporation – Granite City Works
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606