

December 20, 2006

Ms. Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601-3286

**Public Comments by the Illinois Chapter of the American Fisheries Society Regarding  
R 04-025 – Proposed Amendments to Dissolved Oxygen Standards**

Dear Ms. Gunn,

The American Fisheries Society was founded in 1870 and is the world's largest and oldest organization of professional fisheries biologists and aquatic resource scientists. The Illinois Chapter represents more than 250 fisheries and aquatic scientists within the state of Illinois. Our members include a diverse cross section of professionals from agencies, research institutions, universities, and private consulting firms. The Illinois Chapter has the expressed mission "to support the conservation and stewardship of the fisheries and aquatic ecosystems in Illinois by promoting professional excellence in fisheries science, management and education." We recognize that the fisheries and overall aquatic diversity of Illinois are dependent on high quality water supplied by natural hydrologic cycles.

The Chapter has reviewed materials relevant to proposed rulemaking to amend Illinois' dissolved oxygen General Use standards contained within 35 Ill. Adm. Code 302.206, including IPCB hearing transcripts, various sources cited therein (including those provided by Illinois Association of Wastewater Agencies (IAWA) and their consultants) and the State's technical support document. We have discussed this matter both informally and in the context of our Executive Committee meetings. **First, we have found no compelling evidence to modify our earlier position stated in a June 2004 letter which opposes the adoption of IAWA's recommended standard. Furthermore, it is the overwhelming consensus of the Chapter to fully support the joint recommendation of Illinois' Department of Natural Resources (IDNR) and Environmental Protection Agency (IEPA).**

While there is general agreement that the existing standard is in need of revision, we feel that the AIWA proposal would inadequately protect aquatic life throughout the range of aquatic habitats and environmental conditions present in Illinois. Conversely, the IDNR/IEPA proposal follows protocol provided in US Environmental Protection Agency's (USEPA) 1986 National Criteria Document (NCD) for safeguarding organisms known to be sensitive to dissolved oxygen as well as early life stages (eggs, embryos, larvae) of *all* fish and aquatic invertebrates. Specifically, we believe the procedures used by the state agencies to select a protected spawning/post-spawning period as well as earmarking "Category I" stream segments are sound and scientifically based.

In formulating their recommendations, IDNR and IEPA relied heavily upon information gleaned by their cooperative basin survey program that has long served as a model for other states. The database amassed by their efforts spans over 25 years and includes well over a thousand

individual samples from Illinois streams. Each sample includes data on fish, macroinvertebrates, habitat, and water and sediment chemistry. Although this body of information forms the backbone of the joint agency proposal, it is supplemented by dozens of scientific literature sources, a state-of-the-art Geographic Information System (GIS), and, of course, the collective experience of the dedicated field biologists within each agency who have collected these data over the decades.

In summary, the Illinois Chapter of the American Fisheries Society fully supports the approach, methodology and resulting recommendations crafted by the two agencies with statutory responsibility for the protection of Illinois' fisheries and aquatic resources. The IDNR/IEPA proposal recognizes the state's vast biological diversity and the resultant need to stratify water quality protection standards with regard to space and time. The final product is a flexible standard which affords full protection of Illinois' aquatic life without unduly burdening the regulated community with a rigid, antiquated standard. We urge the Pollution Control Board to adopt the State's rulemaking proposal in its entirety.

Sincerely,

Robert "Bud" Fischer  
President, Illinois Chapter of  
the American Fisheries Society