

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 20 2007

IN THE MATTER OF:)

) STATE OF ILLINOIS
) Pollution Control Board

PROPOSED AMENDMENTS TO:)

35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8))

R07-09

302.102(b)(10), 302.208(g), 309.103(c)(3),)

(Rulemaking - Water)

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REPEALED 35 Ill.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))

NOTICE OF FILING

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

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, 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

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 Illinois Environmental Protection Agency's Responses to Pre-Filed Questions of Environmental Law and Policy Center, Prairie Rivers Network, and Sierra Club, 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

APR 20 2007

IN THE MATTER OF:)	STATE OF ILLINOIS
)	Pollution Control Board
PROPOSED AMENDMENTS TO:)	
35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8))	R07-09
302.102(b)(10), 302.208(g), 309.103(c)(3),)	(Rulemaking - Water)
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REPEALED 35 Ill.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))	

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

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

SS

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **Illinois Environmental Protection Agency's Responses to Pre-Filed Questions of Environmental Law and Policy Center, Prairie Rivers Network, and Sierra Club** 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)

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, 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)

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.

Sara Wilmore

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

Brenda Boehner



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

<u>Huff & Huff, Inc.</u> Interested Party James E. Huff, P.E.	512 West Burlington Avenue Suite 100	LaGrange IL 60525	
<u>Admiral Environmental Services, Inc.</u> Interested Party Philip A. Twomey	2025 South Arlington Heights Road Suite 103	Arlington Heights IL 60005- 4141	
<u>American Bottoms RWTF</u> Interested Party Kay Anderson	One American Bottoms Road	Sauget IL 62201	
<u>Openlands Project</u> Interested Party Stacy Meyers	25 East Washington Street Suite 1650	Chicago IL 60602	
<u>Fox Metro Water Reclamation District</u> Interested Party Mr. Gregg Buchner	682 State Route 31	Oswego IL 60543	
<u>Illinois Department of Natural Resources</u> Interested Party William Richardson, Chief Legal Counsel Mr. Mike Branham Scott Fowler, Mines and Minerals Joel Cross	One Natural Resources Way	Springfield IL 62702	
<u>Wheaton Sanitary District</u> Interested Party Robert Clavel, Engineer-Manager	P.O. Box 626	Wheaton IL 60189	630/668-1515
<u>Ameren Services</u> Interested Party Mr. Michael Bolinger	One Ameren Plaza PO Box 66149	St. Louis MO 63166	314.554.4908
<u>August Mack Environmental, Inc.</u> Interested Party Charles Schnurpel, Project Manager	8007 Castleton Road	Indianapolis IN 46250	(317) 579- 7400
<u>Illinois EPA</u> Interested Party Scott Twait	1021 N. Grand Ave. East PO Box 19276	Springfield IL 62794- 9276	524-5951
<u>Prairie Rivers Network</u> Interested Party Jean Flemma Glynnis Collins Beth Wentzel	809 South 5th Street	Champaign IL 61820	
<u>Fox River WRD</u> Interested Party Rick Manner, Engineer	P.O. Box 328	Elgin IL 60121	847-742-2068
<u>Environmental Law & Policy Center</u> Interested Party Albert Ettinger, Senior Staff Attorney	35 E. Wacker Suite 1300	Chicago IL 60601	312 795 3707
<u>Midwest Generation</u> Interested Party Mr. Bill Constantelos	440 S. LaSalle Street Suite 3500	Chicago IL 60605	(312) 583- 6080

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

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

Total number of participants: 59