

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED
CLERK'S OFFICE**

JUN 18 2007

IN THE MATTER OF:)
)
PROPOSED EXTENSION OF ADJUSTED STANDARD)
APPLICABLE TO ILLINOIS-AMERICAN WATER)
COMPANY'S ALTON PUBLIC WATER SUPPLY)
FACILITY DISCHARGE TO THE MISSISSIPPI RIVER)

AS 2007-~~2~~ **STATE OF ILLINOIS
Pollution Control Board**
(Adjusted Standard)

NOTICE OF FILING

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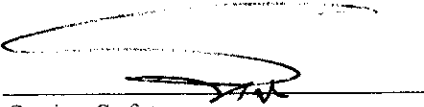
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PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached **AGENCY RECOMMENDATION** on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

By: _____


Sanjay Sofat
Assistant Counsel
Division of Legal Counsel

DATED: June 15, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
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STATE OF ILLINOIS
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| PROPOSED EXTENSION OF ADJUSTED STANDARD |) | AS 2007-2 |
| APPLICABLE TO ILLINOIS-AMERICAN WATER |) | (Adjusted Standard) |
| COMPANY'S ALTON PUBLIC WATER SUPPLY |) | |
| FACILITY DISCHARGE TO THE MISSISSIPPI RIVER |) | |

**RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") by one of its attorneys, Sanjay K. Sofat, in response to the Amended Petition for adjusted standard of Illinois American Water Company ("Illinois American" or "Petitioner") from 35 Ill. Adm. Code 304.124 and 304.106 and pursuant to 35 Ill. Adm. Code 104.416, hereby recommends that the Pollution Control Board ("IPCB" or "Board") **DENY** Illinois American's request for an adjusted standard from 35 Ill. Adm. Code 304.124 and 304.106. In support of its recommendation, the Illinois EPA states as follows:

I. PLEADINGS

1. On October 31, 2006, Illinois American filed an adjusted standard petition with the Board seeking relief from 35 Ill. Adm. Code 304.124 and 304.106 regarding the total suspended solids ("TSS"), total iron, and offensive discharges effluent limitations and requirements, and from 35 Ill. Adm. Code 302.203 regarding the narrative water quality standard prohibiting offensive conditions, applicable to its public water supply plant located in the City of Alton, Madison County, Illinois.

2. On April 2, 2007, Illinois American filed an amended petition (“Amended Petition”), which replaces the original petition, withdraws the request for relief from 35 Ill. Adm. Code Section 302.203, but retains the request for relief from the effluent standards for TSS, total iron, and offensive discharges, pursuant to 35 Ill. Adm. Code Sections 304.124 and 304.106. *Amended Petition for Adjusted Standard (“Pet.”) at 1.* Revised Exhibits D and F were also filed with the Amended Petition, consisting of a revised affidavit from one of Illinois American’s technical staff person and a revised proposed Board Order.

3. On April 26, 2007, Illinois American filed a Certificate of Publication with the Board pursuant to 415 ILCS 5/28.1(d)(2000) and 35 Ill. Adm. Code 104.408 and 104.410 certifying that notice of its Adjusted Standard Petition was published in the *The Telegraph*, a newspaper published in the City of Alton, beginning on April 16, 2007 and continuing through April 19, 2007.

4. Illinois EPA is required to file a Recommendation with the Board within 45 days of the filing of a petition for adjusted standard or within 30 days before a scheduled hearing date, whichever occurs earlier. *See* 35 Ill. Adm. Code 104.416.

**II. STATEMENT OF STANDARD OF GENERAL APPLICABILITY
FROM WHICH PETITIONER SEEKS AN ADJUSTED STANDARD**

5. Petitioner seeks an adjusted standard from the Illinois PCB regulations providing effluent limitations and requirements concerning TSS, total iron, and offensive discharges pursuant to 35 Ill. Adm. Code 304.106 and 304.124. These Sections, in pertinent part, provide:

Section 304.106 Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

Section 304.124 Additional Contaminants

- a) No person shall cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules contained in Section 304.104(a).

| CONSTITUENT | STORET NUMBER | CONCENTRATION mg/l |
|--|---------------|--------------------|
| *** | | |
| *** | | |
| Total Suspended Solids (From sources other than those covered by Section 304.120) | 00530 | 15.0 |

- d) Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents are commonly measured as other than total, the word "total" is inserted for clarity.

(Source: Amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989)

III. IMPLEMENTATION OF FEDERAL LAW

6. The effluent standards of 35 Ill. Adm. Code Part 304 were adopted by the Board to implement, in part, the water quality standards of Section 303(a) of the Clean Water Act ("CWA"), 33 U.S.C. §1313(a), and the Illinois water quality standards of 35 Ill. Adm. Code Part 302.

IV. NATURE OF PETITIONER'S ACTIVITY

7. Illinois American operates a public water supply treatment facility in the City of Alton, located along the Mississippi River near River Mile 204, in Madison County ("the Alton facility"). *Pet. at 5*. Illinois American's discharge is permitted pursuant to National Pollutant Discharge Elimination System ("NDPES") permit No. IL0000299, issued on January 24, 2001 (expiration date December 31, 2005). Illinois American timely filed for renewal of its NPDES permit. The permit review of that application is pending at the time of the filing of this Agency Recommendation.

8. Illinois American's Alton facility was constructed in 1999 and 2000 to replace an aged facility previously located near this site. Since the older facility was inundated by flooding in 1993, the current facility is constructed on the top of a bluff to minimize the potential for future flooding. *Pet. at 5*. The Alton facility began operations on December 31, 2000, and consists of a raw water intake and pumping station, clarification and filtration units, filtered water storage, and chemical feed facilities. *Pet. at 10*.

9. Discharges of TSS and total iron from the Alton facility into the Mississippi River not only include suspended solids and total iron from the raw source water (Mississippi River) intake but also certain suspended chemical reagents from the water treatment process. *Pet. at 19-24*. The level of TSS and total iron in the effluent is variable due to the combination of operational and facility maintenance discharges. *Pet. at 21*. Operational discharges occur regularly on a daily or weekly basis during periods when the facility is treating raw water, whereas maintenance discharges occur during the semi-annual cleaning of accumulated solids in the clarifier, sedimentation basins, and mixing tanks. *Pet. at 21*. The facility is discharging approximately 1,600 tons of TSS and 21 tons of total iron directly to the Mississippi River each year at its current operational treatment level of 8.99 MGD. *Pet. at 23*. These loadings of TSS and total iron could increase when the plant starts treating more effluent, since the plant's current maximum daily flow rate is 16 MGD. *Pet. at 23*.

10. In an earlier proceeding, docketed as AS-99-6, the Board granted the Alton facility an exemption from effluent standards for TSS, total iron, and offensive discharges, as well as from the General Use water quality standard for offensive conditions. This order requires Petitioner, in exchange for the expenditure of \$4,150,000 over 10 years through a contract with Great Rivers Land Trust, to install best management practices ("BMPs") and sedimentation

controls in the Piasa Creek watershed. The Board's revised Order, issued on October 19, 2000, provided for a sunset date of October 16, 2007, at which time relief would end unless renewed by the Board.

V. LEVEL OF JUSTIFICATION REQUIRED

11. The Illinois EPA agrees with Petitioner that the regulations of general applicability at 35 Ill. Adm. Code 304.106 and 304.124 do not specify a level of justification or other requirements necessary for this type of adjusted standard. Since there is no specific level of justification for adjusted standards from the regulations at issue in this Petition, the general level of justification provided in Section 28.1 of the Environmental Protection Act ("Act"), 415 ILCS 5/28.1, is applicable here. Section 28.1(c) of the Act provides the general level of justification the Board must find a petitioner to have met when granting an adjusted standard petition. That subsection provides:

[T]he Board may grant individual adjusted standards whenever the Board determines, upon adequate proof by petitioner, that: 1) factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to that petitioner; 2) the existence of those factors justifies an adjusted standard; 3) the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and 4) the adjusted standard is consistent with any applicable federal law. *Id.*; *See also* 35 Ill. Adm. Code Section 104.426.

For the reasons outlined below, the Illinois EPA asserts that Petitioner has failed to satisfy the requirements specified in Section 28.1(c) of the Act:

A. FUNDAMENTALLY DIFFERENT FACTORS

12. In *In the Matter of Effluent Criteria*, R70-8, R71-14, R71-20 (January 6, 1972, combined rulemaking), the Board adopted its opinion concerning the effluent standards from which Illinois American seeks relief (35 Ill. Adm. Code 304.124) and relied upon a number of sources and authorities. One authority providing testimony, Professor Wesley Pipes, was quoted by the Board to provide the rationale for the requirement:

...the most appropriate questions to ask at this time are rather what can reasonably be achieved in terms of percent reductions and percent removals by presently available waste treatment processes . . . Dr. Pipes presented a proposed regulation intended to describe a 'base level of treatment' or the treatment which every industry and municipality in the State of Illinois should be required to provide as a matter of good housekeeping. Such uniform minimum requirements, he said, can be supported as requiring people who are not doing that good a job to what everybody else is paying for. *Id. at 3-410.*

The Board thus decided that the base or minimum level of treatment all dischargers are expected to provide will ensure that good quality waters will be preserved and that polluted waters will be restored. A later order interpreted the Board's intent of the January 6, 1972 Order as follows:

As we said in our January 6 opinion, prescribing the uniform use of readily available technology as a minimum serves to prevent local nuisances, to avoid premature exhaustion of assimilative capacity, and to further the established federal and state policy against degradation of clean water. *In the Matter of Effluent Criteria*, R70-8, R71-14, R71-20 (March 7, 1972) at p. 3-766.

The Board's basic intent in adopting the effluent requirements in the above-mentioned rulemaking was to provide a uniform baseline of technological treatment provided by all facilities discharging into waters of the State. The Agency believes that a grant of permanent and complete relief from technology-based controls runs afoul of the Board's intent.

13. A new water treatment plant was certainly needed at Illinois American's Alton facility when the new plant was built several years ago. However, the Illinois EPA finds it

puzzling that Illinois American built a new treatment plant without the ability to treat its wastewater. Petitioner cited concerns from neighbors as one of the primary reasons for seeking relief from treatment of wastewater. Truck traffic generated to haul sludge out of the plant, it was said, would disturb neighbors of the new plant. However, this dilemma is not unique to this facility. Every new water treatment facility faces the challenge of appeasing its residents. Though the residents benefit from the service, they do not prefer to live near the facility providing the service. Such a rationale should not serve as a basis, even in part, for permanent relief from standards that the rest of the regulated community must and is adhering to. Nor should cost be controlling when options to treat the effluent are technically and economically feasible.

14. Public Water Supply Regional Managers and staff at all of the Illinois EPA Regional Offices were contacted concerning the question of how a typical public water supply facility accomplishes the necessary treatment for its wastewater. Most of the State's PWS facilities using surface water as a raw source expend funds to either (1) pipe the plant's treatment effluent to the local POTW under the appropriate sewer connection permit or (2) settle out the sludge and haul it away for either land application or delivery of the sludge to a landfill, with the supernatant (meeting applicable standards) discharged to the receiving waters under an NPDES permit. Land application of sludges is a permitted activity. In the urbanized areas of the State, as there is less room for lagoons and less available farmland, the discharge to local sewage treatment plants is more common. Sending sludges settled out of the raw water to landfills, more expensive than land-application, is also more common in such urbanized areas. Like many other facilities in the State, Illinois American has the option to build its on-site treatment facility to treat the wastewater from its operations. Illinois American is thus seeking to avoid what other

facilities in the business of providing drinking water do to achieve compliance with the State effluent standards.

15. Illinois American relies on a good quality raw water source in order to serve its customers, a concern for both public and private water supplies and other water users throughout the State. Protecting source water benefits both users and sellers of that water. For example, the City of Springfield operates a public water supply treatment plant on Lake Springfield and treats the wastewater before discharging into the lake or the stream below the lake. For years the City of Springfield has been actively involved in soil conservation programs in the watershed of Lake Springfield. Soil conservation in the lake watershed leads to better quality water that is cheaper to treat. Springfield is working to improve the environment because it benefits from these improvements. No relief has been granted to Springfield to allow lesser or no treatment of its water plant wastewater in exchange for soil conservation efforts. Likewise, Ameren operates a nuclear power plant at Clinton Lake. It also conducts soil conservation programs in the watershed of its lake. These efforts help insure an adequate supply of cooling water for the future. Ameren receives no relief from applicable wastewater discharge control requirements for these efforts. It only makes sense that facilities both treat their effluents to mandated levels to reduce pollution from point sources and improve non-point source pollution as benefits to their operations and the environment in general. The table below provides additional examples of regulated facilities in the State that are conducting soil conservation projects to protect source water without requesting relief from applicable effluent standards:

| Facility Name | NPDES Permit # | Project Descriptions | Estimated Project Costs |
|-------------------------|----------------|--|---|
| Ameren Energy – Clinton | IL0036919 | Clinton Lake shoreline stabilization and installation of watershed practices | |
| City of Decatur WTP | ILG640165 | City of Decatur annual allocation for Sangamon River | Annual allocations to Macon County SWCD |

| | | | |
|--------------------------------|-----------|--|--|
| | | and tributaries watershed planning | |
| City of Greenville WTP | ILG640030 | Governor Bond Lake shoreline stabilization and installation of watershed practices to reduce identified pollutants | \$865,139.00 |
| Kinkaid Area Water System | ILG640136 | Lake Kinkaid shoreline stabilization and installation of watershed practices | \$575,000.00 |
| Otter Lake Water Commission | ILG640095 | Otter Lake shoreline stabilization, in lake sediment basin and watershed practices | \$810,000.00 |
| City of Springfield WTP – CWLP | IL0024767 | Lake Springfield watershed planning and installation of soil conservation practices | \$605,000.00 – annual allocations to Sangamon County SWCD as of 2007 |

B. ENVIRONMENTAL IMPACT

16. An adverse incremental effect on the water quality of the Mississippi River is occurring and will continue to occur if Illinois American does not apply the technology-based treatment controls.

C. CONSISTENCY WITH FEDERAL LAW

17. Under specific guidelines, the United States Environmental Protection Agency (“USEPA”) supports pollution trading as part of an overall effort to improve the quality of water bodies. USEPA allows pollution trading to help facilities that may otherwise find compliance with water quality standards or total maximum daily load (“TMDL”) limits impossible. While Illinois EPA believes that trading may be appropriate when treatment to meet water quality standards is technically infeasible or economically unreasonable, the State effluent standards for which Illinois American seeks relief have long been considered technically feasible and economically reasonable. As these State effluent standards are technology based rather than water quality based, USEPA policy supports our position that trading in this case is not permissible. In the USEPA Water Quality Trading website

<http://www.epa.gov/OWOW/watershed/trading.htm>, under “*Frequently Asked Questions about Water Quality Trading*”, USEPA, (updated April 26th, 2007), USEPA states:

When can trading occur?

.... EPA does not support trading that results in an impairment of an existing or designated use, adversely affect drinking water systems, or exceeds a cap established under a TMDL. In addition, the Trading Policy does not allow trading to meet a technology-based effluent limit (TBEL). Trading can be used to meet water quality based effluent limits (WQBELs) only. (*emphasis added*)

What are baselines?

A buyer should meet its TBEL before buying credits. A buyer can use credits to meet its water quality-based effluent limit (WQBEL). A point source seller should meet its most stringent effluent limitation before it can generate credits. A nonpoint source seller should meet its TMDL load allocation or, if there is no TMDL, it should meet any state and local requirements before it can generate credits. *Id.* (*emphasis added*)

For a more detailed explanation of US EPA policy, see *Final Water Quality Trading Policy*, US EPA, Office of Water (January 13th, 2003), also available at the above-cited website.

18. Illinois American does not meet the USEPA’s criteria for allowable pollutant trading, and therefore, must be required to provide necessary treatment of its wastewater. Illinois American traded pollution in order to be relieved from a technology-based effluent limit, i.e., the 35 Ill. Adm. Code Part 304 limits. Pollutant trading for technology-based limits that a vast majority of other similar businesses must adhere to is inconsistent with the central intent of the Clean Water Act and USEPA’s trading policy. Contrary to Petitioner’s belief, pollutant trading must not be defined as the most economical way to remove a given amount of pollution normally regulated by technology based limits, but rather as a last resort for those entities that cannot meet WQBELs or TMDL limits. In the case of Illinois American and the Piasa Creek Watershed, no TMDL exists and relief from a WQBEL is not involved.

19. In making its decision, the Board should also consider the USEPA's efforts to develop categorical effluent limits for water supply treatment plant effluents in federal regulations. Up-to-date information on this process was obtained from Mr. Tom Bone of USEPA's Office of Science and Technology within the Office of Water in Washington, D.C. USEPA is currently collecting data on all public water supply treatment plants serving communities with populations of 10,000 or more. This information will be used to characterize the current status of treatment applied to plant wastewaters. The Illinois American's Alton plant is subject to this survey and data for the effluent in question must be submitted to USEPA by Illinois American. US EPA hopes to analyze the data and determine categorical effluent limits for several parameters, including total dissolved solids, iron and aluminum. The purpose of federal categorical effluent limits is to establish technological controls for all dischargers conducting the same activity, in this case, removing impurities from drinking water and discharging the resulting wastewater back to water bodies. Once federal effluent limits are established and methods are identified to achieve these limits, dischargers then operate on a level playing field and waters are protected across the nation from pollution from this source. No values for potential effluent limits have yet been determined. The timeline for publishing the draft rules is July 2008 with final action, i.e., adopted rules, by December 2009. Adoption of federal categorical effluent limits would supersede any limits previously adopted by states unless the state limits were more stringent. Federal action would therefore negate any continued relief granted by the Board regarding Illinois American's petition for extended relief.

VI. ADDITIONAL JUSTIFICATION FACTORS

20. The Board regulation at 35 Ill. Adm. Code 104.426 further states that the Board must review the justification for an adjusted standard by the Petitioner consistent with Section 27(a) of the Act, 415 ILCS 5/27(a)(2006). That Section requires the Board to take into account five specified factors when promulgating regulations, including adjusted standards: i) the existing physical conditions; ii) the character of the area involved including surrounding land use; iii) zoning classifications; iv) nature of the receiving water body; and v) the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution. Based on the discussion of these factors below, Illinois EPA's recommends that the Board deny Petitioner's request for an adjusted standard.

A. EXISTING PHYSICAL CONDITIONS

21. The receiving waterway is the Mississippi River. The 7-day, 10- year low flow ("7Q10") is 21,490 cubic feet per second ("cfs"). The discharge point is located upstream of Lock and Dam No. 26 in Alton.

B. CHARACTER OF THE AREA INVOLVED, INCLUDING SURROUNDING LAND USES

22. The discharge point on the Mississippi River is located in an urban area. The plant site is also in an urban area. The site occupies 22 acres within the City of Alton. The site was a former quarry property and is bordered by residential subdivisions.

C. ZONING CLASSIFICATIONS

23. The 22-acre site has an 18-acre portion zoned M-2, Heavy Industrial District with the remaining four acres zoned residential. Illinois American's petition makes much of the fact that citizens living near the plant would be opposed to increased truck traffic averaging two truckloads per day if treatment capacity were constructed. *Pet. at 29-30*. However, Illinois EPA views this as a local zoning and not an environmental compliance issue.

D. NATURE OF THE RECEIVING BODY

24. The Mississippi River is a General Use water. It supports several beneficial uses including aquatic life, primary contact, secondary contact, public water supply and agricultural and industrial uses.

E. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

25. Illinois American is requesting an adjusted standard that would provide permanent relief from the effluent standards and requirements for TSS, total iron, and offensive discharges, so that its Alton facility may continue to discharge untreated plant wastewater directly into the Mississippi River. *Pet. at 44-45*. In support of the requested relief, Illinois American points to the success of certain soil conservation projects that it has engaged in, and commits to funding those projects through 2010, but not beyond that time. *Pet. at 2-3*. Illinois American notes that at some point after 2010 the soil conservation projects "will be sustainable without future funding from outside sources." *Pet. at 11*. Without specifying a specific level of financial commitment, Petitioner also adds that it is engaged in discussions concerning a potential contract between it and Great Rivers Land Trust ("GRLT") for future maintenance of the soil conservation

projects beyond 2010. Illinois American is willing to provide some funding for future maintenance of the soil conservation projects so that the estimated level of soil conservation at the Piasa Creek Watershed does not drop below 6,600 tons per year. *Pet. at 3.*

26. Petitioner examined several alternatives to achieve compliance with the TSS, total iron, and offensive discharge effluent limitations and requirements. The alternatives addressed by Illinois American are land application, discharge to the City of Alton sewage treatment plant, permanent storage in monofills, and temporary storage and dewatering in lagoons coupled with off-site landfilling. *Pet. at 24.* With regard to land application, Petitioner deemed this choice impractical due to issues of land application in winter, manganese content of the effluent, and cost. *Pet. at 25-26.* The Agency notes that, as discussed above, other public water supplies using surface water for their raw water intake do land apply their effluent solids. Petitioner eliminated the discharge to the Alton sewage treatment plant option due to the lack of current plant capacity to accept the effluent. *Pet. at 26.* Permanent storage in monofills was eliminated by Petitioner from consideration primarily due to cost. *Pet. at 26-27.* The Agency, however, believes that Illinois American has the option to provide necessary treatment by hauling the sludge to a landfill.

27. Illinois American acknowledges that the option of temporary storage and dewatering in lagoons coupled with off-site landfilling is viable, adding with regard to dewatering processes that “a combination of non-mechanical and mechanical dewatering is an even more viable option for treating residuals from the Alton facility.” *Pet. at 28-30.*

28. To secure additional funding to construct and operate a wastewater treatment facility for its new Public Water Supply plant in 1999 and 2000, Illinois American filed a petition for a rate increase before the Illinois Commerce Commission (“ICC”). The direct

testimony of Mark Johnson, P.E., before the ICC in the 2000 rate case, indicated that the treatment alternative at the time involved a total capital cost of \$7.38 million and annual operating costs of \$419,300, which the witness equated to a total annual cost of \$1.136 million. ICC Exhibit No. 2.0, Direct Testimony of Mark L. Johnson, at p. 10, in ICC Case No. 00-0340, filed April 17, 2000.

29. Illinois American's own testimony before the ICC verifies that treatment is economically feasible. The cost of this treatment is not unreasonable in that these figures are what any water treatment plant in the State is incurring to treat its wastewater.

VII. HEARING

30. Illinois American has stated in its Amended Petition that it "waives a hearing on its request for extension of the adjusted standard, except to the extent that the Petition is opposed...."

VIII. RECOMMENDATION AND CONCLUSION

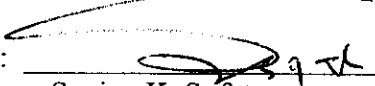
31. Pursuant to 415 ILCS 5/28.1 and consistent with 415 ILCS 5/27(a), the Agency recommends that Petitioner, Illinois American Water Company, not be granted the requested relief from the total suspended solids, total iron, and offensive discharges limitations and requirements contained in 35 Ill. Adm. Code 304.106 and 304.124, for its public water supply treatment plant on the Mississippi River, located in the City of Alton, Madison County. In the intervening years since relief was granted, concepts of pollutant trading and the importance of providing reasonable treatment have been refined at the federal level. The Agency thus believes that the requested relief is no longer consistent with applicable federal law. Moreover, Illinois

American has not established that factors relating to its Alton facility are substantially and significantly different from the other facilities in the State. In fact, these other facilities have been consistently complying with the effluent limits and requirements regarding TSS, total iron, and offensive discharges. Further, many of these facilities find it economically beneficial to conduct soil conservation programs to ensure a good quality water source for their operations. Consequently, the Illinois American's requested relief does not meet the requirements established under 35 Ill. Adm. Code Section 104.426 as well as Sections 27(a) and 28.1 of the Act. The Agency urges the Board to deny the Petitioner's request for extending this relief. Like other facilities in the State, Illinois American should be required to meet the State effluent standards.

WHEREFORE, for the reasons stated herein, the Illinois EPA recommends that the Pollution Control Board **DENY** the adjusted standard Petition of Illinois American Water Company.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: 
Sanjay K. Sofat
Assistant Counsel
Division of Legal Counsel

DATED: June 15, 2007
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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 the **AGENCY RECOMMENDATION** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

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Carol Webb
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Illinois Pollution Control Board
1021 North Grand Avenue East
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and mailing it from Springfield, Illinois on June 15, 2007, by U.S. Mail with sufficient postage affixed.

Meredith Kelley

SUBSCRIBED AND SWORN BEFORE ME
THIS 15th DAY OF June, 2007.

Brenda Boehner

